

CITY COMMISSION MEETING
Winfield, Kansas

DATE: Monday, December 04, 2023
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDERMayor Gregory N. Thompson
ROLL CALL.....City Clerk, Tania Richardson
MINUTES OF PRECEDING MEETING.....Monday, November 20, 2023

PUBLIC HEARING

-Consider the proposed 2024-2026 Neighborhood Revitalization Plan

BUSINESS FROM THE FLOOR

-Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 2387 – An Ordinance – Adopting a Neighborhood Revitalization Plan and designating Revitalization Areas, all as provided for in K.S.A. 12-17,114 et seq., Neighborhood Revitalization Act.

Bill No. 2388 – An Ordinance – Amending Chapter 18 of Municipal Code of the City of Winfield by the repeal of Section 18- 61 thru Section 18-203 and Section 18-321 thru 18-323 of said Chapter and the adoption in lieu thereof of a new Chapter 18 Section 18- 61 thru Section 18-203 and Section 18-321 thru 18-323.

Bill No. 2389 – An Ordinance – Amending Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of the Zoning Regulations of the City of Winfield, Kansas.

Bill No. 2390 – A Resolution – Accepting and granting a Conditional Use Permit to Jack and Judy Perrigo at 2610 Main St., Winfield, KS to allow the use as an automotive repair service within a “MU,” Mixed Use District.

OTHER BUSINESS

ADJOURNMENT

-Next regular work session 4:00 p.m. Thursday, December 14, 2023.
-Next regular meeting 5:30 p.m. Monday, December 18, 2023.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
November 20, 2023

The Board of City Commissioners met in regular session, Monday, November 20, 2023 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall. Presiding Officer Brenda K. Butters presiding. Commissioner Ronald E. Hutto was present via phone. Mayor Gregory N. Thompson was absent. Also in attendance were Taggart Wall, City Manager; Tania Richardson, City Clerk; and William E. Muret, City Attorney.

City Clerk Richardson called roll and noted Mayor Thompson absent.

Presiding Officer Butters moved that the minutes of the November 6, 2023 meeting be approved. Commissioner Hutto seconded the motion. With both Commissioners voting aye, motion carried.

PUBLIC HEARING

Consider comments in regard to the completion of an application to the Kansas department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan fund. Rose Mary Saunders, Ranson Financial, explains the purpose of the public hearing. City Manager Wall explains these actions cover the Ozone Treatment Replacement Project. With no further comments, Presiding Officer Butters closed the public hearing.

BUSINESS FROM THE FLOOR

Presiding Officer Butters noted there were no citizens present to bring business to the Commission.

NEW BUSINESS

Bill No. 2385 – A Resolution – Authorizing the completion of an application to the Kansas department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan fund. City Manager Wall explains this Resolution authorizes the application for a loan from the Kansas Public Water Supply Loan fund in the amount of \$3,200,000. Rose Mary Saunders, Ranson Financial, corrects that amount to \$4,900,000. Upon motion by Commissioner Hutto, seconded by Presiding Officer Butters, both Commissioners voting aye, Bill No. 2385 was adopted and numbered Resolution No. 7123.

Bill No. 2386 – A Resolution – Awarding a contract and directing the City Manager and Clerk of the City of Winfield, Kansas to execute an agreement for the use of facilities at Broadway Sports Complex between the City of Winfield, Kansas and the Midwest Moos, Inc., Wichita, Kansas. City Manager Wall explains this Resolution authorizes an agreement between the City of Winfield, Kansas and Midwest Moos INC, for the use of Broadway Sports Complex. Commissioner Hutto moved to approve the agreement. Presiding Officer Butters seconded the motion, both Commissioners voting aye, Bill No. 2386 was adopted and numbered Resolution No. 7223.

OTHER BUSINESS

- City Manager Wall announces that the next worksession has been rescheduled from November 30, 2023, to 4:00 p.m. at the Winfield Chamber office on December 4, 2023, preceding the regular Commission meeting.

ADJOURNMENT

Upon motion by Commissioner Hutto, seconded by Presiding Officer Butters, both Commissioners voting aye, the meeting adjourned at 5:36 p.m.

Signed and sealed this 21nd day of November 2023. Signed and approved this 4th day of December 2023.

Tania Richardson, City Clerk

Gregory N. Thompson, Mayor



Request for Commission Action

Date: 11/28/2023

Requestor: Taggart Wall, City Manager

Action Requested: Consider approval of the 2024-2026 Neighborhood Revitalization Plan.

Analysis: The City's Neighborhood Revitalization Plan, first adopted in 1999, creates an incremental tax rebate program intended to encourage rehabilitation, conservation, or redevelopment of certain areas in the city. The current Plan terminates December 31, 2023. The taxing entities participating are the City of Winfield, Cowley County, USD 465, and Cowley College.

All other entities have approved the Plan.

Fiscal Impact: The property tax rebates provided by the Plan encourages residential, commercial and industrial investment while supporting the local economy. Rebate expenditures resulting from the NRP impact the City as follows:

<u>Actual 2018</u>	<u>Actual 2019</u>	<u>Actual 2020</u>	<u>Actual 2021</u>	<u>Actual 2022</u>
\$78,656	\$94,999	\$97,552	\$89,622	\$92,673

Attachments: NRP Interlocal Agmt, NRP Plan

(First published in the Cowley Courier Traveler on Friday, November 25, 2023)

BILL NO. 2387

ORDINANCE NO. 4209

AN ORDINANCE

ADOPTING a Neighborhood Revitalization Plan and designating Revitalization Areas, all as provided for in K.S.A. 12-17,114 et seq., Neighborhood Revitalization Act.

WHEREAS, the Governing Body of the City of Winfield, Kansas, wishes to adopt a plan to assist the rehabilitation, conservation, or redevelopment of certain designated areas within the city of Winfield in order to protect the public health, safety or welfare of the residents of the community; and

WHEREAS, in accordance with the requirements of K.S.A. 12-17,117 (c), Notice of Public Hearing was published at least once each week for two consecutive weeks in a newspaper of general circulation within the city, and a public hearing was held by the Governing Body on December 4, 2023 to receive public comment regarding the proposed Neighborhood Revitalization Plan.

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

Section 1. The Governing Body of the City of Winfield, Kansas, does hereby adopt the 2024-2026 Neighborhood Revitalization Plan, attached herein, and incorporated by reference as if fully set forth herein.

Section 2. The Governing Body of the City of Winfield, Kansas, hereby designates the real property described as the Neighborhood Revitalization Areas, and finds that the following conditions exist within said area: 1) a predominance of buildings which, by reason of dilapidation or obsolescence, are detrimental to public health, safety and welfare; 2) a substantial number of deteriorating structures which impair the sound growth of the city, retards the provision of housing and constitutes an economic liability; and 3) a predominance of buildings which, by reason of age, history or architecture, are significant and should be restored to productive use, and finds that the rehabilitation, conservation; and redevelopment of said area is necessary to protect the health, safety and welfare of the residents of the city. Said areas of real property designated as the Neighborhood Revitalization Areas are as follows:

Area 1-MidTown

That area within the city of Winfield bound by the following description: Point of Beginning-- intersection of center lines of 18th Avenue and Manning Street; then West to East r-o-w line of BNSF RR; then Northerly along said RR r-o-w to its intersection with South r-o-w line of Flood Levee; then Easterly along said Levee r-o-w to its intersection with Olive Street; excluding Island Park and the Timber Creek Nature Center area; then Easterly to East r-o-w line of SK & O RR; then Northerly along said r-o-w to its intersection with center line of Pine Street; then East to center line of Michigan Street; then Northerly to the center line of North Street; then Easterly

intersecting an extension of the center line of Houston Street 375 feet \pm North of Chicago Avenue; then South along said extension of Houston Street to its intersection with center line of Chicago Avenue; then Easterly intersecting an extension of the center line of McCabe Street; then South to center line of Fowler Avenue; then West to center line of College Street; then South to the center line of Warren Street; then East to center line of Stevens Street; then South to center line of Simpson Avenue; then East to a point 575 feet \pm West of the intersection of Simpson Avenue and Wheat Road; then South 420 feet \pm ; then West 260 feet \pm ; then South 200 feet \pm ; then West to center line of Alexander Street; then South to center line of 9th Avenue; then West to center line of Mound Street; then South to center line of 19th Avenue; then West to center line of Broadway Street; then South to the center line of Sunnyside Avenue extended; then West to center line of alley between Loomis Street and Pike Road; then North to center line of 19th Avenue; then West to center line of alley between Main Street and Millington Street; then North to center line of 11th Avenue; then West to center line of Manning Street; then South to center line of 14th Avenue; then East to center line of alley between Main Street and Manning Street; then South to center line of 18th Avenue; then West to POB.

Area 2-West Ninth

That area within the city of Winfield bound by the following description: Point of Beginning--intersection of center lines of West 9th Avenue and Phillips Shepherd Road; then North following the center line of Phillips Shepherd Road to its intersection with Winfield City Limits; then westerly and southerly along Winfield City Limits to its intersection with the center line of Morning View Avenue; then East to the center line of Country Club Road; then North to the center line of Crestline Drive; then North along the center line of Country Club Road 185 \pm feet; then east 476 \pm feet; then North to the center line of West 9th Avenue; then East to the POB.

Area 3-Local Historic Preservation

That area within Area 1 bound by the following description: Point of Beginning--intersection of center lines of Andrews Street and 11th Avenue; then West to center line of alley between Manning Street and Menor Street; then North to center line of 10th Avenue; then West to center line of Menor Street; then North to center line of 8th Avenue; then East to center line of alley between Manning Street and Menor Street; then North to center line of 6th Avenue; then East to center line of Millington Street; then South to center line of alley between 7th Avenue and 8th Avenue; then East to center line of Fuller Street; then South to center line of 9th Avenue; then East to center line of Andrews Street; then South to POB.

Area 4-Residential Properties

Those properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for new construction of Single Family or Multi-Family (2 or more dwelling units) Dwellings.

Those residential properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for improvements on structures built 40 or more years before issuance of a 2024-2026 Building Permit.

Area 5-Commercial/Industrial Properties

Those properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for new construction of commercial or industrial projects.

Those commercial or industrial properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for improvements on structures built 40 or more years before issuance of a 2024-2026 Building Permit.

Area 6-Sheriff's Sale

Those properties within Winfield city limits acquired by delinquent tax or mortgage foreclosure. Building Permits for improvements must be issued and improvements made within 24 months after filing of Sheriff's Deed. Building Permit value for improvements must be a minimum \$20,000 to be eligible for tax rebate. Property will be removed from eligibility for the Neighborhood Revitalization Plan if Building Permit and improvement requirements are not met.

Section 3. This ordinance shall be in full force and effect upon publication in the official city newspaper.

ADOPTED this 4th day of December 2023.

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

(First published in the Cowley
CourierTraveler Saturday, 11 25,
2023.)

