

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Monday, October 16, 2023
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDER.....Mayor Gregory N. Thompson

ROLL CALL.....City Clerk, Tania Richardson

MINUTES OF PRECEDING MEETING.....Monday, September 18, 2023

PUBLIC HEARING

- Consider comments in regard to the issuance by the Issuer of its Taxable Industrial Revenue Bonds (Webster Combustion Technology Project)

BUSINESS FROM THE FLOOR

-Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 2373 – A Resolution – A Resolution of the Governing Body of the City of Winfield, Kansas authorizing the redemption and payment of its Taxable Industrial Revenue Bonds, Series 2013, (Lionheart Real Estate Holdings Project) and the sale and conveyance of certain property to Lionheart Real Estate Holdings LLC.

Bill No. 2374 – A Resolution – A Resolution of the Governing Body of the City of Winfield, Kansas determining the advisability of issuing Taxable Industrial Revenue Bonds for the purpose of financing the acquisition of an existing manufacturing facility located in said city.

Bill No. 2375 – An Ordinance – Authorizing the City of Winfield, Kansas to issue its Taxable Industrial Revenue Bonds, Series 2023 (Webster Combustion Technology Project) for the purpose of the acquisition a manufacturing facility; and authorizing other related documents and actions.

Bill No. 2376 – An Ordinance – Authorizing the City of Winfield, Kansas to issue its Taxable Industrial Revenue Bonds, Series 2023 (Petra Winfield Residences Project) for the purpose of the acquisition, construction and equipping of a multifamily housing facility; and authorizing other related documents and actions.

Bill No. 2377 – A Resolution – Authorizing and providing for improvements included in the Multi-Year Capital Improvement Plan for the City of Winfield, Kansas; and providing for the payment of the costs thereof.

Bill No. 2378 – A Resolution – Authorizing the offering for sale of General Obligation Temporary Notes, Series 2023-1, of the City of Winfield, Kansas.

Bill No. 2379 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project No. 22-BI917 for construction of the Public Safety Facility Phase 3, Police and Training Areas.

Bill No. 2380 – A Resolution – Authorizing the Mayor and the City Clerk of the City of Winfield, Kansas to execute an agreement for contractual services with Motorola Solutions for the purpose of providing communications equipment and services.

Bill No. 2381 – A Resolution – Authorizing the Mayor and the City Clerk of the City of Winfield, Kansas to execute a supplemental agreement for professional services related to water treatment plant improvements authorized by original Resolution No. 3723, for the purpose of amending to include KDHE SRF Contract Provisions for Consultant Contracts.

OTHER BUSINESS

ADJOURNMENT

-Next Commission work session 4:00 Thursday, November 2, 2023.
-Next regular meeting 5:30 p.m. Monday, November 06, 2023.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
September 18, 2023

The Board of City Commissioners met in regular session, Monday, September 18, 2023 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Gregory N. Thompson presiding. Commissioners Brenda K. Butters and Ronald E. Hutto were also present. Also in attendance were Taggart Wall, City Manager; Tania Richardson, City Clerk, and William E. Muret, City Attorney. Other staff members present were Patrick Steward, Director of Public Improvements; Gus Collins, Director of Utilities; and Chad Gordon, Police Captain.

Mayor Thompson noted all Commissioners present.

Commissioner Hutto moved that the minutes of the September 5, 2023 meeting be approved. Commissioner Butters seconded the motion. With all Commissioners voting aye, motion carried.

BUSINESS FROM THE FLOOR

-Seth Montgomery, 2740 Main St, expressed concerns about a commercial business operating in a residential area.

NEW BUSINESS

Bill No. 2370 – An Ordinance – Relating to and providing an amount of ad valorem tax to be levied as provided for under K.S.A. 79-1801 et seq. for the purpose of raising revenue for the General Fund, Bond & Interest Fund, Library Fund, Special Liability Fund, and the Industrial Development Fund. City Manager Wall explains this Ordinance relates to the ad valorem tax for the 2024 Budget. Upon motion by Commissioner Butters, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 2370 was adopted and numbered Ordinance No. 4205.

Bill No. 2371 – An Ordinance – Adopting an annual budget of the City of Winfield, Kansas, for the year ending December 31, 2024, and providing for expenditures not to exceed amounts stated herein. City Manager Wall explains this Ordinance adopts the Budget for 2024. Upon motion by Commissioner Hutto, seconded by Commissioner Butters, all Commissioners voting aye, Bill No. 2371 was adopted and numbered Ordinance No. 4206.

Bill No. 22111 – A Resolution – Authorizing the execution of the Project Programming Request and Commitment of City Funds for the 2025 CCLIP Surface Preservation Project. Director of Public Improvements Steward explains this program allows for a 90% KDOT/10% LPA cost share for the estimated \$960,000 project. KDOT caps its share at \$400,000, the balance would be the City's responsibility. Upon motion by Commissioner Hutto, seconded by Commissioner Butters all Commissioners voting aye, Bill No. 22111 was adopted and numbered Resolution No. 9122.

OTHER BUSINESS

-Consider quotes from Winfield Motor Company and Superior SERV for the purchase and upfitting of three (3) 2024 Dodge Durango Pursuit Sport Utility Vehicle.

City Manager Wall explains staff recommends Winfield Motor Company for the purchase of three Dodge Durango Pursuit's, and Superior SERV for the equipment and upfitting services for a total of \$176,366.55 for all three vehicles. Commissioner Butters moved to accept the quotes as presented. Commissioner Hutto seconded, all Commissioners voting aye, motion carried.

-Reminder that the next Worksession will be moved to October 12, 2023, and the next Commission meeting will be Monday, October 16, 2023.

ADJOURNMENT

Upon motion by Commissioner Hutto, seconded by Commissioner Butters all Commissioners voting aye, the meeting adjourned at 5:38 p.m.

Signed and sealed this 20th day of September 2023. Signed and approved this 16th day of October 2023.

