

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Tuesday, January 17, 2017  
TIME: 5:30 p.m.  
PLACE: City Commission – Community Council Room – First Floor – City Building

***AGENDA***

CALL TO ORDER .....Mayor Brenda K. Butters  
ROLL CALL.....City Clerk, Brenda Peters  
MINUTES OF PRECEDING MEETING.....Tuesday, January 03, 2017

**BUSINESS FROM THE FLOOR**

-Citizens to be heard

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 1705 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate in a portion of the Northwest Quarter of Section 34, Township 32 South, Range 5 East of 6th P.M., Cowley County, Kansas.

**Bill No. 1706 – A Resolution** – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a Deed of Release for Airport property of approximately 4 Acres located at the Strother Field Airport. (Four County Mental Health)

**OTHER BUSINESS**

-Consider bank stabilization project

**ADJOURNMENT**

-Next regular meeting 5:30 p.m. Monday, February 06, 2017

## CITY COMMISSION MEETING MINUTES

Winfield, Kansas

January 3, 2017

The Board of City Commissioners met in regular session, Tuesday, January 03, 2017 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Brenda K. Butters presiding. Commissioner Gregory N. Thompson was also present, Commissioner Ronald E. Hutto was absent. Also in attendance were Gus Collins, Acting City Manager and William E. Muret, City Attorney. Other staff members present were Gary Mangus, Assistant to the City Manager; Patrick Steward, Director of Community Development; Russ Tomevi, Director of Public Works/Engineering; Alan Stoll, Fire Chief and Carina Anderson, Administrative Technician.

Carina Anderson called roll. Commissioner Hutto was noted as absent.

Commissioner Thompson moved that the minutes of the December 19, 2016 meeting and the minutes of the December 29, 2016 special meeting be approved. Mayor Butters seconded the motion. With both Commissioners voting aye, motion carried.

### BUSINESS FROM THE FLOOR

#### NEW BUSINESS

**Bill No. 1701 – A Resolution** – Authorizing the Mayor and City Clerk of the City of Winfield, Kansas, to execute a Quit Claim Deed between the City of Winfield, Kansas, and the Board of Trustees of William Newton Memorial Hospital, Winfield, Kansas regarding the transfer of real property commonly known as 501 Cherry St., Winfield, Kansas. Community Development Director Steward explains that this resolution considers allowing the Mayor and Clerk to execute a Quit Claim Deed between the City of Winfield and William Newton Memorial Hospital for transfer of property located at 501 Cherry Street from the City to the Hospital. Upon motion by Commissioner Thompson, seconded by Mayor Butters, both Commissioners voting aye, Bill No. 1701 was adopted and numbered Resolution No. 0117.

**Bill No. 1702 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate in a portion of the North 185 feet of the West 7-1/2 feet of Lot 2, Sharon Acres, a subdivision in the Northwest Quarter of Section 29, Township 32 South, Range 4 East to the City of Winfield, Cowley County, Kansas. Director of Public Works/Engineering Tomevi explains that Bill No. 1702 and Bill No. 1703 are both utility easements for the same project, which is installation of underground electric service on Sharon Court. This easement is granted by Jim L. and Brenda Kay Butters for 1910 Sharon Court. Upon motion by Commissioner Thompson, seconded by Mayor Butters both Commissioners voting aye, Bill No. 1702 was adopted and numbered Resolution No. 0217.

**Bill No. 1703 – A Resolution** – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate in a portion of the North 185 feet of the East 7-1/2 feet of Lot 1, Sharon Acres, a subdivision in the Northwest Quarter of Section 29, Township 32 South, Range 4 East to the City of

Winfield, Cowley County, Kansas. This easement is granted by Kent and Laura Lachman for 1916 Sharon Court. Upon motion by Commissioner Thompson, seconded by Mayor Butters both Commissioners voting aye, Bill No. 1703 was adopted and numbered Resolution No. 0317.