NOTICE OF PUBLIC HEARING

The Governing Body of the City of Winfield, Kansas, will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 et seq., at a public hearing at 5:30 p.m., Monday, December 4, 2023, in the Community Council Room--City Hall--200 East Ninth Ave.--Winfield, Kansas.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection during the hours of 7:30 a.m. to 5:30 p.m., Monday-Thursday, 7:30 a.m. to 11:30 a.m. on Friday, in the office of City Manager, City of Winfield, Kansas.

At the conclusion of the hearing, the Governing Body will consider findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 et seq.

Tania Richardson
Director of Customer Service/
City Clerk

11/25, 12/02

CITY OF WINFIELD
2024-2026 NEIGHBORHOOD REVITALIZATION PLAN
INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT entered into by and between the Board of Commissioners-City of Winfield, Kansas, hereinafter referred to as "CITY", the Board of Commissioners-Cowley County, Kansas, hereinafter referred to as "COUNTY", Board of Education-Unified School District #465, Winfield, Kansas, hereinafter referred to as "USD", and Board of Trustees-Cowley College, Arkansas City, Kansas, hereinafter referred to as "CC."

WITNESSETH:

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into Interlocal Agreements to jointly perform certain functions including economic development; and

WHEREAS, the parties of this Agreement are all public agencies pursuant to K.S.A. 12-2903, and therefore capable of entering into such Interlocal Agreements; and

WHEREAS, K.S.A. 12-17, 114 et seq. provides for neighborhood revitalization programs and allows for Interlocal Agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties to this Agreement to provide the maximum economic development incentive as provided for in K.S.A. 12-17, 119 by acting jointly.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The parties agree to adopt a Neighborhood Revitalization Plan (NRP), as attached hereto and incorporated herein, by this reference the same as if fully set forth herein. The parties further agree the NRP as adopted will not be amended without approval of the parties except, as may be necessary, to comply with applicable state law or regulation.
2. Acquiring, holding, and disposing of real and personal property is not within the nature of this joint or cooperative undertaking. If the circumstances should change, provisions dealing with acquisition and disposal of real or personal property will need to be added pursuant to K.S.A. 12-2904(d)(5) and (e)(2).
3. The parties further agree that COUNTY shall administer the NRP as adopted by each party hereto. COUNTY will participate in the issuance of tax rebates in accordance with the NRP by creating a Neighborhood Revitalization fund pursuant to K.S.A. 12-17,118 for the purpose of financing the redevelopment and to provide rebates. Except for those properties listed on Federal or State Historical Registries and the Local Historic Area, the parties acknowledge and agree that five percent (5%) of increment, as defined in K.S.A. 12-17,118, shall be used to pay for COUNTY administrative costs of implementing and administering the plan.
4. This Agreement shall expire December 31, 2026. The parties agree to undertake a review of the neighborhood revitalization plan concluding in or before August of each year to determine any needed modifications to the NRP and Interlocal Agreement. The parties to this Agreement agree that termination of the Agreement by any party prior to December 31, 2026 will adversely affect the success of the NRP. The parties further agree that any party may terminate this Agreement on any August 15th prior to December 31, 2026, by providing twelve (12) months notice in writing to the other parties to the Agreement. Provided, however, any

applications for tax rebate submitted prior to the effective date of the termination shall, if approved, be considered eligible for the duration of the rebate period.

IN WITNESS WHEREOF, the parties have hereto executed this agreement as shown below.

CITY OF WINFIELD, KANSAS

Gregory N. Thompson, Mayor
ATTEST:

Tania Richardson, City Clerk

Dated this _____ day of _____, 2020

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UNIFIED SCHOOL DISTRICT #465

Kinnie Ledford, President

ATTEST:

Leisa Potts, Clerk of the Board

Dated this _____ day of _____, 2023

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COWLEY COUNTY, KANSAS

Wayne Wilt, Board Chair
ATTEST:

Karen Madison, County Clerk

Dated this _____ day of _____, 2023

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COWLEY CO. COMMUNITY COLLEGE

Brett Bazil, Board Chair

ATTEST:

Tiffany Vollmer, Clerk of the Board

Dated this _____ day of _____, 2023

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ATTORNEY GENERAL APPROVAL

The above and foregoing Interlocal Agreement between the City of Winfield, Kansas, Cowley County, Kansas, Cowley College, and Unified School District #465, is in proper form and compatible with the laws of the State of Kansas and is hereby approved pursuant to K.S.A. 12-2904(g) this _____, 2023.

KRIS W. KOBACH, KANSAS ATTORNEY
GENERAL

By _____
Assistant Attorney General



Neighborhood Revitalization Plan 2024-2026

Interlocal Agreement adopted by
Cowley College: November 20, 2023
Cowley County: November 7, 2023
USD 465: November 13, 2023
City of Winfield: December 4, 2023

Public Hearing: December 4, 2023

Plan Adopted by City Ordinance: December 4, 2023

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Purpose

The City of Winfield, Kansas, Neighborhood Revitalization Plan is intended to create an incremental tax rebate program intended to encourage the rehabilitation, conservation, or redevelopment of certain areas within the city of Winfield, in order to protect the public health, safety, or welfare of the residents of the community. More specifically, through the plan the City, Cowley County, USD No. 465, and Cowley College, to the extent the same participate and adopt the Plan, offer property tax rebates for certain improvements or renovation of property within the designated areas in accordance with state statute (K.S.A. 12-17,114 et seq.).

Section 1. Neighborhood Revitalization Areas

In accordance with the provisions of K.S.A. 12-17,114 et seq., the Winfield City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated areas, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Commission has carefully reviewed, evaluated, and determined that the areas meet one or more of the conditions to be designated as a "Neighborhood Revitalization Areas."

Area 1-MidTown

That area within the city of Winfield bound by the following description: Point of Beginning--intersection of center line's of 18th Avenue and Manning Street; then West to East r-o-w line of BNSF RR; then Northerly along said RR r-o-w to its intersection with South r-o-w line of Flood Levee; then Easterly along said Levee r-o-w to its intersection with Olive Street; **excluding Island Park and the Timber Creek Nature Center area**; then Easterly to East r-o-w line of SK & O RR; then Northerly along said r-o-w to its intersection with center line of Pine Street; then East to center line of Michigan Street; then Northerly to the center line of North Street; then Easterly intersecting an extension of the center line of Houston Street 375 feet \pm North of Chicago Avenue; then South along said extension of Houston Street to its intersection with center line of Chicago Avenue; then Easterly intersecting an extension of the center line of McCabe Street; then South to center line of Fowler Avenue; then West to center line of College Street; then South to the center line of Warren Street; then East to center line of Stevens Street; then South to center line of Simpson Avenue; then East to a point 575 feet \pm West of the intersection of Simpson Avenue and Wheat Road; then South 420 feet \pm ; then West 260 feet \pm ; then South 200 feet \pm ; then West to center line of Alexander Street; then South to center line of 9th Avenue; then West to center line of Mound Street; then South to center line of 19th Avenue; then West to center line of Broadway Street; then South to the center line of Sunnyside Avenue extended; then West to center line of alley between Loomis Street and Pike Road; then North to center line of 19th Avenue; the West to center line of alley between Main Street and Millington Street; then North to center line of 11th Avenue; then West to center line of Manning Street; then South to center line of 14th Avenue; then East to center line of alley between Main Street and Manning Street; then South to center line of 18th Avenue; then West to POB.

Area 2-West Ninth

That area within the city of Winfield bound by the following description: Point of Beginning--intersection of center line's of West 9th Avenue and Phillips Shepherd Road; then North following the center line of Phillips Shepherd Road to its intersection with Winfield City Limits; then westerly and southerly along Winfield City Limits to its intersection with the center line of Morning View Avenue; then East to the center line of Country Club Road; then North to the center line of Crestline Drive; then North along the center line of Country Club Road 185 \pm feet; then east 476 \pm feet; then North to the center line of West 9th Avenue; then East to the POB.

Area 3-Local Historic Preservation

That area within Area 1 bound by the following description: Point of Beginning--intersection of center line's of Andrews Street and 11th Avenue; then West to center line of alley between Manning Street and Menor Street; then North to center line of 10th Avenue; then West to center line of Menor Street; then North to center line of 8th Avenue; then East to center line of alley between Manning Street and Menor Street; then North to center line 6th Avenue; then East to center line of Millington Street; then South to center line of alley between 7th Avenue and 8th Avenue; then East to center line of Fuller Street; then South to center line of 9th Avenue; then East to center line of Andrews Street; then South to POB.

Area 4-Residential Properties

Those properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for new construction of Single Family or Multi-Family (2 or more dwelling units) Dwellings.

Those residential properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for improvements on structures built 40 or more years before issuance of a 2024-2026 Building Permit.

Area 5-Commercial/Industrial Properties

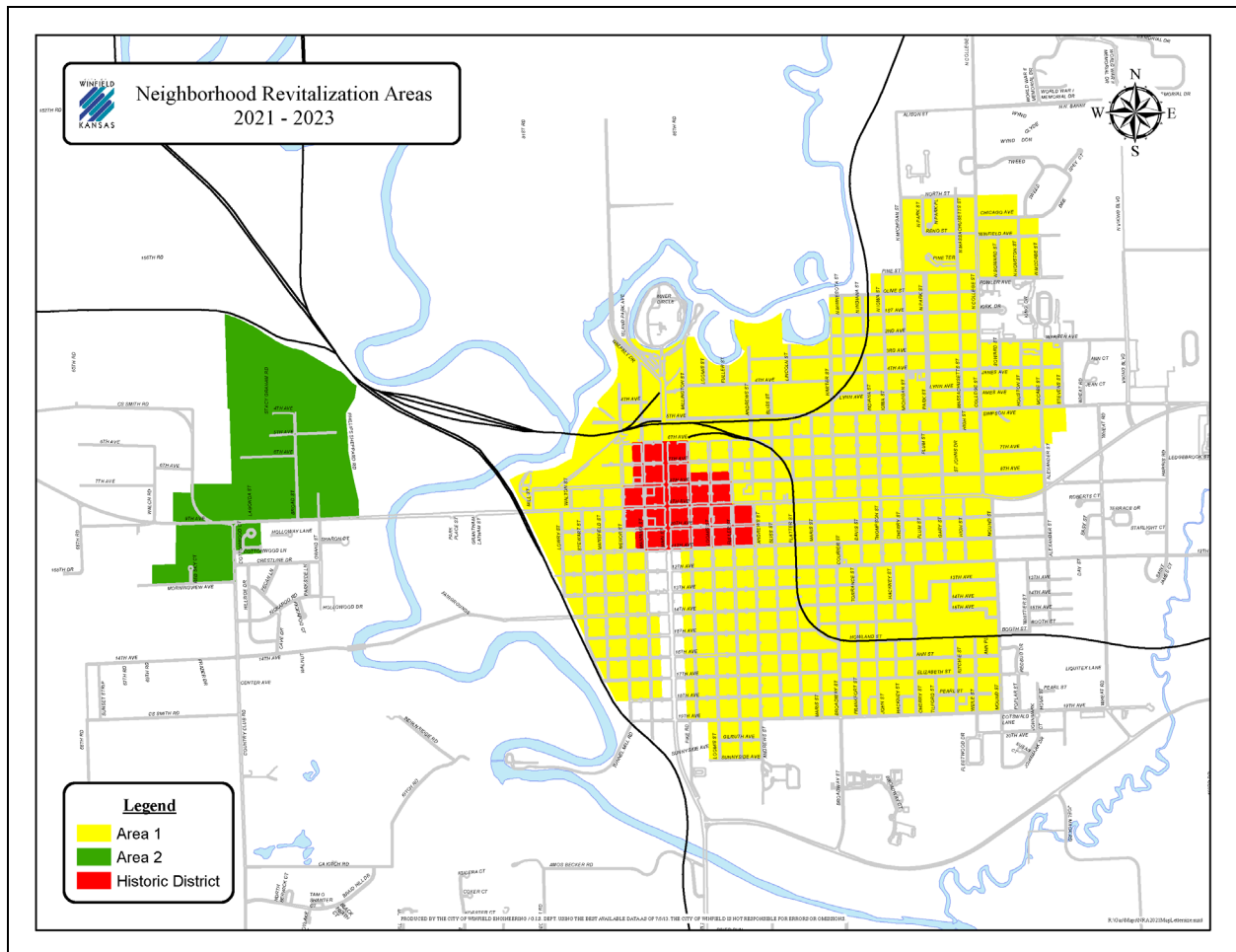
Those properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for new construction of commercial or industrial projects.

