

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Monday, September 18, 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, September 05, 2017

**BUSINESS FROM THE FLOOR**

-Citizens to be heard

**OLD BUSINESS**

**Bill No. 1753 – A Resolution** – Setting forth findings that the structure, a house, located on a tract of land legally described as follows *Lot 7 and 8, Block 14, College Hill Addition, Winfield, Kansas*, commonly known as 420 Soward St. recorded in Book 578 Page 154, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days. (Tabled on July 17, 2017 to August 21, 2017; then to September 5, 2017 then to September 18, 2017)

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 1773 – An Ordinance** - Vacating a portion of an easement reserved upon the vacation of a portion of Park Street, adjacent to Lots 1 and 2, Block 5, Highland Addition to the City of Winfield, Cowley County, Kansas, recorded as Page 519, Book 535 at the Cowley County Register of Deeds.

**Bill No. 1774 – An Ordinance** - Vacating an easement reserved upon the vacation of Plum Street, between Sixth Street north to the alley, recorded as Page 362, Book 671 at the Cowley County Register of Deeds.

**Bill No. 1775 – A Resolution** - Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Old Skool Productions LLC)

**Bill No. 1776 – A Resolution** - Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Winfield Arts and Humanities Council)

**OTHER BUSINESS**

- Executive Session for discussion of acquisition of real property.

**ADJOURNMENT**

-Next regular meeting 5:30 p.m. Monday, October 02, 2017.

**CITY COMMISSION MEETING MINUTES**  
**Winfield, Kansas**  
**September 5, 2017**

The Board of City Commissioners met in regular session, Tuesday, September 05, 2017 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Brenda K. Butters presiding. Commissioners Ronald E. Hutto and Gregory N. Thompson were also present. Also in attendance were Jeremy Willmoth, City Manager; Brenda Peters, City Clerk and William E. Muret, City Attorney. Other staff members present were Gary Mangus, Assistant to the City Manager; Gus Collins, Director of Gas & Wastewater Utilities; Patrick Steward, Director of Community Development; Brett Stone, Interim Police Chief; Vince Warren, Interim Fire Chief and Chad Mayberry, Fire Captain.

Commissioner Thompson moved that the minutes of the August 21, 2017 meeting be approved. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

**PRESENTATION**

Mayor Butters presented an Award of Excellence from the Kansas Water & Environment Association to Jeff Graham, Operator/Lab Technician with the Wastewater Treatment Plant.

**OATH OF OFFICE**

City Clerk Peters administered the Oath of Office to Interim Police Chief Brett Stone. City Manager Willmoth pinned the Police Chief badge on Chief Stone's uniform. Stone is officially the new Police Chief for the City of Winfield.

**BUSINESS FROM THE FLOOR**

**OLD BUSINESS**

**Bill No. 1753 – A Resolution** – Setting forth findings that the structure, a house, located on a tract of land legally described as follows *Lot 7 and 8, Block 14, College Hill Addition, Winfield, Kansas*, commonly known as 420 Soward St. recorded in Book 578 Page 154, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days. (Tabled on July 17, 2017 to August 21, 2017; then to September 5, 2017). Winfield Attorney Mark Krusor spoke on behalf of owner Tracy Schumacher, (who was also present) to explain that he had heard nothing yet from previous correspondence sent to a mortgage bank regarding the status of the mortgage on this property. Krusor proceeds to ask the Commission for another two weeks to work on the status of property ownership and to present a firm plan of action from the Schumachers to the Commission. Community Development Director, Steward then explained that City staff did tour the interior of the property, and then performed a cost analysis based on square footage for repairs to make the property habitable. This cost is projected to be approximately \$55,000. Steward did state that this cost did not account for the fact that labor costs may not be included due to the fact that the property owner is able to perform the labor for the repairs. Steward further explains that property taxes have not been paid since 2009, and are approximately \$6,500. Commissioner Thompson moved to table Bill No. 1753 until September 18, 2017. Commissioner Hutto seconded the motion. With all Commissioners voting aye, Bill No. 1753 was tabled until September 18, 2017.