**Bill No. 1704 – A Resolution** – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute an Agreement between the City and Professional Engineering Consultants, P.A. relating to the inspection services for the reconstruction of a portion of 12th Avenue. Director of Public Works/Engineering Tomevi explains that this resolution is to execute an agreement for Professional Engineering Consultants (PEC) for the construction inspection and testing of the proposed project to re-construct 12<sup>th</sup> Avenue from the Power Plant location east to the 360 Bypass. The estimated agreement amount to be considered is \$110,017. Upon motion by Commissioner Thompson, seconded by Mayor Butters both Commissioners voting aye, Bill No. 1704 was adopted and numbered Resolution No. 0417.

#### **OTHER BUSINESS**

-Consider CMB License application for Cancun Mexican Grill, 711 Main Street - Mayor Butters presented a CMB application by Cancun Mexican Grill located at 711 Main Street. Commissioner Thompson made a motion to accept the application for CMB license from Cancun Mexican Grill. Motion was seconded by Mayor Butters. With both Commissioners voting aye, motion carried.

-Consider 2017 Street Projects - Director of Public Works/Engineering, Russ Tomevi, explained to the Commission that staff is proposing engineering agreements with Professional Engineering Consultants (PEC) to update plans for design improvements for a project on 5th Avenue extending from Main Street to Loomis Street for a not to exceed cost of \$8,900; and another agreement to update plans for design improvements for a project at the intersection of 8th Avenue and College Street for a not to exceed cost of \$19,830.

Commissioner Thompson made a motion to approve the agreement with PEC for the update of design improvements on 5th Avenue for an amount not to exceed \$8,900. Mayor Butters seconded the motion. With both Commissioners voting aye, the motion carried.

Commissioner Thompson made a motion to approve the agreement with PEC for the update of design improvements at the intersection of 8th Avenue and College Street for an amount not to exceed \$19,830. Mayor Butters seconded the motion. With both Commissioners voting aye, the motion carried.

-Consider MOU between the State Fire Marshal and the Winfield Fire Department for participation in the Kansas Search & Rescue Response System - Fire Chief Alan Stoll explained to the Commission the need for a Memorandum of Understanding between the State Fire Marshal and the Winfield Fire Department for participation in the Kansas Search & Rescue Response System. Commissioner Thompson made a motion to accept the MOU as presented. Motion was seconded by Mayor Butters. With both Commissioners voting aye, the motion carried.

Interim City Manager Collins reminds the Commission of the next meeting on Tuesday January 17th at 5:30 pm due to the Martin Luther King Jr. holiday on Monday January 16th. Interim City Manager Collins also reminds the Commission of the upcoming Chamber of Commerce Annual Dinner on January 12th.

**ADJOURNMENT**

Upon motion by Commissioner Thompson, seconded by Mayor Butters, both Commissioners voting aye, the meeting adjourned at 5:47 p.m.

Signed and sealed this 11th day of January 2017.

Signed and approved this 17<sup>th</sup> day of January 2017.

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Brenda Peters, City Clerk

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Brenda K. Butters, Mayor



**A RESOLUTION**

**ACCEPTING** and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate in a portion of the Northwest Quarter of Section 34, Township 32 South, Range 5 East of 6th P.M., Cowley County, Kansas.

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**WHEREAS,** it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

**WHEREAS,** said easement is described as Commencing 4 feet South and 626 feet West of the Northeast Corner of Northwest Quarter of said Section 34; thence, South 40 feet; thence, West 20 feet; thence, North 40 feet; thence, East 20 feet to the Point of Beginning.

**WHEREAS,** said easement has been successfully negotiated.

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

**Section 1.** The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by Darrell L. Webber and Hilma I. Webber, owners, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

Commencing 4 feet South and 626 feet West of the Northeast Corner of Northwest Quarter of Section 34, Township 32 South, Range 5 East of 6th P.M., Cowley County, Kansas for the Point of Beginning; thence, South 40 feet; thence, West 20 feet; thence, North 40 feet; thence, East 20 feet to the Point of Beginning.