Those commercial or industrial properties within Winfield city limits having been issued a 2024-2026 Building Permit on or after January 1, 2024 for improvements on structures built 40 or more years before issuance of a 2024-2026 Building Permit.

Area 6-Sheriff's Sale

Those properties within Winfield city limits acquired by delinquent tax or mortgage foreclosure. Building Permits for improvements must be issued and improvements made within 24 months after filing of Sheriff's Deed. Building Permit value for improvements must be a minimum \$20,000 to be eligible for tax rebate. Property will be removed from eligibility for the Neighborhood Revitalization Plan if Building Permit and improvement requirements are not met.

Map A: Eligible Neighborhood Revitalization Areas



Section 2. Plan Term and Review

This Neighborhood Revitalization Plan shall begin on January 1, 2024 and expire on December 31, 2026. The Plan and Interlocal Agreement will be reviewed annually in or before August, at which time the participating parties will determine any needed modifications.

Section 3. Appraised Valuation of Real Property

The current assessed and appraised valuation of each parcel of real estate located within the Neighborhood Revitalization Areas, including land and building values, is available at the City of Winfield Public Improvement Department, on the Cowley County Parcel Search webpage: (<http://www.cowleycounty.org/parcelsearch>) , or at the Cowley County Appraiser's office.

Section 4. Names and addresses of Owners of Record

The names of owners of record and addresses of each parcel of real estate located within the Neighborhood Revitalization Areas are available at the City of Winfield Public Improvement Department,

on the Cowley County Parcel Search (<http://www.cowleycounty.org/parcelsearch>) , or at the Cowley County Appraiser's office.

Section 5. Zoning Classifications, District Boundaries and Land Use Maps

Map B: Zoning Classifications and District Boundaries

The current Zoning Map for the City of Winfield is available at the Public Improvement Department or on the City's webpage: (<http://www.winfieldks.org/zoningmap>).

Map C: Land Use Map from the Comprehensive Plan

The current Land Use Map for the City of Winfield is available at the Public Improvement Department or on the City's webpage: (<http://www.winfieldks.org/landusemap>).

Section 6. Improvements Planned within the Revitalization Areas

Public Safety

Rehab & Replace Fire/EMS Apparatus
Police Cruiser Rotation
Public Safety Facility- Fire Department
Construction
Public Safety Facility-Police Department
Construction

Transportation

City Street Maintenance Plan
State/Local CCLIP Partnership
Sidewalk Replacement Plan

Parks & Recreation

City Lake Upgrades
Tree City Compliance
Trail/Paths Improvements
Park Improvements

Utilities

Electric Generation Upgrades
Storm Water Upgrades
Electric Transmission/Distribution Upgrades
Sanitary Sewer Collection Rehab

Section 7. Property Eligible for Revitalization

Residential Property:

1. Rehabilitation and alterations to any existing residential structure, including the conversion of all or part of a non-residential structure into a residential structure, shall be eligible.
2. Construction of new residential structures shall be eligible.
3. Improvements to existing or construction of new residential accessory structures such as tear-off and re-roof, detached garages, carports, gazebos, storage sheds, workshops, swimming pools, etc., ***shall not be eligible***. Repairs or maintenance items generally will not increase the appraised value, unless there are several major repairs completed at the same time.
4. Eligible residential property may be located anywhere in the described neighborhood revitalization areas.

Commercial/Industrial Property:

1. Rehabilitation and alterations to any existing commercial structure used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
2. Construction of new commercial structures, including the conversion of all or part of a non-commercial structure into a commercial structure, used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purposes shall be eligible.
3. Improvements to existing or construction of new structures used for public utility or railroad purposes shall not be eligible. Repairs or maintenance items generally will not increase the appraised value, unless there are several major repairs completed at the same time.
4. Eligible commercial or industrial property may be located anywhere in the described neighborhood revitalization areas.

Section 8. Criteria for Determination of Eligibility

1. Eligible properties must have Building Permits issued on or after January 1, 2024 and be located within the described Neighborhood Revitalization Areas.
2. AN APPLICATION FOR TAX REBATE **MUST** BE FILED WITHIN SIXTY (60) DAYS OF THE ISSUANCE OF A BUILDING PERMIT.
3. The minimum investment in an improvement is \$5,000, as determined by Building Permit value, for residential, commercial, and historic property.
4. Rehabilitation, alteration, or new construction of residential, commercial, and industrial properties having been issued a Building Permit on or after January 1, 2024 within the described Neighborhood Revitalization Areas could be eligible for a tax rebate. Those residential properties having been issued a Building Permit on or after January 1, 2024 for rehabilitation or alterations could be eligible for a 100% rebate for five (5) years. Those properties having been issued a Building Permit on or after January 1, 2024 for new construction of Single-Family residences could be eligible for a 50% rebate for five (5) years on the first \$150,000 of appraised value. Those properties having been issued a Building Permit on or after January 1, 2024 for new construction of Multi-Family (2 or more dwelling units) could be eligible for a 90% rebate for seven (7) years. Those properties having been issued a Building Permit on or after January 1, 2024 for rehabilitation, alteration, or new construction of Commercial or Industrial could be eligible for a 75% rebate for seven (7) years. Properties listed on the national or state registries or local historical area or located within the described local historic area could be eligible for a 100% rebate for ten (10) years. Evidence of listing on the national or Kansas historic registers must accompany the application. 5% of the tax increment rebate for eligible properties, other than those located in federal or state historic registries and the local historic area, will be retained by Cowley County to offset administrative costs. Those properties within Winfield city limits acquired by delinquent tax or mortgage foreclosure could be eligible for a 75% rebate for seven (7) years.

5. Property eligible for tax incentives under any other program adopted pursuant to statutory or constitutional authority shall be eligible to submit only one program per project.
6. The improvements must conform to the City of Winfield's Comprehensive Land Use and Zoning Ordinance in effect at the time the improvements are made.
7. New, as well, as existing improvements on the property must conform to all applicable codes, rules, laws, ordinances and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
8. Any property that is delinquent in *any tax payment or special assessment* shall not be eligible for any rebate or future rebate until such time that all taxes and assessments have been paid. If such delinquency occurs after entry into the rebate program, the owner shall have no more than 90 days to bring the taxes current. If such delinquency continues beyond 90 days, the property shall no longer be eligible for a rebate.
9. Exceptions for eligibility will include but not be limited to:
 - Surface parking lots except as an accessory to a contiguous improvement
 - Railroads and utilities
 - Landscaping, sprinkler systems, fences, hot tubs, swimming pools, gazebos, storage sheds, carports, detached garages, and workshops
 - Conversion of single family to multi-family housing units
 - Manufactured or mobile homes, unless classified as a "Residential Design Manufactured Home"
 - Any property which has or will receive IRB financing and/or other tax exemption
10. Prior to declaring a building to be a dilapidated structure, the City Commission shall obtain a legal description of the property, determine the assessed value with separate values for the land and structure, and determine the owner of record.
11. The City Commission may declare that a building outside of the Neighborhood Revitalization Areas satisfies the conditions set forth in this agreement.

Guidelines

The City Commission should review the following factors when considering a building outside of the Neighborhood Revitalization Areas.

- Condition of property
- Condition of other properties on the block
- If vacant, the length of time that the property has remained vacant
- If intended use is eligible for a Constitutional Tax or IRB Property Tax Exemption
- The appropriateness of the intended use for the zoning classification
- The impact upon city services and upon the neighborhood
- The potential for a long-term increase in property tax or sales tax receipts
- Without the adjustment, proposed project would not be financially feasible, thus risking existing tax receipts or jeopardizing future tax receipts
- Location of the property relative to other designated NRA eligible areas
- Any other factors that the City Commission should be deemed appropriate when considering a request

Implementation

The following factors will guide the implementation of approval of a building outside of the Neighborhood Revitalization Areas.

- There will be no island adjustments. All adjustments must include the entire block, or logical geographic or physical boundaries of the property considered.
- The use of the property must be considered appropriate for the zoning classification. If, after approval, the applicant seeks a zoning change, the rebate shall immediately cease.
- The maximum tax rebate shall be 75% and the maximum length shall be 7 years.
- The application fee for all properties within the adjusted area shall be \$100
- The minimum improvements within the adjusted areas must be \$10,000 to be eligible for rebate.
- If there has been no eligible improvement made within approved area within two (2) years of authorization by City Commission, the adjusted area shall be removed from the City's Neighborhood Revitalization Plan.

Section 9. Contents of Application for Tax Rebate

Applicants for the Neighborhood Revitalization Act tax rebate program should include the following information and be submitted on the following form. Each application shall require a \$50 application fee.



APPLICATION FOR TAX REBATE
City of Winfield Neighborhood Revitalization Plan
2021-2023

NRP Appl # _____

THIS FORM MUST BE SUBMITTED TO THE WINFIELD PUBLIC IMPROVEMENT
DEPARTMENT WITHIN 60 DAYS OF OBTAINING A BUILDING PERMIT

PART 1

OWNER'S NAME _____

OWNER'S ADDRESS _____ NRP PROPERTY ADDRESS _____

OWNER'S EMAIL _____ OWNER'S PHONE NO. _____

(Take Parcel ID & Quick Reference numbers from your property tax statement or County Clerk's Office)

NRP PARCEL ID NO. _____ QUICK REFERENCE NO. _____

WAS PROPERTY ACQUIRED THROUGH DELINQUENT TAX OR MORTGAGE FORECLOSURE?