Tania Richardson, City Clerk

Gregory N. Thompson, Mayor

BILL NO. 2373

RESOLUTION NO. 6123

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS AUTHORIZING THE REDEMPTION AND PAYMENT OF ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2013, (LIONHEART REAL ESTATE HOLDINGS PROJECT) AND THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO LIONHEART REAL ESTATE HOLDINGS LLC

WHEREAS, pursuant to Ordinance No. 4000 and the Bond Agreement dated as of December 19, 2013, the City of Winfield, Kansas (the "Issuer") has previously issued its Taxable Industrial Revenue Bonds, Series 2013 (Lionheart Real Estate Holdings Project) in the original aggregate principal amount of \$1,900,000 (the "Bonds") to finance the cost of acquisition of an existing manufacturing facility to be used for industrial and manufacturing purposes (the "Project") and leased to Lionheart Real Estate Holdings LLC, a Delaware limited liability company (the "Tenant"), pursuant to a Lease dated as of December 19, 2013 between the City and the Tenant (the "Lease"); and

WHEREAS, the Tenant desires to provide for the immediate payment of all outstanding Bonds, the redemption premium, if any, and interest thereon accruing to the redemption date of October 31, 2023 (the "Redemption Date"), by depositing a sum sufficient for such purpose with Security Bank of Kansas City, as successor to UMB Bank, N.A., as depository, fiscal and paying agent (the "Bank") for the Bonds; and

WHEREAS, the Issuer and the Tenant have provided the Trustee written notice to redeem all outstanding Bonds on the Redemption Date; and

WHEREAS, sufficient funds will be deposited with the Trustee to accomplish the redemption of the Bonds on the Redemption Date; and

WHEREAS, the Tenant desires to exercise its option to purchase the Project under *Section 17.1* of the Lease and is not in default under the Lease; and

WHEREAS, the Tenant has provided the Issuer written notice of its intent to exercise its option to purchase the Project on the Redemption Date;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS:

Section 1. The Mayor and Clerk are authorized and directed to execute and deliver a special warranty deed, a bill of sale and a release of lease, in substantially the forms submitted to the Governing Body concurrently with the adoption of this Resolution. The Clerk is directed to deliver the executed special warranty deed, a bill of sale and a release of lease to the Trustee for delivery to the Tenant upon deposit of sufficient funds to pay the purchase option price as specified in the Lease and provide for the redemption of the outstanding Bonds on the Redemption Date.

Section 2. The Mayor and Clerk are further authorized and directed to sign such other instruments and certificates as shall be necessary and desirable in connection with this Resolution and are further authorized to take such further actions as may be necessary to accomplish the purposes of this Resolution.

Section 3. The Trustee is directed to take all action necessary to accomplish the purpose of this Resolution including providing for notice of redemption of the outstanding Bonds in accordance with the requirements of the Bond Agreement dated December 19, 2013 authorizing and securing the Bonds.

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ADOPTED by the Governing Body of the City of Winfield, Kansas on October 16, 2023.

CITY OF WINFIELD, KANSAS

Gregory N. Thompson, Mayor

[SEAL]

Attest:

By: _____
Tania Richardson, City Clerk

BILL NO. 2374

RESOLUTION NO. 6223

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION OF AN EXISTING MANUFACTURING FACILITY LOCATED IN SAID CITY.

WHEREAS, the City of Winfield, Kansas (the "Issuer") desires to promote, stimulate and develop the general economic welfare and prosperity of the City of Winfield, Kansas, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the "Act"), the Issuer is authorized to issue revenue bonds for such purposes, and it is hereby found and determined to be advisable and in the interest and for the welfare of the Issuer and its inhabitants that revenue bonds of the Issuer in the principal amount of not to exceed \$3,869,200 be authorized and issued, in one or more series, to provide funds to pay the costs of the acquisition of an existing manufacturing facility (the "Project") located in the Issuer and to be leased by the Issuer to BILP Winfield, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of BILP Winfield, LLC, or assigns (the "Tenant"), for sublease to Webster Combustion Technology, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS:

Section 1. **Public Purpose.** The governing body of the Issuer hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare and prosperity of the Issuer, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. **Authorization to Acquire Project; Intent to Issue Bonds.** The Issuer is hereby authorized to proceed with the acquisition of the Project and to issue its revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$3,869,200 (the "Bonds") to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. **Conditions to Issuance of Bonds.** The issuance of the Bonds is subject to: (a) the passage of an ordinance authorizing the issuance of the Bonds; (b) the successful negotiation of a Trust Indenture, Bond Purchase Agreement, Site Lease, Project Lease or other legal documents necessary to accomplish the issuance of the Bonds, the terms of which shall be in compliance with the Act and mutually satisfactory to the Issuer and the Tenant; (c) the successful negotiation and sale of the Bonds to a purchaser or purchasers yet to be determined (the "Purchaser"), which sale shall be the responsibility of the Tenant and not the Issuer; (d) the receipt of the approving legal opinion of Gilmore & Bell, P.C. ("Bond Counsel") in form acceptable to the Issuer, the Tenant and the Purchaser; (e) the obtaining of all necessary governmental approvals to the issuance of the Bonds; (f) the commitment to and payment by the Tenant of all expenses relating to the issuance of the Bonds, including, but not limited to: (i) expenses of the Issuer and the Issuer Attorney; (ii) any underwriting or placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals; and (g) the

execution and delivery by the Tenant of an agreement for payment in lieu of taxes in substantially the form presented to the governing body of the Issuer with this Resolution.

Section 4. Property Tax Exemption and Payment in Lieu of Taxes. The Issuer hereby determines that pursuant to the provisions of K.S.A. 79-201a *Twenty-Fourth*, the Project, to the extent purchased or constructed with the proceeds of the Bonds, should be exempt from payment of ad valorem property taxes for ten years commencing with the year following the year in which the Bonds are issued, provided proper application is made therefor; provided no exemption may be granted from the ad valorem property tax levied: (a) by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto; and (b) for the uses restricted pursuant to the provisions of K.S.A. 79-201a, *Second* and *Twenty-Fourth*. In making such determination the governing body of the Issuer has conducted the public hearing and reviewed the analysis of costs and benefits of such exemption required by K.S.A. 12-1749d. The Tenant is responsible for preparing such application and providing the same to the Issuer for its review and submission to the State Board of Tax Appeals. The tax exemption granted is subject to the execution and delivery by the Tenant of an agreement for payment in lieu of taxes in substantially the form presented to the governing body of the Issuer with this Resolution.