**Section 2.** The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

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

**ADOPTED** this 17<sup>th</sup> day of January, 2017.

(SEAL)

\_\_\_\_\_  
Brenda K. Butters, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

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

Approved for Commission action: \_\_\_\_\_  
Gus Collins, Interim City Manager/tp

PERMANENT EASEMENT

We, Darrell L. Webber and Hilma I. Webber, his wife, owners, in consideration of the benefit to be obtained from the utility lines which are the subject of this easement, payment of the sum of \$1.00 and other valuable consideration, receipt of which is hereby acknowledged, do hereby convey and assign to the CITY OF WINFIELD, Cowley County, Kansas, a permanent easement and right-of-way for the purpose of installation, construction, maintenance, repair, and removal of said utilities and the necessary appurtenances therefor, in, over, under, and across the real estate described as follows:

Commencing 4 feet South and 626 feet West of the Northeast Corner of the Northwest Quarter of Section 34, Township 32 South, Range 5 East of the 6th P.M., Cowley County, Kansas for the Point of Beginning; thence, South 40 feet; thence, West 20 feet; thence, North 40 feet; thence, East 20 feet to the Point of Beginning.

The amount of money as set forth herein is in full payment for the use of said property and the undersigned releases the City of Winfield, Kansas, from any claims for damages for acts or omissions pertaining to the purpose as set forth herein except for negligence on the part of said City. There are no other agreements, oral or written, between the parties except as set forth herein.

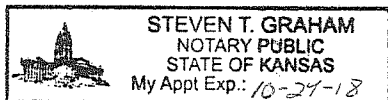
This easement is binding upon the heirs, executors, administrators, successors, trustees, and assigns of the parties hereto.

Dated this 5 day of JANUARY, 2017.

Darrell L. Webber  
Darrell L. Webber

Hilma I. Webber  
Hilma I. Webber, his wife

STATE OF KANSAS



COUNTY of COWLEY, SS.

On this 5 day of JANUARY, 2017, before me a notary public in and for said county and state, personally appeared Darrell L. Webber and Hilma I. Webber to me known to be the persons named in and who executed the foregoing instrument, and duly acknowledged the execution thereof.

Steven T. Graham  
Notary Public

My commission expires:

10-24-18

Accepted and authorized for filing in the Office of Register of Deeds, Cowley County, Kansas, this      day of      2017, by Resolution No.      of the Governing Body of the City of Winfield, Kansas.

Brenda K. Butters, Mayor

ATTEST:

Brenda Peters, City Clerk



City of Winfield  
Proposed Utility Easement  
Webber Property  
December, 2016

NE Corner of NW Quarter  
S34-T32-R5E

S27-T32S-R5E

POB

172ND RD

626 ft

4 ft

20 ft

**Webber Property**

Richardson Property

16365 172ND RD

S34-T32S-R5E

## Legend

 Proposed Easement

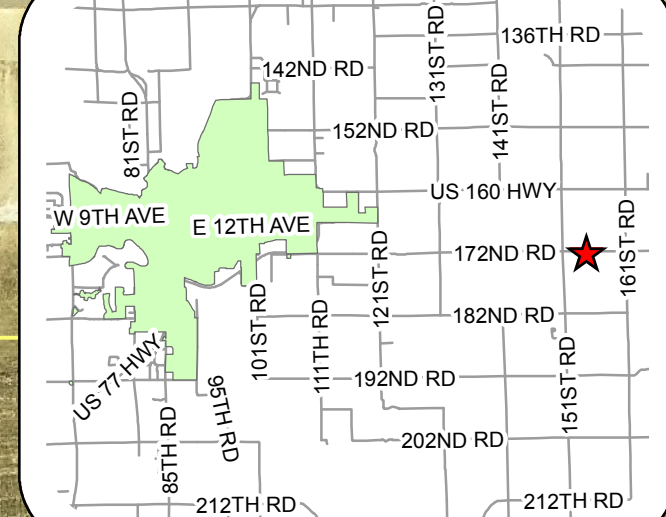
☐ Accepted Easement

- Electric Pole

— Electric Lines



### Easement Location





**A RESOLUTION**

**AUTHORIZING** and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a Deed of Release for Airport property of approximately 4 Acres located at the Strother Field Airport. (Four County Mental Health)