Yes ☐ No ☐ If YES, provide copy of filed sheriff's deed

IMPROVEMENT TYPE (check appropriate type)

	New Construction	Rehab, Alteration, Addition
Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>

DATE IMPRINTED PICTURE(S) OF PRE-IMPROVED PROJECT AREA(S) MUST BE ATTACHED TO APPLICATION

IMPROVEMENT DESCRIPTION:

CONSTRUCTION BEGAN ON: _____

BUILDING PERMIT NO. (attach copy)

BUILDING PERMIT VALUE

ESTIMATED DATE OF COMPLETION _____

IS PROPERTY LISTED ON HISTORIC DISTRICT?

Yes, attach proof of listing ☐ No ☐

IF DEMOLISHING A RESIDENTIAL STRUCTURE, COMPLETE THE FOLLOWING:

DEMOLITION PERMIT NO. _____ NUMBER OF DWELLING UNITS _____

List tenants occupying the building when purchased, if known or present tenants

Owner's Signature: _____

Date: _____

Part 2

AS OF JANUARY 1, FOLLOWING COMMENCEMENT OF CONSTRUCTION, THE IMPROVEMENTS ARE:

☐ COMPLETE ☐ APPROXIMATELY _____% COMPLETE

OWNER'S SIGNATURE

DATE

CITY FINAL INSPECTION DATE _____ (attach copy)

County Appraiser must be notified upon completion of the improvements

For Cowley County Appraiser's Use Only

THE ABOVE BUILDING IMPROVEMENTS APPRAISED VALUE IS:

Prior to Improvements

After improvement

Eligible for NRP rebate

COUNTY APPRAISER'S OFFICE SIGNATURE

DATE

For Cowley County Clerk's Use Only

AS OF _____ TAXES AND SPECIAL ASSESSMENTS ON THE PARCEL OF PROPERTY ARE:

☐ CURRENT

☐ NOT CURRENT

COUNTY CLERK'S OFFICE SIGNATURE

DATE

For City Public Improvement's Use Only

A TAX REBATE IS AUTHORIZED IF THIS APPLICATION AND THE IMPROVEMENTS WITHIN ARE IN CONFORMANCE WITH THE REQUIREMENTS OF THE 2021-2023 CITY OF WINFIELD NEIGHBORHOOD REVITALIZATION PLAN.

☐ IS IN CONFORMANCE

☐ IS NOT IN CONFORMANCE

REASON NOT IN CONFORMANCE _____

CITY PUBLIC IMPROVEMENT OFFICE SIGNATURE DATE

Section 10. Procedure for Submission of an Application

Process Overview

The City will offer and advertise the availability of the tax rebate program throughout the term of the Plan. Persons or businesses planning improvement projects may contact the Public Improvement Department at any time for a discussion of eligibility. The Neighborhood Revitalization Plan application will stipulate the type of improvement to be made, renderings, a timetable for completion and any supporting documents appropriate for the type of application. Prior to beginning the project, the owner shall apply for a building permit. Once the building permit has been issued the owner has 60 days to file a complete application. The county appraiser will determine the increase in improvement value for January 1st the year immediately following the completion of the project which shall be used to calculate the tax value increment added. At the customary time, the county treasurer shall mail tax statements based on the new appraised value. Upon payment of all taxes in full by the taxpayer, the county treasurer will initiate the tax rebate procedure. Only the increase in taxes will be rebated less any applicable administrative fees. The rebate must be made within 30 days after the next distribution date, unless there is an open appeal, then 30 days from issuance of the appeal result letter.

How To/Where To

This program will begin receiving applications after its adoption by the Governing Body of the City of Winfield and the execution of the Interlocal Agreement with Cowley County, Unified School District #465, and Cowley County College. Thereafter, the City will process applications as they are submitted with no monthly or quarterly deadlines. Applications will be available in the Public Improvement Office, City Hall, 200 East 9th Ave., 620-221-5520.

The County Treasurer will perform the calculation of the final rebate amount based on the actual appraised value. Each month in which rebates are paid, the Treasurer will submit a report to the City Public Improvement Department showing the property before and after appraisal and the amount of the rebate.

1. The applicant shall obtain an Application for Tax Rebate from the City's webpage, (www.winfieldks.org/nrpapplication), or the Public Improvement Department, City Hall, 200 E. Ninth, Monday through Friday (excepting City observed holidays) during regular office hours.
2. The applicant shall complete and sign Part 1 of the application and file the original with Public Improvement Department within 60 days following issuance of the building permit. A \$50 application fee shall accompany the application. A valid copy of the building permit and date imprinted photos of the pre-improve project area(s) must be attached to the application.
3. The applicant shall certify the status of the improvement project as of January 1 following the commencement of construction by completing and signing Part 2 of the application. The Public Improvement Department shall notify the Appraiser's Office of the application status as certified by the applicant.
4. Upon a notification of project completion/final building inspection from the City, the County Appraiser shall conduct an on-site inspection of the construction project and determine the new valuation of the real estate and shall complete its portion of the application and report the new valuation to the County Treasurer and Clerk by June 1 of the year following project completion. The tax records on the project shall be revised by the County Clerk's Office.

5. Upon determination by the County Appraiser's Office of the value of the improvements and a determination by the County Clerk's office of the property taxes and assessments, the Public Improvement Department shall certify that the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant and the County Appraiser's Office of the rebate percentage due for each year of the rebate period.
6. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time that all taxes and assessments have been paid. If such delinquency occurs after entry into the rebate program, the owner shall have no more than 90 days to bring the taxes current. Upon full payment of any tax or special assessment for the subject property for the initial and each succeeding tax year extending through the specified rebate period, a tax rebate shall be made to the applicant less applicable administrative fees as specified in the Interlocal Agreements. The tax rebate shall be made by the County Treasurer within 30 days after the next distribution date, except those appealed. The tax rebate shall be made from the Neighborhood Revitalization Fund established by Cowley County and other taxing units participating in the Interlocal Agreement. The Public Improvement Department shall make periodic reports on the tax rebate program to the City Commission and other taxing units accordingly.
7. The Public Improvement Department shall provide the County Clerk and City Finance Department 30 days prior to the expiration of the final rebate period for each property receiving a tax rebate.

Section 11. Standards and Criteria for Review and Approval

1. The property for which a rebate is requested shall conform with all applicable city codes and regulations in effect at the time the improvements are made and shall remain in conformance for the duration of the rebate period or the rebate may be terminated.
2. Any property that is delinquent in any tax payment or special assessment, including BID assessments, shall not be eligible for a rebate until such time as all taxes and assessments have been paid.
3. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years.
4. The Public Improvement Department shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the Department's decision, a no-cost written appeal may be submitted to the Planning Commission for determination.

Section 12. Statement Specifying Rebate Formula

Program Period:

Eligible properties must have: Building Permits with a minimum value of \$5,000; Building Permits issued on or after January 1, 2024; and meet a designated Neighborhood Revitalization Area definition.

Rebate Period/Amount:

Residential Properties

- Residential Rehabilitation and Alterations: 5 years/100%
- New Construction Single-Family Residential: 5 years/50% (first \$150,000 Appraised Building Value)
- New Construction Multi-Family Residential (2 or more dwelling units): 7 years/90%
- Delinquent Tax or Mortgage Foreclosure's Rehabilitation and Alterations: 7 years/75%

Commercial/Industrial Properties

- New Construction Commercial or Industrial: 7 years/75%
- Commercial and Industrial Rehabilitation and Alterations: 7 years/75%
- Delinquent Tax or Mortgage Foreclosure's Rehabilitation and Alterations: 7 years/75%

Properties in National, Kansas Registries or Local Historical Areas

- Residential, Commercial, or Industrial Properties: 10 years/100%

5% of the tax increment rebate of improvements to be retained by Cowley County to offset administrative costs of the City of Winfield Neighborhood Revitalization Plan. Those properties listed on Federal or State Historical Registries and the Local Historic Area will not pay the 5% County administrative costs.



Request for Commission Action

Date: November 28, 2022

Requestor: Patrick Steward, Dir. Of Public Improvements / City Engineer

Action Requested: Consideration of adoption of 2021 International Code Series.

Analysis:

Throughout 2023, a joint membership of trades board members from the trades board of Winfield, Wellington, and Arkansas City have met to review the 2021 International Code Series. The goal has been to try to keep the neighboring communities on a similar code cycle. For the most part, the joint board agreed upon most of the local amendments. However, there are a few differences between the communities on the specific amendments.

We are recommending the new code be effective January 1, 2024.

Fiscal Impact: None.

Attachments: Proposed Ordinance

(First published in the Cowley Courier Traveler on Friday, December 9, 2023)

BILL NO. 2388

ORDINANCE NO. 4210

AN ORDINANCE

AMENDING Chapter 18 of Municipal Code of the City of Winfield by the repeal of Section 18- 61 thru Section 18-203 and Section 18-321 thru 18-323 of said Chapter and the adoption in lieu thereof of a new Chapter 18 Section 18- 61 thru Section 18-203 and Section 18-321 thru 18-323.

WHEREAS, the Building Trades Board of the City of Winfield recommended approval of proposed changes to the building codes of the City on October 16, 2023 pursuant to Sec. 2-463 of the Municipal Code of the City of Winfield,

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

Section 1. Chapter 18 Section 18- 61 thru Section 18-203 and Section 18-321 thru 18-323 of the Municipal Code of the City of Winfield shall read as follows:

ARTICLE III. - BUILDING CODE

Sec. 18-61. - Adopted by reference—2021 International Building Code.

The 2021 International Building Code including Appendix F, H & J is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302, and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-62. - Amendments/revisions.

The following parts or portions of the 2021 International Building Code are hereby amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.
- (2) Section 109.2 insert: See Section 34-18 of the City Municipal Code for applicable fee schedule.
- (3) Section 113.1 insert: The Building Trades Board of the City of Winfield, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.
- (4) Section 1507.2.1 is amended by adding the definition of solid sheathing to that section as follows:

Solidly sheathed decks defined in this section shall be of 4x8 plywood or OSB sheathing of minimum thickness per Table 2304.8(3) Allowable Spans And Loads For Wood Structural Panels For Roof And Subfloor Sheathing And Combination Subfloor Underlayment or well-seasoned tongue-and-grove boards, not over 6 inches in nominal width and shall be 1 1/4 inch nominal minimum thickness and properly spaced and nailed.

(5) Section 1612.3 insert: City of Winfield, and October 19, 2010.

(6) Section 1809.5.1 is amended to read: Extending six inches below the frost line of the locality.

Sec. 18-63. - Deletions.

The following parts or portions of the 2021 International Building Code are hereby deleted:

(1) Section 101.4.6 Energy.

Secs. 18-64—18-80. - Reserved.

ARTICLE IV. - RESIDENTIAL CODE

Sec. 18-81. Adopted by reference—2021 International Residential Code for one- and two-family dwellings.