Section 5. Reliance by Tenant; Limited Liability of Issuer. It is contemplated that in order to expedite acquisition of the Project and realization of the benefits to be derived thereby, the Tenant may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds. Proceeds of Bonds may be used to reimburse the Tenant for such expenditures made not more than 60 days prior to the date this Resolution is adopted, and as provided by §1.150-2 of the U.S. Treasury Regulations. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the Issuer from the Project and not from any other fund or source. The Issuer shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the Issuer shall have no liability to the Tenant.

Section 6. Further Action. The Clerk is hereby authorized to deliver an executed copy of this Resolution to the Tenant. The Mayor, Clerk and other officials and employees of the Issuer, including the Issuer's counsel and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including preparation of the cost benefit study required by the Act, and the execution on behalf of the Issuer of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act.

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ADOPTED by the governing body of the City of Winfield, Kansas on October 16, 2023.

[SEAL]

Gregory N. Thompson, Mayor

Attest:

Tania Richardson, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Issuer adopted by the governing body on October 16, 2023, as the same appears of record in my office.

DATED: October 16, 2023.

Tania Richardson, City Clerk

(Summary published in *The Cowley Courier Traveler* on October 21, 2023)

BILL NO. 2375

ORDINANCE NO. 4207

AN ORDINANCE AUTHORIZING THE CITY OF WINFIELD, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2023 (WEBSTER COMBUSTION TECHNOLOGY PROJECT) FOR THE PURPOSE OF THE ACQUISITION A MANUFACTURING FACILITY; AND AUTHORIZING OTHER RELATED DOCUMENTS AND ACTIONS.

THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS HAS FOUND AND DETERMINED:

A. The City of Winfield, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, as amended (the "Act"), to acquire, construct, improve and equip facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for the facilities, and to issue revenue bonds for the purpose of paying the costs of the facilities.

B. The Issuer's governing body has determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds, Series 2023 (Webster Combustion Technology Project) in the aggregate principal amount of \$3,869,200 (the "Series 2023 Bonds"), for the purpose of paying the costs of the acquisition of a manufacturing facility (the "Project"), as more fully described in the Indenture and in the Lease authorized in this Ordinance, for lease to BILP Winfield, LLC, a Kansas limited liability company (the "Tenant") for further sublease to Webster Combustion Technology, LLC.

C. The Issuer's governing body finds that it is necessary and desirable in connection with the issuance of the Series 2023 Bonds to execute and deliver the following documents (collectively, the "Bond Documents"):

- (i) a Trust Indenture (the "Indenture"), with Security Bank of Kansas City, Kansas City, Kansas, as Trustee (the "Trustee"), prescribing the terms and conditions of issuing and securing the Series 2023 Bonds;
- (ii) a Site Lease (the "Site Lease") with the Tenant under which the Tenant will lease an interest in the Real Property to the Issuer;
- (iii) a Project Lease (the "Project Lease") with the Tenant, under which the Issuer will acquire, construct and equip the Project and lease it to the Tenant in consideration of Basic Rent and other payments;
- (iv) a Bond Purchase Agreement (the "Bond Purchase Agreement") providing for the sale of the Series 2023 Bonds by the Issuer to BILP Winfield, LLC, Wichita, Kansas (the "Purchaser"); and
- (v) an Agreement for Payment in Lieu of Taxes (the "Agreement for Payment in Lieu of Taxes") with the Tenant, under which the Tenant will make payments in lieu of taxes for each year after issuance of the Series 2023 Bonds that the Project is exempt from ad valorem taxation.

D. The Issuer's governing body has found that under the provisions of K.S.A. 79-201a *Twenty-Fourth*, the Project purchased or constructed with the proceeds of the Series 2023 Bonds is eligible for

exemption from ad valorem property taxes for up to 10 years, commencing in the calendar year following the calendar year in which the Bonds are issued, if proper application is made, provided no exemption may be granted from the ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto. The Issuer's governing body has further found that the Project should be exempt from ad valorem property taxes for a period of 10 years, subject to a payment in lieu of taxes for each year of the exemption, as more particularly described in the Agreement for Payment in Lieu of Taxes. Prior to making this determination, the governing body of the Issuer has conducted the public hearing and reviewed the analysis of costs and benefits of the exemption required by K.S.A. 12-1749d.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS:

Section 1. **Definition of Terms.** All terms and phrases not otherwise defined in this Ordinance will have the meanings set forth in the Indenture and the Project Lease.

Section 2. **Authority to Cause the Project to Be Purchased and Constructed.** The Issuer is authorized to lease the Real Property and cause the Project to be acquired, constructed and equipped in the manner described in the Indenture, the Site Lease and the Project Lease.

Section 3. **Authorization of and Security for the Bonds.** The Issuer is authorized and directed to issue the Series 2023 Bonds, to be designated "City of Winfield, Kansas Taxable Industrial Revenue Bonds, Series 2023 (Webster Combustion Technology Project)" in the aggregate principal amount of \$3,869,200, for the purpose of providing funds to pay the costs of the acquisition of the Project. The Series 2023 Bonds will be dated and bear interest, will mature and be payable at the times, will be in the forms, will be subject to redemption and payment prior to maturity, and will be issued according to the provisions, covenants and agreements in the Indenture. The Series 2023 Bonds will be special limited obligations of the Issuer payable solely from the Trust Estate under the Indenture, including revenues derived from the Project Lease. The Series 2023 Bonds will not be general obligations of the Issuer, nor constitute a pledge of the faith and credit of the Issuer, and will not be payable in any manner by taxation.

Section 4. **Authorization of Indenture.** The Issuer is authorized to enter into the Indenture with the Trustee in the form approved in this Ordinance. The Issuer will pledge the Trust Estate described in the Indenture to the Trustee for the benefit of the owners of the Series 2023 Bonds on the terms and conditions in the Indenture.

Section 5. **Lease of the Project.** The Issuer will lease an interest in the Real Property and acquire, construct and equip the Project and lease it to the Tenant according to the provisions of the Site Lease and Project Lease in the form approved in this Ordinance. The proposed sublease of the Project to Webster Combustion Technology, LLC, a Delaware limited liability company (the "Subtenant") is approved by the Issuer.

Section 6. **Authorization of Bond Purchase Agreement.** The Issuer is authorized to sell the Series 2023 Bonds to the Purchaser, according to the terms and provisions of the Bond Purchase Agreement, in the form approved in this Ordinance.