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**WHEREAS**, the Airport Owner has requested the United States of America to release the real property described in the attached document from all terms, conditions, reservations, and restrictions; and,

**WHEREAS**, by virtue of delegation of authority, the Manager, Airports Division, Central Region, FAA, under and pursuant to the powers and authority contained in 49 U.S.C. 47153 is authorized to make determinations on requests for Deed of Release and to execute said Deeds; and,

**WHEREAS**, the Cities of Winfield and Arkansas City, KS expressly agree for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions on the described real property to such a height so as to comply with FAA Regulations Part 77,

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

**Section 1.** The Mayor is hereby authorized and directed to execute for and on behalf of the City of Winfield, a Deed of Release for Airport property of approximately 4 Acres located at the Strother Field Airport (Four County Mental Health), a copy of which is attached hereto and made a part hereof the same as if fully set forth herein.

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

**ADOPTED** this 17th day of January, 2017

(SEAL)

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Brenda K. Butters, Mayor

ATTEST:

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Brenda Peters, City Clerk

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

Approved for Commission action: \_\_\_\_\_  
Gus Collins, Interim City Manager



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Central Region  
Iowa, Kansas,  
Missouri, Nebraska

901 Locust  
Kansas City, Missouri 64106  
(816) 329-2600

August 3, 2016

Mr. Shawn McGrew  
Airport Manager  
Cities of Winfield and Arkansas City  
P.O. Box 747  
Winfield, KS 67156

Release of Airport Property  
Strother Field Airport  
Approximately 4± Acres  
Winfield, Kansas

Dear Mr. McGrew

This is in response to your letter dated March 2, 2016, requesting that 4± acres of federally obligated land be released from federal obligations under the grant assurances.

A release permitting the sale and disposal of real property transferred to the airport owner under 49 U.S.C. §47151 is only granted when it is clearly shown such property is no longer needed to directly support an airport purpose or activity and sale of such property will benefit civil aviation by producing an equal or greater benefit to the airport than continued retention of the land. Conversion of a real property asset into another form of asset, such as cash or physical improvements, can better serve the airport. This objective is not met unless an amount equal to the net sale proceeds based on the current fair market value (FMV) of the property is realized as a consequence of the release and such amount is committed to airport purposes.

Under 49 U.S.C. §47153(c), FAA is required to provide at least a 30-day notice to the public regarding the requested release. The required notice was published in the Federal Register on April 21, 2016.

We have concluded that this property, as legally described in the enclosed Deed of Release, meets the conditions mentioned previously for release. We have also concluded that the release and use of such land for commercial purposes will not interfere with the operation, maintenance or future development of the airport.

By accepting this release, the Airport Owner agrees to:

1. Deposit, immediately after the sale, the net sale proceeds based on its current FMV or an equivalent amount, into an identifiable interest bearing account currently paying the highest interest rate. The proceeds should remain in this account until utilized in accordance with FAA Order 5190.6B, Chapter 22.
2. Expend, within five (5) years after the Deed of Release execution date, the sum of \$55,000.00 plus accumulated interest. Maintain accurate records of the above listed expenditures in accordance with accepted business practices, and for three (3) years after the approved project is completed, keep the records open for inspection by the FAA at any time.
3. Maintain accurate records of the above listed expenditures in accordance with accepted business practices, and for three (3) years after the approved project is completed, keep the records open for inspection by the FAA at any time.
4. Ensure that whoever the land is initially and subsequently conveyed to including the airport owner, they and their successors and assigns protect the rights and interests of the public in Strother Field Airport and prevent any use of subject property that would constitute an airport hazard.
5. Ensure that they and their successors and assigns retain, for the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the surface of the subject property, the right for existing and future aircraft to generate noise in that airspace, and the right to use the airspace to land on or take off from the airport.
6. Ensure that they and their successors and assigns shall not permit/afford access from the subject property onto Strother Field Airport property for aeronautical purposes.
7. Update the Airport Layout Plan and Exhibit "A" Property Map upon acceptance of the release to reflect the new airport boundaries.

In consideration of these premises, the FAA agrees to release the Airport Owner from the obligations, terms, and conditions of the existing grant agreements as of the date of this agreement as they may relate to the subject property.

In addition, please have the original and three copies of the Deed of Release (enclosed) executed on behalf of the Airport Owner and return one copy to us with book and page number after the deed is recorded.

Sincerely,



Jim A. Johnson  
Manager, Airports Division

4 Enclosures

Accepted for the Cities of Winfield & Arkansas City, KS

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **DEED OF RELEASE**

This instrument, a Deed of Release, made by the United States of America, Acting by and through the Administrator of the Federal Aviation Administration, Department of Transportation, under and pursuant to the powers and authority contained in the provisions of 49 U.S.C. §47153, to the Cities of Winfield and Arkansas City, KS, a body politic, created, operating, and doing business under the laws of the State of Kansas, WITNESSETH:

**WHEREAS**, the Airport Owner has requested the United States of America to release the hereinafter described real property from all of those terms, conditions, reservations and restrictions of the said instrument(s) of transfer; and

**WHEREAS**, the Administrator of the Federal Aviation Administration is authorized to grant releases pursuant to the powers and authority contained in 49 U.S.C. §47153; and

**WHEREAS**, by virtue of delegation of authority, the Manager, Airports Division, Central Region, Federal Aviation Administration, under and pursuant to the powers and authority contained in 49 U.S.C. §47153 is authorized to make determinations on requests for Deed of Release and to execute said Deeds of Release to convey, quitclaim or release any right or interest reserved to the United States of America by an instrument of disposal; and

**WHEREAS**, the Manager, Airports Division, Central Region, Federal Aviation Administration, has determined that the release of such real property as is hereinafter described, from all of the said terms, conditions, reservations and restrictions set forth in the above identified instrument of transfer will not prevent accomplishment of the purpose for which the property was made subject to such terms, conditions, reservations and restrictions and is necessary to protect or advance the interests of the United States of America in civil aviation.

**NOW THEREFORE**, for and in consideration of the above expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, upon inclusion by the Cities of Winfield and Arkansas City, KS in the Instrument of Transfer conveying title to the hereinafter described real property of provisions as follows:

- (1) That the Cities of Winfield and Arkansas City, KS reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, for use of said airspace for landing on, or taking off from or operating on Strother Field Airport.
- (2) That the Cities of Winfield and Arkansas City, KS expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property to such a height so as to comply with Federal Aviation Regulations, Part 77.



- (3) That the Cities of Winfield and Arkansas City, KS expressly agrees for itself, its successors and assigns, to prevent any use of the hereinafter described real property which would interfere with the landing or takeoff of aircraft at Strother Field Airport or interfere with air navigation and or communication facilities serving Strother Field Airport, or otherwise constitute an airport hazard.
- (4) Ensure that the Cities of Winfield and Arkansas City, KS and their successors and assigns shall not permit/afford access from the subject property onto Strother Field Airport property for aeronautical purposes.
- (5) Ensure that if the property is used or converted to a commercial use, an amount equal to the fair market value will be deposited into an identifiable interest bearing account prior to conversion of the property to the commercial use. The proceeds should remain in this account until utilized in accordance with FAA Order 5190.6B, Chapter 22.