The 2021 International Residential Code for One- and Two- Family Dwellings including Appendix AA, thru AQ Excluding Appendix AD, AF, AK & AL is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302, and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-82. - Amendments/revisions.

The following parts or portions of the 2021 International Residential Code for One- and Two-Family Dwellings are hereby amended and/or revised:

(1) Section R101.1 insert: City of Winfield, Kansas.

(2) Section R108.2 insert: See section 34-18 for applicable fee schedule.

(3) Section R112.1 insert: The Building Trades Board of the City of Winfield, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.

(4) Table R301.2(1) Climatic and Geographic Design Criteria, insert:

<input type="checkbox"/>	Roof Snow Load	15 lb./sq. ft.
<input type="checkbox"/>	Wind Speed	115 mph
<input type="checkbox"/>	Topographic Effects	No
<input type="checkbox"/>	Special Wind Region	No
<input type="checkbox"/>	Wind-borne debris zone	No
<input type="checkbox"/>	Seismic Design Category	A

<input type="checkbox"/>	Weathering	Severe
<input type="checkbox"/>	Frost Line Depth	24 inches
<input type="checkbox"/>	Termite Hazard	Moderate to Heavy
<input type="checkbox"/>	Winter Design Temperature	0 degrees
<input type="checkbox"/>	Ice Shield Underlayment Required	No
<input type="checkbox"/>	Flood Hazard Criteria	FIRM October 19, 2010
<input type="checkbox"/>	Air Freezing Index	600
<input type="checkbox"/>	Mean Annual Temperature	58 Degrees Fahrenheit

(5) Section R313 Automatic Fire Sprinkler Systems is amended by replacing the word shall with the word may in sections R313.1 and R313.2.

(6) Section R403.1.4.1. Frost Protection, is amended to read:

Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of building and structures shall be protected from frost by one or more of the following methods:

- a. Extended six (6) inches below the frost line specified in Table R301.2.(1);
- b. Constructing in accordance with Section R403.3;
- c. Constructing in accordance with ASCE32; or
- d. Erected on solid rock.

Exceptions:

1. Protection of freestanding *accessory structures* with an area of 250 square feet or less and eave height of 10 feet or less shall not be required to be protected.
2. Freestanding accessory structures built using post and beam construction shall have interior concrete floor protected from frost heave by extending the edge of the floor a minimum of twelve (12) inches below the finished exterior grade. The thickened slab may be placed on the outer edge of a concrete sidewalk that surrounds the structure.
3. Decks less than 30 inches off the surrounding grade which are not supported by a dwelling need not be provided with footings that extend below the frost line.

(7) Section R507 is amended to read to read as follows: R507 Decks. The "Winfield, Wellington & Ark. City Standard for Residential Wood Framed Decks" may be used to design and construct decks to comply with the requirements of this section. Decks which fall outside of the scope of the standard will require design by a Kansas licensed architect or engineer. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary structure cannot be verified during inspection, decks shall be self-supporting. For decks with

cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

- (8) Section R905.2.1 Sheathing requirements is amended by adding the following to the sentence: Solidly sheathed decks defined in this section shall be of 4 x 8 plywood or OSB sheathing of minimum thickness per Table R503.2.1(1) Allowable spans And Loads For Wood Structural Panels for Roof And Subfloor Sheathing And combination Subfloor Underlayment or well- seasoned tongue -and-grove boards, not over 6 inches in nominal width and shall be 1 1/4 inch nominal minimum thickness and properly spaced and nailed.
- (9) Section R908.3.1.1 is amended by deleting Condition: 3. Where the existing roof has two or more applications of any type of roof covering.
- (10) Section M1602.2 Return Air Openings is amended by deleting: 2. The amount of return air taken from any room or space shall be not greater than the flow rate of supply air delivered to such room or space.
- (11) Section M2003.2 Minimum Capacity. is amended by adding the phrase to the end of the sentence; or as determined by the design professional.
- (12) Section G2412 General, is amended by adding two new sections:

Section G2412.11. Location of gas service meter. A suitable location along the exterior building wall shall be provided for the city's gas meter set which is safe from damage and is accessible for the reading operations and maintenance.

Section G2412.12 Fuel gas piping inlet—Location.

- 1. The location of the fuel gas inlet shall allow for the meter set to be located within five (5) feet of the building corner closest to the gas utility main line.
 - 2. All meters located at the building will feed left to right. The fuel gas piping inlet and meter riser must be located a minimum of one (1) foot from the corner of the building. An allowance of 16 inches to the left of the fuel gas inlet is required for the installation of the gas utilities service riser and meter set.
 - 3. The fuel gas piping inlet and meter regulator shall not be located within three (3) feet of electrical transformers, other electrical equipment, operable window, foundation vent, fireplace, chimney or other heat or spark generating devices.
 - 4. Fuel gas inlet pipe shall be extended a minimum of 8 inches from the face of the exterior wall finish.
- (13) Section G2414.5 (403.5) Metallic Tubing, is amended to read: Steel tubing shall be permitted to be used with gases not corrosive to such material.
 - (14) Section G2417.1.4 (406.1.4) Section Testing, is amended by deleting the sentence: Under no circumstances shall a valve be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section.
 - (15) Section P2502.1 Existing building sewers and drains, is amended to read: Existing building sewers and drains shall be used in connection with new systems when found by examination and/or test to conform to the requirements prescribed by this document.

- (16) Section P2503.4 Building sewer testing, is amended to read: The building sewer may be tested by insertion of a test plug at the point of connection with the public sewer, filling the building sewer with water and pressurizing the sewer to not less than 10-foot (3048 mm) head of water. The test pressure shall not decrease during a period of not less than 15 minutes. The building sewer shall be watertight at all points.
- (17) Section P2503.5.1 Rough Plumbing is amended to read as: DWV systems shall be tested on completion of the rough piping installation by water, by air or vacuum of air, without evidence of leakage. The test shall be applied to the drainage system in its entirety or in sections after rough-in piping has been installed, as follows:
- (18) Section P2603.4 is amend the last sentence to read : The sleeve shall have an inside diameter of at least one-half inch (1/2") larger than the outside diameter of the pipe passing through it.
- (19) Section P2603.5.1 insert "12 inches" and "12 inches."
- (20) Section P2906.4.1 Separation of water service and building sewer, is amended by amending the last sentence of the section to read. The required separation distance shall not apply where the bottom of the water service pipe that is located within 5 feet (1524 mm) of the sewer is not less than 24 inches (610 mm) above the highest point of the top of the building sewer.
- (21) Section P2906.4, is amended by adding new section:
Section 2906.4.2 Tracer wire. For the purpose of locating the building service lines, all new or replacement, installations using non-metallic pipe or tubing shall have a #10 copper conductor, or equivalent, tracer wire installed with the service line. The tracer wire shall be installed as follows:
- Water line. The tracer wire shall extend from six (6) inches above the meter box cover through the meter box to the point where it enters the building, where it shall be connected to a one half (1/2) pound anode or larger.
- Yard hydrant. The tracer wire shall extend from six (6) inches above the surface of the ground at the back flow device to the point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.
- Lawn sprinkler. The tracer wire shall extend from six (6) inches above the surface of the ground at the back flow device to the point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.
- Exception: The tracer wire may be omitted on lawn sprinkler piping installed after the back flow device located on private property.
- (22) Section P2906.5 Hot and cold water branch lines, is amended by added the following sentence: Hot and cold water branch lines connected to the within 18 inches of the water heater connection shall be of brass, K, L or M copper or galvanized steel or an approved metallic water heater connector.
- (23) Section P3002.2 Building Sewer, is amended by adding new section: Section P3002.2.2 Tracer wire. For the purpose of locating building sewers, all new installations and

replacements shall have a #10 copper conductor, or equivalent, tracer wire installed with the sewer. The tracer wire shall extend from the surface of the ground at the cleanout to the tap, where it shall be connected to an existing tracer wire or grounded to a one half (½) pound anode or larger at the sewer tap or at the downstream end of the replaced sewer line.

(24) Section 3005.2.6 Cleanout plugs is amended to read: Cleanout plugs shall be copper alloy, plastic or other *approved* materials. Cleanout plugs for borosilicate glass piping systems shall be of borosilicate glass. Brass cleanout plugs shall conform to ASTM A74. Plastic cleanout plugs shall conform to the referenced standards for plastic pipe fittings as indicated in Table P3002.3. Cleanout plugs shall have a raised square head, a countersunk square head or a countersunk slot head. Where a cleanout plug will have a trim cover screw installed into the plug, the plug shall be manufactured with a blind end threaded hole for such purpose.

(25) Section P3114.3 Where permitted, is amended by adding the follow statement: Permission shall be required from the building official and noted on the Plumbing Permit.

(26) E3406.3 Minimum size of conductors is amended to read as follows: The minimum size of conductors for feeders and branch circuits shall be 12 AWG copper and 6 AWG aluminum. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of Class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43. [310.106(A)]

(27) Section E3604.2.2 Vertical Clearance from grade, is amended to read:

E.3604.2.2 Vertical clearance from grade. Overhead service or feeder conductors shall have the following minimum clearances from final grade:

1. For conductors supported on and cabled together with a grounded bare messenger wire, the minimum vertical clearance shall be 10 feet (3048 mm) at the electric service or feeder entrance to buildings or structures, at the lowest point of the drip loop of the structure electric entrance, and above areas or sidewalks accessed by pedestrians only. Such clearance shall be measured from final grade or other accessible surfaces.

2. Twelve feet (3658 mm)—over residential property or sidewalks accessed by pedestrians only.

3. Fifteen feet (4500mm) - over residential property or residential driveways subject to vehicular traffic.

4. Eighteen feet (5486 mm)—over public streets, alleys, roads or parking areas subject to truck traffic.

[(230.24(B)(1), (2), (3) and (4)]

(29) Section E3604.5.1 Strength, is amended to read:

The service mast shall be of adequate strength or shall be supported by braces or guys to safely withstand the strain imposed by the service-drop or overhead service conductors and in no case be smaller than 2-inch ridged conduit. Hubs intended for use with a conduit that serves as a service mast shall be identified for use with service-entrance equipment.