Section 7. **Execution of Bonds and Bond Documents.** The Mayor of the Issuer is authorized and directed to execute the Series 2023 Bonds and deliver them to the Trustee for authentication on behalf of the Issuer in the manner provided by the Act and in the Indenture. The Mayor, or member of the Issuer's governing body authorized by law to exercise the powers and duties of the Mayor in the Mayor's absence, is further authorized and directed to execute and deliver the Bond Documents on behalf of the Issuer in substantially the forms presented for review prior to passage of this Ordinance, with the corrections or

amendments as the Mayor or other person lawfully acting in the absence of the Mayor may approve, which approval shall be evidenced by his or her signature. The authorized signatory may sign and deliver all other documents, certificates or instruments as may be necessary or desirable to carry out the purposes and intent of this Ordinance and the Bond Documents. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Series 2023 Bonds, the Bond Documents and the other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the Issuer's corporate seal.

Section 8. **Property Tax Exemption; Payment in Lieu of Taxes.** The Project will be exempt from ad valorem property taxes for 10 years, commencing in the calendar year after the calendar year in which the Series 2023 Bonds are issued, provided no exemption may be granted from the ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto. The Tenant will prepare the application for exemption and submit it to the Issuer for its review. After its review, the Issuer will submit the application for exemption to the State Board of Tax Appeals. The Issuer is authorized to enter into the Agreement for Payment in Lieu of Taxes in substantially the form presented for review prior to passage of this Ordinance.

Section 9. **Pledge of the Project and Net Lease Rentals.** The Issuer hereby pledges the Project and the net rentals generated under the Project Lease to the payment of the Series 2023 Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Series 2023 Bonds are paid or deemed to have been paid under the Indenture.

Section 10. **Authority To Correct Errors and Omissions.** The Mayor or member of the Issuer's governing body authorized to exercise the powers and duties of the Mayor in the Mayor's absence, the City and any Deputy City are hereby authorized and directed to make any alterations, changes or additions in the instruments herein approved, authorized and confirmed which may be necessary to correct errors or omissions therein or to conform the same to the other provisions of the instruments or to the provisions of this Ordinance.

Section 11. **Further Authority.** The officials, officers, agents and employees of the Issuer are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the Series 2023 Bonds and the Bond Documents.

Section 12. **Effective Date.** This Ordinance shall take effect after its passage by the governing body of the Issuer, signature by the Mayor and publication once in the Issuer's official newspaper.

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PASSED by the Governing Body of the Issuer on October 16, 2023 and **SIGNED** by the Mayor.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

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(Summary published in *The Cowley Courier Traveler* on October 21, 2023)

BILL NO. 2376

ORDINANCE NO. 4208

AN ORDINANCE AUTHORIZING THE CITY OF WINFIELD, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2023 (PETRA WINFIELD RESIDENCES PROJECT) FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A MULTIFAMILY HOUSING FACILITY; AND AUTHORIZING OTHER RELATED DOCUMENTS AND ACTIONS.

THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS HAS FOUND AND DETERMINED:

A. The City of Winfield, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, as amended (the "Act"), to acquire, construct, improve and equip facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for the facilities, and to issue revenue bonds for the purpose of paying the costs of the facilities.

B. The Issuer's governing body has determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds, Series 2023 (Petra Winfield Residences Project) in the aggregate principal amount not to exceed \$27,500,000 (the "Series 2023 Bonds"), for the purpose of paying the costs of the acquisition, construction and equipping of a multifamily housing facility (the "Project") as more fully described in the Indenture and in the Lease authorized in this Ordinance, for lease to Petra Winfield Residences, LLC, a Kansas limited liability company (the "Tenant").

C. The Issuer's governing body finds that it is necessary and desirable in connection with the issuance of the Series 2023 Bonds to execute and deliver the following documents (collectively, the "Bond Documents"):

(i) a Trust Indenture (the "Indenture"), with Security Bank of Kansas City, Kansas City, Kansas, as Trustee (the "Trustee"), prescribing the terms and conditions of issuing and securing the Series 2023 Bonds;

(ii) a Site Lease (the "Site Lease") with the Tenant under which the Tenant will lease an interest in the Real Property to the Issuer;

(iii) a Project Lease (the "Project Lease") with the Tenant, under which the Issuer will acquire, construct and equip the Project and lease it to the Tenant in consideration of Basic Rent and other payments;

(iv) a Bond Purchase Agreement (the "Bond Purchase Agreement") providing for the sale of the Series 2023 Bonds by the Issuer to Petra Winfield Residences, LLC, Wichita, Kansas (the "Purchaser"); and

(v) an Agreement for Payment in Lieu of Taxes (the "Agreement for Payment in Lieu of Taxes") with the Tenant, under which the Tenant will make payments in lieu of taxes for each year after issuance of the Series 2023 Bonds that the Project is exempt from ad valorem taxation.

D. The Issuer's governing body has found that under the provisions of K.S.A. 79-201a *Twenty-Fourth*, the Project purchased or constructed with the proceeds of the Series 2023 Bonds is eligible for exemption from ad valorem property taxes for up to 10 years, commencing in the calendar year following the calendar year in which the Bonds are issued, if proper application is made, provided no exemption may be granted from the ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto. The Issuer's governing body has further found that the Project should be exempt from ad valorem property taxes for a period of seven (7) years, subject to a payment in lieu of taxes for each year of the exemption, as more particularly described in the Agreement for Payment in Lieu of Taxes. Prior to making this determination, the governing body of the Issuer has conducted the public hearing and reviewed the analysis of costs and benefits of the exemption required by K.S.A. 12-1749d.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS:

Section 1. **Definition of Terms.** All terms and phrases not otherwise defined in this Ordinance will have the meanings set forth in the Indenture and the Project Lease.

Section 2. **Authority to Cause the Project to Be Purchased and Constructed.** The Issuer is authorized to lease the Real Property and cause the Project to be acquired, constructed and equipped in the manner described in the Indenture, the Site Lease and the Project Lease.