**HEREBY**, releases the said real property from the terms, conditions, reservations, and restrictions as contained in the above-mentioned Instrument of Transfer from the United States of America to the Cities of Winfield and Arkansas City, KS dated August 3, 2016 which real property is described:

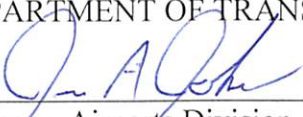
A tract in Block 2, Strother Field, Cowley County, Kansas, beginning at point on the East right-of-way line 'D' Street, and the South line of 5<sup>th</sup> Avenue extended East; thence South along the East line of 'D' Street, 527.71 feet, more or less to a point 207.68 feet South of a point where the centerline of 4<sup>th</sup> intersects the East right-of-way line of 'D' Street; thence East on a 90 degree angle 313.5 feet to the West right-of-way of U.S. 77 Highway; thence in a Northeasterly direction, 528.97 feet to a point 350 feet East of the point of beginning; thence West on a line perpendicular with the East line of 'D' Street, 350 feet to the point of beginning; the real property or address is commonly known as 4<sup>th</sup> & D Street, Strother Field, Winfield, Kansas 67156.

This release is for the specific purpose of permitting the Cities of Winfield and Arkansas City, KS to sell and convey title to the above described property for sale to Four County Mental Health Center, Inc. for use as a mental health facility.

By its acceptance of this Deed of Release the Cities of Winfield and Arkansas City, KS also covenants and agrees for itself, its successors and assigns, to comply with and observe all of the conditions and limitations hereof, which are expressly limited to the above described real property.

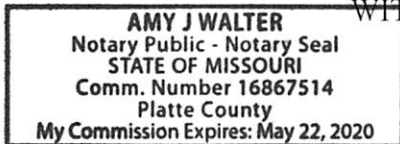
IN WITNESS WHEREOF, the United States of America has caused these presents to be executed in its name and on its behalf by the Manager, Airports Division, Central Region, Federal Aviation Administration, all as of the 3rd day of August, 2016.

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION


By   
Manager, Airports Division, Central Region  
Federal Aviation Administration

STATE OF MISSOURI       )  
                                      ) ss  
COUNTY OF JACKSON    )

On this 3rd day of August, 2016, before me a Notary Public in and for the County of Jackson, State of Missouri, personally appeared Jim A. Johnson, known to me to be the Manager, Kansas City Airports Division, Central Region, Federal Aviation Administration, and known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same on behalf of the Administrator of the Federal Aviation Administration and the United States of America.



WITNESS my hand and official seal.

  
Notary Public in and for said County and State

(SEAL)

My commission expires 5/22/20

Accepted:

The Cities of Winfield and Arkansas City, KS

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Bank Stabilization Project

In cooperation between the City of Winfield and Cowley County Conservation District The Upper Timber Creek Advisory Committee was established in 2000 time frame to approve projects and give direction to Cowley County Water Quality Coordinator. The majority of their duties is to develop projects that improves the water quality and erosion control within the Timber Creek and Silver Creek Watersheds.

Funding these projects is made possible through the Water Preservation Fund established by the City of Winfield were 6 cents per thousand gallons of water sold is set aside to fund projects that directly affect the quality and life expectancy of the Winfield City Lake. This funding is dependent completely on water sales and consistently generates between \$32 thousand and \$42 thousand annually.

To select projects a criteria and points system was developed to rank each project as to its effectiveness and benefit to the lake and upper Timber Creek area.

The project being submitted ranks high in both the area as its related to the lake and erosion control measure. It is by far the largest project undertaken to date in the upper Timber Creek area. It is designed to stabilize 600 feet of highly erodible stream bank that would eventually end up in the lake. This projects exceeds the originally established project cap of \$10000.00 therefore will need city commission approval. The project is scheduled to start immediately and will be completed before the spring of 2017.