- (30) Section 3606.5 Surge Protection, is amended to read as: E3606.5 Surge Protection. All service supplying one- and two-family dwelling units may be provided with a surge-protective device (SPD) installed in accordance with Section E3606.5.1 through E3606.5.3 .
- (31) Table E3702.14 Branch Circuit Requirements-Summary, Circuit Rating 15 amp: Conductor is amended by: Delete #14 & Insert #12
- (32) Section E3706 Panelboards is amended by adding new section: Section E3706.6 Panelboard Size. The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and at least two (2) additional spaces for two hundred twenty (220) volt two-pole circuit overcurrent devices (4 spaces) for future use.
- (33) Section E3901.4.2 Island and peninsular countertops and work spaces, is amended to read as: E3901.4.2 Island and peninsular countertops and work surfaces. Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, provisions shall be provided at the island or peninsular for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.
- (34) Section 3901.4.3 Receptacle outlet location, is amended to read as: Receptacle outlet location. Receptacle outlets shall be located in one or more of the following:
- (1) On or above, but not more than 20 inches above, a countertop or work surfaces.
 - (2) In a countertop using receptacle outlet assemblies listed for use in countertops.
 - (3) In a worksurface using receptacle outlet assemblies listed for use in worksurfaces or listed for use in countertops.
- Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or rangetops as covered in 201.52(C)(1), Exception No. 1, or appliances occupying assigned spaces shall not be considered as these required outlets.*
- (35) Section E4002.14 Tamper-resistant receptacles, is amended by adding a new exception:
4. A single or duplex receptacle used for countertop appliance or other electric devices where such receptacles are located over a standard height and size countertop.

Sec. 18-83. - Deletions.

The following sections of the International Residential Code, 2015 Edition are deleted:

- (1) Section R303.4 Mechanical Ventilation.
- (2) Chapter 11 Energy Efficiency.
- (3) Section M1411.8 Locking access port caps.
- (4) Section G2414.5.2 (403.5.2) Copper, copper alloy tubing.
- (5) Section E3606.5 Surge Protection

Secs. 18-84—18-100. - Reserved.

ARTICLE V. - ELECTRICAL CODE

Sec. 18-101. - Adopted by reference—2020 National Electrical Code.

The 2020 National Electrical Code including Annex H (Article 80) is incorporated by reference pursuant to the provisions of K.S.A. 12-3009 —12-3012 and K.S.A. 12-3301 and 12-3302, and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-102. - Amendments/revisions.

The following parts or portions of the 2021 National Electric Code and Annex H are hereby amended and/or revised:

Article 80 Administration and Enforcement (Annex H) is amended in the following respects:

- (1) Article 80.15 (A) thru (F), is deleted and amended to read: The Building Trades Board of the City of Winfield, Kansas is hereby appointed as the [The Board].
- (2) Article 80.19 (F) (3) insert: 2 business.
- (3) Article 80.23 (B) (3) insert: one hundred, 100.00, five hundred, 500.00, one, 1, thirty, 30.
- (4) Article 80.25 (C) insert: 2
- (5) Article 80.29 Insert: jurisdiction
- (6) Article 80.35 Insert: thirty, 30.

Article 210, Branch Circuits, is amended in the following respects:

- (1). Article 210.19 Conductors—Minimum Ampacity and Size. (1) General, is amended to read:

Branch circuit and small feeder conductors shall be of No. 12 A.W.G. or larger and shall be copper. Exception: No. 6 or larger stranded aluminum or copper clad aluminum may be used when properly treated against corrosion with an approved compound and used with approved connectors. Branch-circuit conductors shall have an ampacity not less than the maximum load to be served. Conductors shall be sized to carry not less than the larger of 210.19 (A)(1)(a) or (b).

(a) Where a branch circuit supplies continuous loads or any combination of continuous and noncontinuous loads, the minimum branch-circuit conductor size shall have an allowable ampacity not less than the noncontinuous load plus 125 percent of the continuous load.

(b) The minimum branch-circuit conductor size shall have an allowable ampacity not less than the maximum load to be served after the application of any adjustment of correction factors.

Exception: If the assembly, including the overcurrent devices protecting the branch-circuit(s), is listed for operation at 100 percent of its rating, the allowable ampacity of the branch-circuit conductors shall be permitted to be not less than the sum of the continuous load plus the noncontinuous load.

- (2) Table 210.24 Summary of Branch-Circuit Requirement, Circuit Rating 15 A - Circuit wires, is amended by deleting 14 and inserting 12.
- (3) Article 210.52(C)(2) Island and Peninsular Countertops and Work Surfaces is amended to read.

Island and peninsular countertops and work surfaces. Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, provisions shall be provided at the island or peninsular for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.

- (4) Article 201.52(C)(3) Receptacle Outlet Location is amended to read.

Receptacle outlets shall be located in one or more of the following:

- (1) On or above, but not more than 20 inches above, a countertop or work surfaces.
- (2) In a countertop using receptacle outlet assemblies listed for use in countertops.
- (3) In a worksurface using receptacle outlet assemblies listed for use in worksurfaces or listed for use in countertops.

Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or rangetops as covered in 201.52(C)(1), Exception No. 1, or appliances occupying assigned spaces shall not be considered as these required outlets.

Article 225, Outside Branch Circuits and Feeders is amended in the following respects:

- (1) Article 225.17 Masts as Support is amended to read.

Only feeder or branch-circuit conductors specified within this section shall be permitted to be attached to the feeder and/or branch-circuit mast. Mast used for the support of final spans of feeders or branch circuits shall be a minimum of two (2) inch galvanized rigid steel or greater and shall be installed in accordance with 225.17(A) and (B).

- (2) Article 225.18 is amended by amending items (2), (3), (4) to read as follows:

- (2). Twelve feet (3.7m)—over residential property or sidewalks accessed by pedestrians only.
- (3). Fifteen feet 4.5m) - over residential property or residential driveways subject to vehicular traffic.
- (4). Eighteen feet (5.5m)—over public streets, alleys, roads, or parking areas subject to truck traffic.

Article 230, Services is amended in the following respects:

- (1) Article 230.24, Clearances, (B) Vertical Clearance from Ground, is amended by amending items (2), (3), (4) to read as follows:

- (2). Twelve feet (3.7m)—over residential property or sidewalks accessed by pedestrians only.

- (3). Fifteen feet (4.5m) - over residential property or residential driveways subject to vehicular traffic.
- (4). Eighteen feet (5.5m)—over public streets, alleys, roads, or parking areas subject to truck traffic.
- (2) Article 230.28, Service Masts as Supports, is amended to read as follows:

Only power service-drop or overhead service conductors specified within this section shall be permitted to be attached to the service mast. Service mast used for the support of final spans of service drop or overhead service conductors shall be a minimum of two (2) inch galvanized rigid steel or greater and shall be installed in accordance with 230.28 (A) and (B).
- (3) Article 230.31 (A) General, is amended by adding the following sentence:

Underground service-lateral conductors for 200 ampere services or larger may be installed provided that written approval from local utility provider is received and shall be installed according to the local utility provider's 'Typical Permanent Underground Service' details.
- (5) Article 230.43, Wiring Methods for 600 Volts, Nominal, Or Less, is amended by deleting the following categories:
 - (1) Open wiring on insulators;
 - (2) Type IGS cable;
 - (6) Electrical Nonmetallic tubing (ENT);
 - (7) Service-entrance cables;
 - (13) Type MC Cable;
 - (14) Mineral-insulated, metal-sheathed cable;
- (6) Article 230.67 (A) Surge-Protection Device. Is amended to read as: All services supplying dwelling units may be provided with a surge-protective device (SPD).
- (7) Article 230.70, (A) (1) Readily Accessible Location, is amended to read as follows:

The service disconnect shall be installed at a readily accessible location outside of the building either directly below or adjacent to the meter socket.

Exception: A shunt trip main breaker may be used when written approval is given by the Fire Marshal and Building Official. Location of the shunt trip push button shall be located in a readily accessible location approved by the Fire Marshal.
- (8) Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS, is amended in the following respects:
 - (1) Article 334.10 Uses Permitted, is amended by deleting the following item: (3)
- (9) Article 362 Electric Nonmetallic Tubing: Type ENT, is amended in the following respects:
 - (1) Article 362.10 Uses Permitted, is amended to read as:

The use of ENT and fittings may be used for the installation of communication and data cables were enclosed in chases or wall cavity, above ceiling in condition space. Not permitted in un-condition space or attic.

(10) Article 408 Switchboards and Panelboards, is amended in the following respects:

Article 408.54 Number of Overcurrent Devices is amended by adding the following sentence:

The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and at least two (2) additional spaces for two hundred twenty (220) volt two-pole circuit overcurrent devices (4 spaces) for future use or two (2) additional spaces for two 3-pole overcurrent devices (6 spaces) for 3 phase panels for future use.

Sec. 18-103. - Deletions.

The following sections of the 2021 edition of the National Electric Code are deleted:

a. Article 80.27 Inspector's Qualifications

Secs. 18-104—18-120. - Reserved.

ARTICLE VI. - PLUMBING CODE

Sec. 18-121. - Adopted by reference—2021 International Plumbing Code.

The International Plumbing Code 2021 Edition and Appendix Chapter C, and E is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302 and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-122. - Amendments/revisions.

The following parts or portions of the International Plumbing Code, 2021 Edition are amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.
- (2) Section 103.1 insert: Public Improvements Department.
- (3) Section 109.2 insert: See section 34-18 for applicable fee schedule.
- (4) Section 115.4 insert: Misdemeanor, \$500.00, 30 days.
- (5) Section 114.1 is amended to read: The Building Trades Board of the City of Winfield [The Board] is hereby appointed as the "Appeals Board" to hear any appeals made on decisions of the City Code Official.
- (6) Section 305.5 Pipes through or under footings or foundation walls, amended to read: Any pipe that passes under a footing or through a foundation wall shall be provided with a relieving arch, or a pipe sleeve pipe shall be built into the foundation wall. The sleeve shall be at least one half (½) inch larger than the pipe passing through the wall.

(7) Section 305.4.1 insert: 12, 12

(8) Section 503, is amended by adding new section:

Section 503.3 Hot and cold-water branch lines. Hot and cold-water branch lines connected to and within 18 inches of the water heater connection shall be of brass, K, L or M copper, galvanized steel or an approved metallic water heater connector.

(9) Section 603.2, is amended by amending the last sentence to read: The required separation distance shall not apply where the bottom of the water service piping, located within 5 feet of the sewer, is not less than 24 inches above the highest point of the top of the building sewer.

(10) Section 603 is amended by adding: Section 603.3 Tracer wire. For the purpose of locating the building service lines, all new or replacement, installations using non-metallic pipe or tubing shall have a #10 THHN, or equivalent, tracer wire install with the service line. The tracer wire shall be installed as follows:

Water line. The tracer wire shall extend from six (6) inches above the meter box cover through the meter box to the point where it enters the building, where it shall be connected to a one half (½) pound anode or larger.

Yard hydrant. The tracer wire shall extend from six (6) inches above the surface of the ground at the yard hydrant to the point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (½) pound anode or larger.

Lawn sprinkler. The tracer wire shall extend from six (6) inches above the surface of the ground at the back flow device to the point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (½) pound anode or larger.

Exception: The tracer wire may be omitted on lawn sprinkler piping installed after the back flow device located on private property.

(11) Section 608.1, is amended by adding: In addition to the requirements covered by this section; all water supply systems connected to the public water system shall comply with Article IV Water Supply Cross Connections Sections 78-141 thru Section 78-174.