Section 3. **Authorization of and Security for the Bonds.** The Issuer is authorized and directed to issue the Series 2023 Bonds, to be designated "City of Winfield, Kansas Taxable Industrial Revenue Bonds, Series 2023 (Petra Winfield Residences Project)" in the aggregate principal amount not to exceed \$27,500,000, for the purpose of providing funds to pay the costs of the acquisition, construction and equipping of the Project. The Series 2023 Bonds will be in the principal amount, will be dated and bear interest, will mature and be payable at the times, will be in the forms, will be subject to redemption and payment prior to maturity, and will be issued according to the provisions, covenants and agreements in the Indenture. The Series 2023 Bonds will be special limited obligations of the Issuer payable solely from the Trust Estate under the Indenture, including revenues derived from the Project Lease. The Series 2023 Bonds will not be general obligations of the Issuer, nor constitute a pledge of the faith and credit of the Issuer, and will not be payable in any manner by taxation.

Section 4. **Authorization of Indenture.** The Issuer is authorized to enter into the Indenture with the Trustee in the form approved in this Ordinance. The Issuer will pledge the Trust Estate described in the Indenture to the Trustee for the benefit of the owners of the Series 2023 Bonds on the terms and conditions in the Indenture.

Section 5. **Lease of the Project.** The Issuer will lease an interest in the Real Property and acquire, construct and equip the Project and lease it to the Tenant according to the provisions of the Site Lease and Project Lease in the form approved in this Ordinance.

Section 6. **Authorization of Bond Purchase Agreement.** The Issuer is authorized to sell the Series 2023 Bonds to the Purchaser, according to the terms and provisions of the Bond Purchase Agreement, in the form approved in this Ordinance.

Section 7. **Execution of Bonds and Bond Documents.** The Mayor of the Issuer is authorized and directed to execute the Series 2023 Bonds and deliver them to the Trustee for authentication on behalf of the Issuer in the manner provided by the Act and in the Indenture. The Mayor, or member of the Issuer's governing body authorized by law to exercise the powers and duties of the Mayor in the Mayor's absence, is further authorized and directed to execute and deliver the Bond Documents on behalf of the Issuer in

substantially the forms presented for review prior to passage of this Ordinance, with the corrections or amendments as the Mayor or other person lawfully acting in the absence of the Mayor may approve, which approval shall be evidenced by his or her signature. The authorized signatory may sign and deliver all other documents, certificates or instruments as may be necessary or desirable to carry out the purposes and intent of this Ordinance and the Bond Documents. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Series 2023 Bonds, the Bond Documents and the other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the Issuer's corporate seal.

Section 8. **Property Tax Exemption; Payment in Lieu of Taxes.** The Project will be exempt from ad valorem property taxes for seven (7) years, commencing in the calendar year after the calendar year in which the Series 2023 Bonds are issued, provided no exemption may be granted from the ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto. The Tenant will prepare the application for exemption and submit it to the Issuer for its review. After its review, the Issuer will submit the application for exemption to the State Board of Tax Appeals. The Issuer is authorized to enter into the Agreement for Payment in Lieu of Taxes in substantially the form presented for review prior to passage of this Ordinance.

Section 9. **Pledge of the Project and Net Lease Rentals.** The Issuer hereby pledges the Project and the net rentals generated under the Project Lease to the payment of the Series 2023 Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Series 2023 Bonds are paid or deemed to have been paid under the Indenture.

Section 10. **Authority To Correct Errors and Omissions.** The Mayor or member of the Issuer's governing body authorized to exercise the powers and duties of the Mayor in the Mayor's absence, the City and any Deputy City are hereby authorized and directed to make any alterations, changes or additions in the instruments herein approved, authorized and confirmed which may be necessary to correct errors or omissions therein or to conform the same to the other provisions of the instruments or to the provisions of this Ordinance.

Section 11. **Further Authority.** The officials, officers, agents and employees of the Issuer are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the Series 2023 Bonds and the Bond Documents.

Section 12. **Effective Date.** This Ordinance shall take effect after its passage by the governing body of the Issuer, signature by the Mayor and publication once in the Issuer's official newspaper.

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PASSED by the governing body of the Issuer on October 16, 2023 and **SIGNED** by the Mayor.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

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BILL NO. 2377

RESOLUTION NO. 6323

A RESOLUTION AUTHORIZING AND PROVIDING FOR IMPROVEMENTS INCLUDED IN THE MULTI-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF WINFIELD, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 14-570 *et seq.*, as amended by Charter Ordinance No. 39 (the “Act”) provides that the City Engineer of the City of Winfield, Kansas (the “City”), may file with the governing body of the City (the “Governing Body”) a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute; and

WHEREAS, upon approval of the Plan by the Governing Body, the City is authorized to issue its general obligation bonds in an amount sufficient to carry out such Plan and associated costs; and

WHEREAS, the City Engineer has filed such a Plan, as may be amended, with the Governing Body, a copy of which is attached as *Exhibit A*; and

WHEREAS, the Governing Body desires to ratify and approve the Plan and to authorize the issuance of general obligation bonds to finance all or a portion of such Plan.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS:

Section 1. Plan Approval. The Governing Body hereby ratifies and approves the Plan, a copy of which is attached as *Exhibit A*.

Section 2. Bond Authorization. The Governing Body hereby authorizes the issuance of general obligation bonds of the City (the “Bonds”) for the following described projects included in the Plan (the “Improvements”):

<u>Description</u>	<u>Estimated Cost</u>
Public Safety Facility – Phase 2	\$8,800,000

All or a portion of the costs of the Improvements, interest on interim financing and associated financing costs shall be payable from the proceeds of the Bonds issued under authority of the Act. The balance of the costs not paid from the Bonds are anticipated to be paid from available funds of the City.

Section 3. Reimbursement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

ADOPTED AND APPROVED by the governing body of the City of Winfield, Kansas, on October 16, 2023.

(Seal)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on October 16, 2023, as the same appears of record in my office.

DATED: October 16, 2023.