(12) Section 608.15.4, is amended by adding: Section 608.15.4.3 Yard Hydrants. When installed, water piping shall be ridge type "K" copper, brass or galvanized pipe for a distance of 6 inches on both sides of hydrant (freeze proof) or a minimum 6 inch extension of type "K" copper, brass or galvanized pipe attached before yard hydrant (freeze proof). Adequate rock or gravel shall be installed at the base of the hydrant to allow for a drainage field for the hydrant drain. Hydrants shall be fitted with a non-removable hose bib vacuum breaker and the weep hole shall be fitted with a 1/8 inch ell and a short nipple. Hydrants shall be supported by steel tee post and attached to the tee post by a minimum 2 stainless steel bands . Bands shall be installed 6 inches above finished grade and within 6 inches of the hydrant head.

(13) Section 703, is amended by adding new section:

Section 703.7, Tracer wire. For the purpose of locating building sewers, all new installations and replacements shall have a #10 THHN, or equivalent, tracer wire installed with the sewer. The tracer wire shall extend from the surface of the ground at the cleanout to the tap, where it shall be connected to an existing tracer wire or grounded to a one half (½) pound anode or larger.

- (14) Section 714.1 Sewage backflow is amended to read; All new or replacement building sewer shall include a backflow prevention device. The backflow prevention device shall be installed as close to the building as is practical and upstream of the cleanout and shall be made accessible for periodic cleaning by the building owner. Or when the back flow device is installed in the building drain. All fixtures shall be protected by a backwater valve before discharging to the building sewer.

714.1.1 Existing building sewers. When repairs to an existing building include the removal of a house trap or replacement of 5 feet of drain line and or installation of a cleanout the backflow prevention device shall be installed as close to the building as is practical and upstream of the cleanout.

Exception: Backflow prevention device may only be omitted if approved by the authority having jurisdiction.

- (15) Section 903.1.1 insert: six inches (6)

- (16) Section 918.3 is amended by adding: When permitted, permission shall be required from the building official and noted on the Plumbing Permit.

Sec. 18-123. - Deletions.

The following sections of the International Plumbing Code, 2021 Edition are deleted:

- (1) NONE

Secs. 18-124—18-140. - Reserved.

ARTICLE VII. - FUEL GAS CODE

Sec. 18-141. - Adopted by reference—2021 International Fuel Gas Code.

The International Fuel Gas Code 2021 Edition and Appendix Chapters A thru D, is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302 and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-142. - Amendments/revisions.

The following parts or portions of the International Fuel Gas Code 2021 Edition are amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.
- (2) Section 103.1 insert: Public Improvements Department.
- (3) Section 109.2 insert: See section 34-18 for applicable fee schedule.
- (4) Section 115.4 insert: Misdemeanor, \$500.00, 30 days.

- (5) Section 114.1 is amended to read: The Building Trades Board of the City of Winfield [The Board] is hereby appointed as the "Appeals Board" to hear any appeals made on decisions of the City Code Official.
- (6) Section 403.4.4 is amended to read; Seamless aluminum alloy an steel tubing shall not be used with gases corrosive to such materials.
- (7) Section 406.1.4 Section Testing, is amended by deleting the sentence: Under no circumstances shall a valve be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section, except where a double block and bleed valve system is installed.

Sec. 18-143. - Deletions.

The following sections of the International Fuel Gas Code 2021 Edition are deleted:

- (1) Section 403.3.3 Copper and brass.
- (2) Section 403.4.3 Copper and brass tubing.

Sec. 18-144. - Location of gas service meter.

A suitable location along the exterior building wall shall be provided for the city's gas meter set which is safe from damage and is accessible for the reading operations and maintenance.

- (1) The location of the fuel gas inlet shall allow for the meter set to be located within five feet of the building corner closest to the gas utility main line.
- (2) All meters located to the building will feed left to right. The fuel gas piping inlet and meter riser must be located a minimum of one foot from the corner of the building.
- (3) The fuel gas piping inlet and meter regulator shall not be located within three feet of electrical transformers, other electrical equipment, operable window, foundation vent, fireplace, chimney or other heat generating devices.

Secs. 18-145—18-160. - Reserved.

ARTICLE VIII. - MECHANICAL CODE

Sec.18-161. - Adopted by reference 2021 International Mechanical Code.

The International Mechanical Code 2021 Edition and Appendix Chapter A, is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302 and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-162. - Amendments/revisions.

The following parts or portions of the International Mechanical Code 2021 Edition are amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.

- (2) Section 106.5.2 Insert: See section 34-18 for applicable fee schedule.
- (3) Section 106.5.3 Insert: 75%, 75%
- (4) Section 108.5 Insert: Misdemeanor, \$500.00, 30 days.
- (5) Section 109.2 amended to read: The Building Trades Board of the City of Winfield [The Board] is hereby appointed as the "Appeals Board" to hear any appeals made on decisions of the City Code Official.
- (8) Section 601.5 Return Air Openings is amended by deleting item 3. The amount of return air taken from any room or space shall be not greater than the flow rate of supply air delivered to such room or space.
- (9) Section 1009.2 Closed-type expansion tanks, is amended by adding the phrase to the end of the sentence; or as determined by the design professional.
- (10) Section 1102.3 Access port protection is amended to read: Refrigerant access ports shall be protected by standard port caps whenever refrigerant is added to or recovered from refrigeration or air-conditioning systems.

Sec. 18-163. - Deletions.

The following sections of the International Mechanical Code 2015 Edition are deleted:

- (1) Section 1101.10 Locking-access port cap.

Sec. 18-164 -- 18-180. - Reserved.

ARTICLE IX. - PRIVATE SEWAGE DISPOSAL CODE

Sec. 18-181. - Adopted by reference—2021 International Private Sewage Disposal Code.

The International Private Sewage Disposal Code 2021 Edition, is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302 and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-182. - Amendments/revisions.

The following parts or portions of the International Private Sewage Disposal Code 2021 Edition are amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.
- (2) Section 106.4.2 insert: See section 34-18 for applicable fee schedule.
- (3) Section 106.4.3 insert: 75%, 75%.
- (4) Section 114.4 insert: Misdemeanor, \$500.00, 30 days.
- (5) Section 113.1 is amended to read: The Building Trades Board of the City of Winfield [The Board] is hereby appointed as the "Appeals Board" to hear any appeals made on decisions of the City Code Official.

Sec. 18-183. - Deletions.

The following sections of the International Private Sewage Disposal Code 2021 Edition are deleted:

- (1) None

Secs. 18-184—18-200. - Reserved.

ARTICLE X. - EXISTING BUILDING CODE

Sec. 18-201. - Adopted by reference—2021 International Existing Building Code.

The International Existing Building Code 2021 Edition including Appendix is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302, and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-202. - Amendments/revisions.

The following parts or portions of the 2021 International Existing Building Code are hereby amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.
- (2) Section 103.1 insert: Public Improvements Department.
- (2) Section 108.2 insert: See section 34-18 for applicable fee schedule.
- (3) Section 112.3 insert: The Building Trades Board of the City of Winfield, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.

Sec. 18-203. - Deletions.

The following parts or portions of the 2021 International Existing Building Code are hereby deleted:

Secs. 18-204—18-220. - Reserved.

ARTICLE XV. - SWIMMING POOL & SPA CODE

Sec. 18-321. - Adopted by reference—2021 International Swimming Pool & Spa Code.

The International Swimming Pool and Spa Code 2021 Edition is incorporated by reference pursuant to the provisions of K.S.A. 12-3009—12-3012 and K.S.A. 12-3301 and 12-3302, and all acts amendatory thereof or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement and/or revisions certain sections for local city options as hereinafter set forth.

Sec. 18-322. - Amendments/revisions.

The following parts or portions of the International Building Code 2021 Edition are hereby amended and/or revised:

- (1) Section 101.1 insert: City of Winfield, Kansas.
- (2) Section 103.1 insert: Public Improvements Department.
- (3) Section 108.2 insert: See section 34-18 for applicable fee schedule.

- (4) Section 112.1 insert: The Building Trades Board of the City of Winfield, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.
- (5) Section 113.4 Insert: misdemeanor, one hundred dollars (\$100.00), thirty days (30 days)

Sec. 18-323. - Deletions.

The following parts or portions of the International Swimming Pool & Spa Code 2021 Edition are hereby deleted:

- (1) none

Secs. 18-324—18-340. - Reserved.

Section 2. This ordinance shall be in full force and effect on January 1, 2024 and after its publication in the official city newspaper.

ADOPTED this 4th day of December, 2023.

CITY OF WINFIELD, KANSAS

Gregory N. Thompson, Mayor

ATTEST:

Tania Richardson, City Clerk

Approved for agenda action: _____
Taggart Wall, City Manager

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



Request for Commission Action

Date: November 28, 2023

Requestor: Patrick Steward, Dir. Of Public Improvements / City Engineer

Action Requested: Consideration of Planning Commission Cases

Analysis:

On November 13, 2023, the Planning Commission considered a zoning case regarding a request for change of zoning. Attached are the minutes from the meeting. There were two cases considered by the Planning Commission at the meeting. The first was a request for change of zoning from R-2 to MU, Mixed Use Zoning Classification. After holding a public hearing and considering all of the factors, the Planning Commission recommended denial of the request. Therefore, you would need to defeat the included Ordinance in order to follow the recommendation. If you wish to override the recommendation, you would need to pass the Ordinance.

The second case considers a conditional-use permit for use of the property as an automotive repair shop. Like the previous case, the planning commission recommended denial of the request. For the governing body consideration, you would only consider this resolution if you override the recommendation for denial on the zoning case. Otherwise, it would need to be stricken as a conditional use could not be considered if a zoning change was not approved.

Fiscal Impact: None.

Attachments: Minutes, Proposed Ordinance

BILL NO. 2389

ORDINANCE NO. 4211

AN ORDINANCE

AMENDING

Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of the Zoning Regulations of the City of Winfield, Kansas.

WHEREAS, the Winfield City Planning Commission conducted a public hearing on Monday, November 13th, 2023, at the time and location as set forth in a public notice published in the Winfield Daily Courier to consider Zoning Case Number RZNE-2023-0039; and,

WHEREAS, said Planning Commission on November 13th, 2023, passed a motion recommending denial of the change in zoning request as set forth in said Zoning Case Number RZNE-2023-0039; and,

WHEREAS, after due consideration of the recommendation submitted by the Winfield City Planning Commission;

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

Section 1. The boundaries of certain zoning districts as shown on the “Zoning District Map of Winfield, Kansas,” referred to in Article 3 of the Zoning Regulations of the City of Winfield, and also referred to in other sections of the Zoning Regulations of the City of Winfield, Kansas, shall be changed from “R-2,” Medium Density Residential District to “C-2,” Restricted Commercial District at 2610 Main St. for the following legally described property:

A TRACT OF LAND IN THE Northwest Quarter of the Southeast Quarter of Section 33, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas, described as: Beginning at a point on the Easterly right of way line of U.S. Highway 77, said beginning point being 687.20 feet North of the Southwest Corner of said Northwest Quarter of the Southeast Quarter; thence Northwesterly along said right of way line of U.S. Highway 77, 197.03 feet; thence Northeasterly along said right of way line 295 feet; thence Northwesterly along said right of way line 200 feet, more or less, to the centerline of the Walnut River; thence Southeasterly along said center line 367.47 feet; thence South parallel to the West line of said Northwest Quarter of the Southeast Quarter 417.35 feet; thence West parallel to the South line of said Northwest Quarter of the Southeast Quarter 388.33 feet to the point of beginning; EXCEPT tract deeded to the State of Kansas for highway in Book 265 at page 565 in the Office of the Register of Deeds of Cowley County, Kansas

Section 2. The “Zoning District Map of Winfield, Kansas” referred to in Article 3 of the Zoning Regulations of the City of Winfield, Kansas shall be revised accordingly to reflect said change in the boundaries of certain zoning districts described in this ordinance.

Section 3. Article 3 of the Zoning Regulations of the City of Winfield, Kansas, effective June 1, 2017 are hereby amended to incorporate the revised “Zoning District Map of Winfield, Kansas” and said revised “Zoning District Map of Winfield, Kansas,” including all notations, dimensions, references and symbols shown thereon pertaining to such districts, is hereby reincorporated and made a part of said Article 3, of the Zoning Regulations of the City of Winfield, Kansas as if fully described therein.

Section 4. All provisions of said Article 3, of the Zoning Regulations of the City of Winfield, Kansas shall remain in full force and effect except as they are in conflict or inconsistent herewith.

Section 5. The Clerk of the City of Winfield, Cowley County, Kansas, is hereby authorized and directed to file a certified copy of this ordinance with the Register of Deeds for Cowley County, Kansas.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

ADOPTED this 4th day of December 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

WINFIELD PLANNING COMMISSION
Meeting Minutes
November 13, 2023

Attendance: Members present were Michael Kelley – Vice Chair, David Koller, Bob Gottlob, Mike Mildfelt, Tom Pettey, Mike Ledy. Also present were Patrick Steward – Director of Public Improvements and Katie Mays from City staff.

Guest present were Judy Perrigo, Jennie Ethridge, Warren Ethridge, Jonathan Rice, H. Hittle, Brian Perrigo, and Seth Montgomery.

Mr. Michael Kelley called the meeting to order at 5:30 p.m.

Mr. Kelley went over the opening instructions:

Opening Instructions to be read at the opening of the public hearing

Zoning procedures are defined as quasi-judicial functions of the Planning Commission. To Protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions and present information to assist the Planning Commission in reaching a decision, the hearing for each case will follow a fact-finding procedure outlined as follows:

The Chairperson will call the case, open the public hearing and staff will present the application and options for decisions to be made by the commission.

The Applicant will then have an opportunity to speak. Please state name and address before speaking.

The public will then have an opportunity to speak. Again, please state name and address. All questions and comments should be directed to the Planning Commission and not the audience or the applicant.

The Applicant will then have an opportunity to provide rebuttal to any comments or questions provided by the public.

The Public Hearing will then be closed and the commission will ask questions and have discussion before taking action.

The Planning Commission is interested in hearing the views of all persons who wish to express themselves on our agenda items. However, we ask all speakers to please be concise as possible and to please avoid long repetitions of facts or opinions which have already been stated.

Minutes: Mr. Kelley called for a motion to approve the minutes from the March 13th, 2023, meeting.

Mr. Gottlob moved, and Mr. Mildfelt seconded the motion to approve the presented minutes.

Motion carried.

New Business: Item 1: Case No. RZNE-2023-0039 Owner/applicants: Jack and Judy Perrigo, owners and Brian Perrigo, agent. For: Petition for a zoning change from “R-1” Low Density Residential District to “MU”, Mixed Use District.

Mr. Steward provided background information on the request and that the applicants would like to change the zoning from “R-1” Low Density Residential District to “MU”, Mixed Use District.

Mr. Kelley opened the public floor.

Brian Perrigo: Currently acting as the owner agent for 8 acres and is requesting a zoning change for 3 of those acres to permit a body shop accessible to work on used cars.. Requesting that he can use his garage to work on cars and also paint the used cars. Recently purchased a lot outside of Winfield where he would like to sell the cars, after working on them at his current residence. He wants to be a good neighbor and wants to achieve this by allowing his establishment to look nice.

Warren Etheridge: Property owner at 312 Cedar Lane Dr. Stated they are not in close contact with the address; however, they are in visual view. Opposed to the zoning change in the neighborhood. It is residential property; this area is zoned as residential and would like it to stay that way. Concerned that allowing this change could set a precedent that could be reapplied. The “MU” Mixed Use District does not seem to match the intent of the proposed use. Referencing 1-102-c the purpose of intent specifically states preserving and protecting property values. Furthermore, 1-102-d states lessening congestion on the streets. Property values could be adversely affected as would as increase in traffic in the area. In addition to his verbal comments, written comments were provided as well.

Seth Montgomery: Property owner at 2710 Main Street. Purchased his property and has since then expanded but with the increased traffic it has caused more noise pollution and is now considering moving south of town.

Judy Perrigo: Subject Property owner living at 346 Road 6 Grenola, Kansas. This will only affect the subject property. States that there should be a compromise. Furthermore, if you have property, you should be able to do what you want with it. Recommended a potential privacy fence.

Brian Perrigo: He does not want to upset neighbors and understands the neighbor’s concerns.

Mr. Kelley closed the floor to the public.

Mr. Pettey inquired about where all guests' properties were located.

Mr. Steward explained there are two cases to be heard. The first case is a zoning change from an R-2 to a MU. The Planning commission must consider all permitted "MU" Mixed Use uses. If granted, it will all be permissible. Recommendation of denial or approval or table it but must be specific if tabling for further consideration.

Mr. Ledy asked if the request was only for the 3-acres and if it was in the floodplain.

Mr. Steward stated that it would be only the 3-acres, closest to the river and it is in the floodplain.

Mr. Kelley – Inquired of implications of the structure within the floodplain.

Mr. Steward – The accessory structure to a residential dwelling is allowed within a floodplain if floodproofed to allow flood waters to flow through. With a commercial business, this isn't an option so building alterations would be necessary. This would be an item that would have to be addressed as a change of use of the structure if the commission approved the zoning change request.

Mr. Gottlob – Inquired if at the time of permitting, the structure was submitted as a commercial use or an accessory structure.

Mr. Steward – An accessory structure.

Brian Perrigo: Stated that he will work on the used cars and then take them to the used car lot outside of town.

Mr. Pettey questioned if there will be any visual changes.

Brian Perrigo: All visuals like the semi-trucks will be removed, just waiting for them to be sold.

Mr. Kelley re-opened the floor to the public.

H. Hittle: Property owner at 321 Cedar Lane Dr. States the condition of Brian's property. Lots of cars. Thought it was going to be a junk yard. Concerned if he sells his property, the value of his home will be decreased due to the looks and conditions of Brian's property.

Brain Perrigo: states that he is working on getting the cars cleaned out.

Mr. Kelley questioned how this will look in the long term.

Brian Perrigo: After closing his business in Winfield, he took a break to focus on health issues but then knew he needed to have an income and started working on cars at his property.

Mr. Pettey stated that looking at the property, you can see it.

Brian Perrigo: Looking at the town, he is amazed at all the junk in people's yards. He would like the property adjacent to stay R-1. He is already set apart and would like to be considered for a zone change to MU.

Mr. Kelley closed the public hearing.

Mr. Gottlob made a motion to recommend denial of the request. Mr. Brazil seconded the motion. Mr. Kelley called for a vote with all in favor say "aye", opposed same sign. 5 aye's, Mr. Pettey opposed it. Motion approved.

Item 2: Case No. #USE-2023-0040 Owner/applicants: Jack and Judy Perrigo, owners and Brian Perrigo, agent. For: Automotive Repair within a MU, Mixed Use District.

Mr. Steward states the case.

Mr. Kelley opens the floor to the public.

Brian Perrigo: No additional comments.

Mr. Kelley inquired about any additional public comments.

Mr. Kelley closed the floor to the public.

Mr. Steward states this case would need approval, denial, or conditions. However, the threshold for approval would surpass the standard established in the prior case as it considers a use allowed only in a C3, general commercial classification.

Mr. Brazil moved to recommend denial of the conditional use permit. Mr. Ledy seconded the motion. Mr. Kelley called for a vote with all in favor say "aye", opposed same sign. 5 aye's, Mr. Pettey opposed it. Motion carried.

Mr. Steward stated that there is a 14-day protest period. This is not the final action. It will be at the December 4th City Commission Meeting. There will not be a public hearing.

Item 3: Election of Chairperson

Mr. Mildfelt made a motion for Mr. Kelley as Chairperson.

Mr. Gottlob seconded the motion.

Mr. Gottlob volunteered to be Vicechair.

Mr. Kelley and Mr. Mildfelt approved.

Mr. Kelley called for a vote with all in favor say "aye", opposed same sign.

Motion approved.

Meeting adjourned at 6:17 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Katelyn Mays". The signature is fluid and cursive, with the first name "Katelyn" and last name "Mays" clearly distinguishable.

Katelyn Mays
Acting Secretary

A RESOLUTION

ACCEPTING and granting a Conditional Use Permit to Jack and Judy Perrigo at 2610 Main St., Winfield, KS to allow the use as an automotive repair service within a “MU,” Mixed Use District.

WHEREAS, the Planning Commission of the City of Winfield, Kansas, conducted a Public Hearing on Monday, November 13th, 2023, to consider a request for a Conditional Use Permit to allow an automotive repair service; and,

WHEREAS, at said hearing the Planning Commission recommended denial of said Conditional Use Permit, Case Number PC 2020-05.

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

Section 1. A Conditional Use Permit in Cowley County, Kansas, granted to Jack and Judy Perrigo for the use as an automotive repair service on the following legally described property:

A TRACT OF LAND IN THE Northwest Quarter of the Southeast Quarter of Section 33, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas, described as: Beginning at a point on the Easterly right of way line of U.S. Highway 77, said beginning point being 687.20 feet North of the Southwest Corner of said Northwest Quarter of the Southeast Quarter; thence Northwesterly along said right of way line of U.S. Highway 77, 197.03 feet; thence Northeasterly along said right of way line 295 feet; thence Northwesterly along said right of way line 200 feet, more or less, to the centerline of the Walnut River; thence Southeasterly along said center line 367.47 feet; thence South parallel to the West line of said Northwest Quarter of the Southeast Quarter 417.35 feet; thence West parallel to the South line of said Northwest Quarter of the Southeast Quarter 388.33 feet to the point of beginning; EXCEPT tract deeded to the State of Kansas for highway in Book 265 at page 565 in the Office of the Register of Deeds of Cowley County, Kansas

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

Section 3. The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to file said Conditional Use with the Register of Deeds of Cowley County, Kansas.

ADOPTED this 4th day of December, 2023.

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