Tania Richardson, City Clerk

EXHIBIT A

**CITY OF WINFIELD, KANSAS
MULTIYEAR CAPITAL IMPROVEMENTS PLAN**

<u>Project</u>	<u>Funds Needed</u>	<u>Year Funds Needed</u>	<u>Project Description</u>
Ambulance Purchase	\$ 100,000	2016	Ambulance – Winfield EMS
Baden Community Center Improvements	100,000	2016	Public Building Improvements
Technology Upgrades	100,000	2016	Digital Storage Capacity Improvements
Public Safety Facility Study	100,000	2016	Comprehensive Study for Public Safety Facility Operational Needs
2016 KLINK	125,000	2017	Street improvements and related appurtenances
12th Avenue KDOT Project	800,000	2017	Street improvements and related appurtenances
Fire Truck	750,000	2018	Fire Truck Acquisition
14th Avenue Bridge	1,678,000	2017	Bridge improvements
2017 KLINK	315,000	2017	Street improvements and related appurtenances
Public Safety Facility	7,500,000	2017 - 2019	Construction of Public Safety Facility
Acquisition of Wastewater Treatment Plant Improvements	804,434	2017 – 2018	Purchase wastewater treatment plant improvements originally financed by a 2012 lease purchase agreement
Water Department SCADA System	275,000	2018	SCADA System upgrades
Water Treatment Plant Lagoon System	250,000	2018	Construction of Lagoon
Street Department Street Sweeper	240,000	2018	Street Sweeper Acquisition
Public Safety Building – Phase 1	4,825,000	2019	Public Safety Building – Phase 1 Construction
Refuse Truck	225,000	2019	Refuse Truck Acquisition
Public Safety Facility – Phase 2	8,800,000	2024	Public Safety Building – Phase 2 Construction (Police Station)

BILL NO. 2378

RESOLUTION NO. 6423

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2023-1, OF THE CITY OF WINFIELD, KANSAS.

WHEREAS, the City of Winfield, Kansas (the “Issuer”), has previously authorized certain improvements described as follows (the “Improvements”):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Amount</u>
Public Safety Facility-Phase 2	6323	14-570 <i>et seq.</i> / Charter Ord. No. 39	\$8,800,000

WHEREAS, the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

WHEREAS, none of such general obligation bonds previously authorized have been issued and the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements; and

WHEREAS, the City Commission of the Issuer (the “Governing Body”) has selected the firm of Stifel, Nicolaus & Company, Incorporated, Kansas City, Missouri (the “Municipal Advisor”), as municipal advisor for one or more series of temporary notes of the Issuer in order to provide funds to temporarily finance the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of the temporary notes and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a term sheet, and if necessary, a preliminary official statement and notice of note sale, relating to the temporary notes; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor, in conjunction with the City Manager, Finance Director and Clerk, and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer’s bond counsel (“Bond Counsel”), to proceed with the preparation and distribution of a term sheet, and if necessary, a preliminary official statement and notice of note sale, and to authorize all other preliminary action necessary to sell said temporary notes.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINFIELD, KANSAS, AS FOLLOWS:

Section 1. The Municipal Advisor, in conjunction with the City Manager, Finance Director, and Clerk, is hereby authorized to proceed with the offering for sale of the Issuer’s General Obligation Temporary Notes, Series 2023-1 (the “Notes”). The Issuer desires to sell the Notes, subject to the approving

opinion of Bond Counsel, directly to a purchaser or purchasers (collectively the “Purchaser”) to be designated by the City Manager, in consultation with the Finance Director, Clerk and the Municipal Advisor, after evaluating proposals submitted by prospective purchasers based on a term sheet prepared by the Municipal Advisor and distributed by the Issuer. The timing of offering for sale, the pricing, the determination of the structuring and repayment terms of the Notes and the selection of various other professionals necessary to complete the issuance of the Notes, shall be determined by the City Manager, in consultation with the Finance Director, Clerk, the Municipal Advisor and Bond Counsel. The confirmation of the sale of the Notes shall be subject to the execution of a note purchase agreement between the Purchaser and the Issuer (the “Note Purchase Agreement”) in a form approved by Bond Counsel and the Issuer’s legal counsel, the adoption of a resolution by the Governing Body authorizing the issuance of the Notes and the execution of various documents necessary to deliver the Notes.

If the Issuer does not receive satisfactory responses from the term sheet described above, the Governing Body hereby authorizes the Notes to be sold at public sale, and to the extent necessary, authorizes the preparation and distribution of a notice of note sale related thereto (the “Notice of Note Sale”). In the event of a public sale, all proposals for the purchase of the Notes shall be delivered to the Governing Body at its meeting to be held on the sale date referenced in the Notice of Note Sale, at which meeting the Governing Body shall review such bids and award the sale of the Notes or reject all proposals.

Section 2. The Municipal Advisor, in conjunction with the City Manager, Finance Director, Clerk, and Bond Counsel, is hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Notes (the “Preliminary Official Statement”), if necessary. The Issuer hereby consents to the use and public distribution by the Municipal Advisor of the Preliminary Official Statement in connection with the offering for sale of the Notes. If necessary and for the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Mayor and Finance Director or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of the Preliminary Official Statement, and to execute the “Certificate Deeming Preliminary Official Statement Final” as approval of the Preliminary Official Statement, such official’s signature thereon being conclusive evidence of such official’s and the Issuer’s approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 3. The Mayor, City Manager, Finance Director, Clerk and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes, including execution of a financial advisory services agreement between the Issuer and the Municipal Advisor as previously provided to the Issuer and attached hereto as ***Exhibit A***.

The transactions described in this Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 4. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the City Commission on October 16, 2023.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

EXHIBIT A

FINANCIAL ADVISORY SERVICES AGREEMENT

[include agreement]

A RESOLUTION

AUTHORIZING and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project No. 22-BI917 for construction of the Public Safety Facility Phase 3, Police and Training Areas.

WHEREAS, bids for the Public Safety Facility Phase 3 were requested and accepted on October 12, 2023; and,

WHEREAS, Dondlinger and Sons Construction Company, Inc., Wichita, Kansas, submitted the apparent lowest proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas are hereby authorized and directed to execute a contract for the amount of seven million five hundred ninety seven thousand dollars and no cents (\$7,597,000.00) for the base bid and add alternate No. 4 of Project No. 22-BI917, for construction of the Public Safety Facility Phase 3, between the City of Winfield and Dondlinger and Sons Construction Company, Inc., Wichita, Kansas, a copy of which is attached hereto and made a part hereof the same as if fully set forth herein.

Section 2. The City Manager of the City of Winfield, Kansas is hereby authorized to negotiate and approve necessary change orders in accordance with the City's Purchasing Policy.

Section 3. This resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 16th day of October 2023.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

Approved as to form:

William E. Muret, City Attorney

Approved for Commission action:

Taggart Wall, City Manager/ps

General Contractors	Total bid	Calendar Days	East Canopy	North Parking	East Paving Thickness	Exterior Fitness Heaters	Exterior Fencing & Barriers	BID BOND	Addendum			
			ATL. 1 Deduct	ATL. 2 Deduct	ATL. 3 Deduct	ATL. 4 Add	ATL. 5 Deduct		1	2	3	4
Commerce Construction	\$8,035,00.00	410	125,000	46,000	3,500	16,000	72,000	X	X	X	X	X
Dondlinger Construction	\$7,583,00.00	427	54,200	29,000	4,700	14,000	77,000	X	X	X	X	X
ICON Structures	\$7,649,00.00	425	98,000	34,000	5,700	18,500	52,000	X	X	X	X	X

A RESOLUTION

AUTHORIZING the Mayor and the City Clerk of the City of Winfield, Kansas to execute an agreement for contractual services with Motorola Solutions for the purpose of providing communications equipment and services.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas are hereby authorized and directed to execute an agreement, attached to and made a part hereof as if fully set forth herein, between the City of Winfield, Kansas and Motorola Solutions for the purpose of providing communications equipment and services.

Section 2. This project may be funded in part or whole by funding through the Local Safety and Security Equipment Grant Program by the State of Kansas.

Section 3. This resolution shall be in full force and effect from and after its passage and adoption.

ADOPTED this 16th day of October 2023.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Taggart Wall, City Manager



Winfield Fire & EMS

APX 8500 Upgrade

09/26/2023



09/26/2023

Winfield Fire & EMS
200 E 9TH Ave
Winfield, KS 67156-2818

RE: Motorola Quote for APX 8500 Upgrade
Dear Vincent Warren,

Motorola Solutions is pleased to present Winfield Fire & EMS with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide Winfield Fire & EMS with the best products and services available in the communications industry. Please direct any questions to Hank Sznewajs at Hank.Sznewajs@motorolasolutions.com.

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Hank Sznewajs

**MOTOROLA SOLUTIONS**QUOTE-2349534
APX 8500 UpgradeBilling Address:
Winfield Fire & EMS
200 E 9TH Ave
Winfield, KS 67156-2818
USQuote Date:09/26/2023
Expiration Date:12/01/2023
Quote Created By:
Hank Szniewajs
Hank.Szniewajs@
motorolasolutions.comEnd Customer:
Winfield Fire & EMS
Vincent Warren
vwarren@winfieldks.org
620-221-5500
Contract: 21810 - JOHNSON COUNTY
(KS)

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 8500					
1	M37TSS9PW1AN	APX8500 ALL BAND MP MOBILE	17	\$5,893.68	\$3,483.96	\$59,227.32
1a	GA01513AB	ADD: ALL BAND MOBILE ANTENNA (7/8/V/U)	17	\$105.00	\$62.07	\$1,055.19
1b	G51AT	ENH: SMARTZONE	17	\$1,650.00	\$975.37	\$16,581.29
1c	G78AT	ENH: 3 YEAR ESSENTIAL SVC	17	\$288.00	\$288.00	\$4,896.00
1d	GA05508AA	DEL: DELETE VHF BAND	17	-\$800.00	-\$472.91	-\$8,039.47
1e	GA09000AA	ADD: DIGITAL TONE SIGNALING	17	\$165.00	\$97.54	\$1,658.18
1f	G444AH	ADD: APX CONTROL HEAD SOFTWARE	17	\$0.00	\$0.00	\$0.00
1g	GA01517AA	DEL: NO J600 ADAPTER CABLE NEEDED	17	\$0.00	\$0.00	\$0.00
1h	QA05751AA	ADD: NO ENCRYPTION, CLEAR RADIO (NO ADP) (US ONLY)	17	\$0.00	\$0.00	\$0.00
1i	G806BL	ENH: ASTRO DIGITAL CAI OP APX	17	\$567.00	\$335.17	\$5,697.89



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.



Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
1j	W22BA	ADD: STD PALM MICROPHONE APX	17	\$79.00	\$46.70	\$793.90
1k	QA09113AB	ADD: BASELINE RELEASE SW	17	\$0.00	\$0.00	\$0.00
1l	G361AH	ENH: P25 TRUNKING SOFTWARE APX	17	\$330.00	\$195.07	\$3,316.19
1m	GA00580AA	ADD: TDMA OPERATION	17	\$495.00	\$292.61	\$4,974.37
1n	G996AS	ENH: OVER THE AIR PROVISIONING	17	\$110.00	\$65.02	\$1,105.34
1o	GA00804AA	ADD: APX O2 CH (GREY)	17	\$541.00	\$319.80	\$5,436.60
1p	G66BA	ADD: DASH MOUNT O2	17	\$138.00	\$81.58	\$1,386.86
1q	GA01606AA	ADD: NO BLUETOOTH/ WIFI/GPS ANTENNA NEEDED	17	\$0.00	\$0.00	\$0.00
1r	B18CR	ADD: AUXILIARY SPKR 7.5 WATT APX	17	\$66.00	\$39.01	\$663.17

Grand Total**\$98,752.83(USD)****Notes:**

- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.



FirstWireless, Inc.
Communications for the Midwest.

3405 N. Hydraulic, Wichita, KS 67219 316-265-2290 FAX:316-265-0241



MOTOROLA
Authorized Two-Way
Radio Dealer

EQUIPMENT PROPOSAL FOR:
Winfield Fire

Attention:
Chief Warren

Programming Quote

ITEM	QTY	MODEL	DESCRIPTION	UNIT PRICE	EXTENDED
1	17	PROGRAMMING	Programming 17 dual band radios	35.00	\$595.00
1b	1	TEMPLATE	Template Building for Winfield Fire's dual band radios	250.00	\$250.00
1c	2	TRAVEL	Travel to customer location	145.00	\$290.00
1d	1	FSC	Fuel Surcharge	22.00	\$22.00
1e	1	SHOPSUPPLIES	Laptop, cables, software, etc.	25.00	\$25.00
1f					
1g					
1h					
1i					
2b					
2c					
2d					
3					
3a					
4					
4a					
4b					
4c					
4d					
4e					
4f					
4g					
				SUB TOTAL	\$1,182.00
CAVEATS				SALES TAX	\$88.65
				INSTALL	
				FREIGHT	
				TOTAL	\$1,270.65

TERMS:

NET 30 FROM INVOICE
PRICING IS VALID FOR 30 DAYS.
FREIGHT - PREPAY AND ADD TO INVOICE
DELIVERY 1-2 WEEKS A.R.O.

PREPARED BY: Kelly Clark

DATE: 10/04/23

A RESOLUTION

AUTHORIZING the Mayor and the City Clerk of the City of Winfield, Kansas to execute a supplemental agreement for professional services related to water treatment plant improvements authorized by original Resolution No. 3723, for the purpose of amending to include KDHE SRF Contract Provisions for Consultant Contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas are hereby authorized and directed to execute a supplemental agreement for professional services related to water treatment plant improvements authorized by original Resolution No. 3723, for the purpose of amending to include KDHE SRF Contract Provisions for Consultant Contracts.

Section 2. This resolution shall be in full force and effect from and after its passage and adoption.

ADOPTED this 16th day of October 2023.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Taggart Wall, City Manager

September 29, 2023



Gus Collins
Director of Gas & Wastewater Utilities
City of Winfield
P.O. Box 646
200 E. 9th
Winfield, KS, 67156-0646

Reference: Project Name: Winfield WTP Ozone Improvements
Supplemental Agreement No: 1
Original Contract Date: July 11, 2023
PEC Project No. 35-230635-000-0943

Dear Mr. Collins:

This Supplemental Agreement between the Client and Professional Engineering Consultants, P.A. (PEC), modifies the above referenced Agreement, and any other previous Supplemental Agreements as may be noted herein.

A. Modification of Scope:

1. The required KDHE SRF Contract Provisions for Consultant Contracts documents are incorporated into the Agreement as attached.

B. Payment Provisions:

- | | |
|--|---------------|
| 1. Original Contract Amount: | \$ 288,200.00 |
| 2. Net change by previous Supplemental Agreement(s): | \$ 0.00 |
| 3. The contract amount will increase by this Supplemental Agreement: | \$ 0.00 |
| 4. The new contract amount including this Supplemental Agreement: | \$ 288,200.00 |

C. Authorization to Proceed:

1. PEC shall consider this Supplemental Agreement accepted and will proceed with the work specified herein unless otherwise instructed within 7 calendar days.

Sincerely,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

A handwritten signature in blue ink, appearing to read "Michael D. Kelsey".

Michael D. Kelsey, P.E.
SVP | Civil Engineering

SCU:ev

ACCEPTED:

(CITY OF WINFIELD)

By: _____

Title: _____

Date: _____

[Handwritten signature]
Dir. of Utilities
10-2-2023

KDHE SRF CONTRACT PROVISIONS FOR CONSULTANT CONTRACTS

STATE OF KANSAS
ACT AGAINST DISCRIMINATION
CONTRACT PROVISION CERTIFICATION FORM

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, national origin, or ancestry;
- (2) In all solicitations or advertisements for employees, the contractor shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Commission;
- (3) If the contractor fails to comply with the manner in which the contractor reports to the Commission in accordance with the provisions of K.S.A.44-1031 and amendments thereto, the contractor shall be deemed to have breached the present contract and it may be cancelled, terminated, or suspended, in whole or in part, by the contracting agency;
- (4) If the contractor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, the contractor shall be deemed to have breached the present contract and it may be cancelled, terminated or suspended, in whole, or in part, by the contracting agency;
- (5) The contractor shall include the provisions of (1) through (4) in every applicable subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

PROJECT/CONTRACT NAME AND NO.

MUNICIPALITY City of Winfield, KS

CONTRACTOR'S
SIGNATURE _____



TITLE VP Civil Municipal and W/WW Engineering

SRF PROJECT NO. 3158

DATE September 27, 2023

3158
KDHE PROJECT #

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Ryan Glessner, VP Civil Municipal and W/WW Engineering
Typed Name & Title of Authorized Representative



9/27/2023

Signature and Date of Authorized Representative

Contract Provisions for Equal Opportunity

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advancements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7. The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States." [Sec. 202 amended by EO 11375 of Oct. 13, 1967, 32 FR 14303, 3 CFR, 1966-1970 Comp., p. 684, EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]

Contract Provisions for the Kansas Act Against Discrimination

(a) Except as provided by subsection (c), every contractor for or on behalf of the State and any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration, or repair of any public building or public work or for the acquisition of materials, equipment, supplies, or services shall contain provisions by which the contractor agrees that:

- (1) The contractor shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, national origin, or ancestry;
- (2) In all solicitations or advertisements for employees, the contractor shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Commission;
- (3) If the contractor fails to comply with the manner in which the contractor reports to the Commission in accordance with the provisions of K.S.A.44-1031 and amendments thereto, the contractor shall be deemed to have breached the present contract and it may be cancelled, terminated, or suspended, in whole or in part, by the contracting agency;
- (4) If the contractor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, the contractor shall be deemed to have breached the present contract and it may be cancelled, terminated or suspended, in whole, or in part, by the contracting agency;
- (5) The contractor shall include the provisions of subsections (a)(1) through (4) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

(b) The Kansas Human Rights Commission shall not be prevented hereby from requiring reports of contractors found to be not in compliance with the Kansas Act Against Discrimination.

(c) The provisions of this section shall not apply to a contract entered into by a contractor:

- (1) Who employs fewer than four employees during the term of such contract; or
- (2) Whose contracts with the governmental entity letting such contract cumulatively total \$5,000 or less during the fiscal year of such governmental entity.

Contract Provisions for Restrictions on Lobbying

The Contractor agrees to comply with Title 40 CRF Part 34, New Restrictions on Lobbying. **A Certification form must be submitted with the bid documents.**

Contract Provisions for the Trafficking Victims Protection Act of 2000

The Contractor, its employees, sub-contractors, and sub-contractors employees under any SRF Loan Agreement, may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or sub-awards under the award.

Contract Provisions for Suspension and Debarment

The Contractor certifies that it is not suspended or debarred from participating in federal assistance and benefit programs and further agrees to fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled “Responsibilities of Participants Regarding Transactions.” The Contractor must ensure that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. The Contractor agrees that failing to disclose the required information in 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Contract Provisions for Non Discrimination

The contractor must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and a variety of program-specific statutes with nondiscrimination requirements.

Other civil rights laws may impose additional requirements on the contractor. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

Contract Provisions for Non Segregated Facilities

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensuring that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term “facilities,” as used in this section, means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees; *Provided*, That separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to assure privacy between the sexes.