## NEW BUSINESS

**Bill No. 1767 – An Ordinance** – Amending Chapter 74 of the Code of Ordinances of the City of Winfield, Kansas, relating to The Standard Traffic Ordinance and General Provisions, by the amendment of Sections 74-81 and 74-82. City Attorney Muret explains that each year the City adopts by reference the Standard Traffic Ordinances (Bill No. 1767) and the Uniform Public Offense Code (Bill No. 1768) that are provided to Kansas cities by the League of Kansas Municipalities. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 1767 was adopted and numbered Ordinance No. 4068.

**Bill No. 1768 – An Ordinance** – Amending Chapter 58, of the Code of Ordinances of the City of Winfield, Kansas, relating to the Uniform Public Offense Code for Kansas Cities, 2016 Edition, by the amendment of Section 58-1. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1768 was adopted and numbered Ordinance No. 4069.

**Bill No. 1769 – An Ordinance** – Amending Chapter 18 of Municipal Code of the City of Winfield by the repeal of Section 18- 61 thru Section 18-220 of said Chapter and the adoption in lieu thereof of a new Chapter 18 Section 18- 61 thru Section 18-220. Community Development Director Steward explains that this ordinance considers the adoption of the 2015 version of the International Building Code Series, with local amendments. Steward explains that the Building Trades Boards from Winfield, Arkansas City and Wellington worked on the amendments to the ordinance, and recommend approval of the ordinance and the amended portions. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 1769 was adopted and numbered Ordinance No. 4070.

**Bill No. 1770 An Ordinance** – Deleting Chapter 38 of The Winfield City Code by the repeal of Section 38-31 thru Section 38-60 and Section 38-134 of said Chapter and the adoption in lieu thereof of a new Chapter 38 Section 38-31 thru Section 38-60 and Section 38-134. - reserved. This ordinance is for the adoption of the 2015 version of the International Fire Code. Interim Fire Chief Warren was present for any questions the Commission may have. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1770 was adopted and numbered Ordinance No. 4071.

**Bill No. 1771 – A Resolution** – Adopting a revised Purchasing Policy for the City of Winfield procurement process. City Manager Willmoth states that this is the formal adoption of a revised purchasing policy that was presented and discussed at a previous Commission Work Session. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 1771 was adopted and numbered Resolution No. 5317.

**Bill No. 1772 – A Resolution** – Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Young Professionals of Cowley County) Assistant to the City Manager Mangus explains that as in the previous years, the Young Professionals through the Chamber of Commerce is planning an Outdoor Community Event consisting of the Hamburger Feed and Music Crawl on Tuesday September 12, 2017 and will include the beer garden, however, this year the Chamber has contracted with a local company called Bottle Services, LLC who holds a Caterer's License both through the State of Kansas and the City which means a Temporary Alcohol License is not required through the City. The perimeter of

the site for serving alcohol will be the south half of Millington Street from the alley to 10<sup>th</sup> Avenue. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson all Commissioners voting aye, Bill No. 1772 was adopted and numbered Resolution No. 5417.

**OTHER BUSINESS**

-Consider bids for Sewer Rehab Project – Director of Utilities Collins explains that two bids were received for a sewer rehabilitation project just south of Shindigs Restaurant beginning in the alley going almost to 9<sup>th</sup> Avenue and then east to Loomis Street. Collins states that staff recommends accepting the bid from Aegion/Insituform from Kansas City, Kansas for \$56,462. Commissioner Thompson moved to accept the bid of \$56,462 from Aegion/Insituform for the Sanitary Sewer Rehab Project. Motion was seconded by Commissioner Hutto. With all Commissioners voting aye, the motion carried.

Captain Chad Gordon updated the Commission on the deployment of Kansas Task Force 5 to Houston for assistance to Hurricane Harvey victims.

**ADJOURNMENT**

Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, the meeting adjourned at 6:04 p.m.

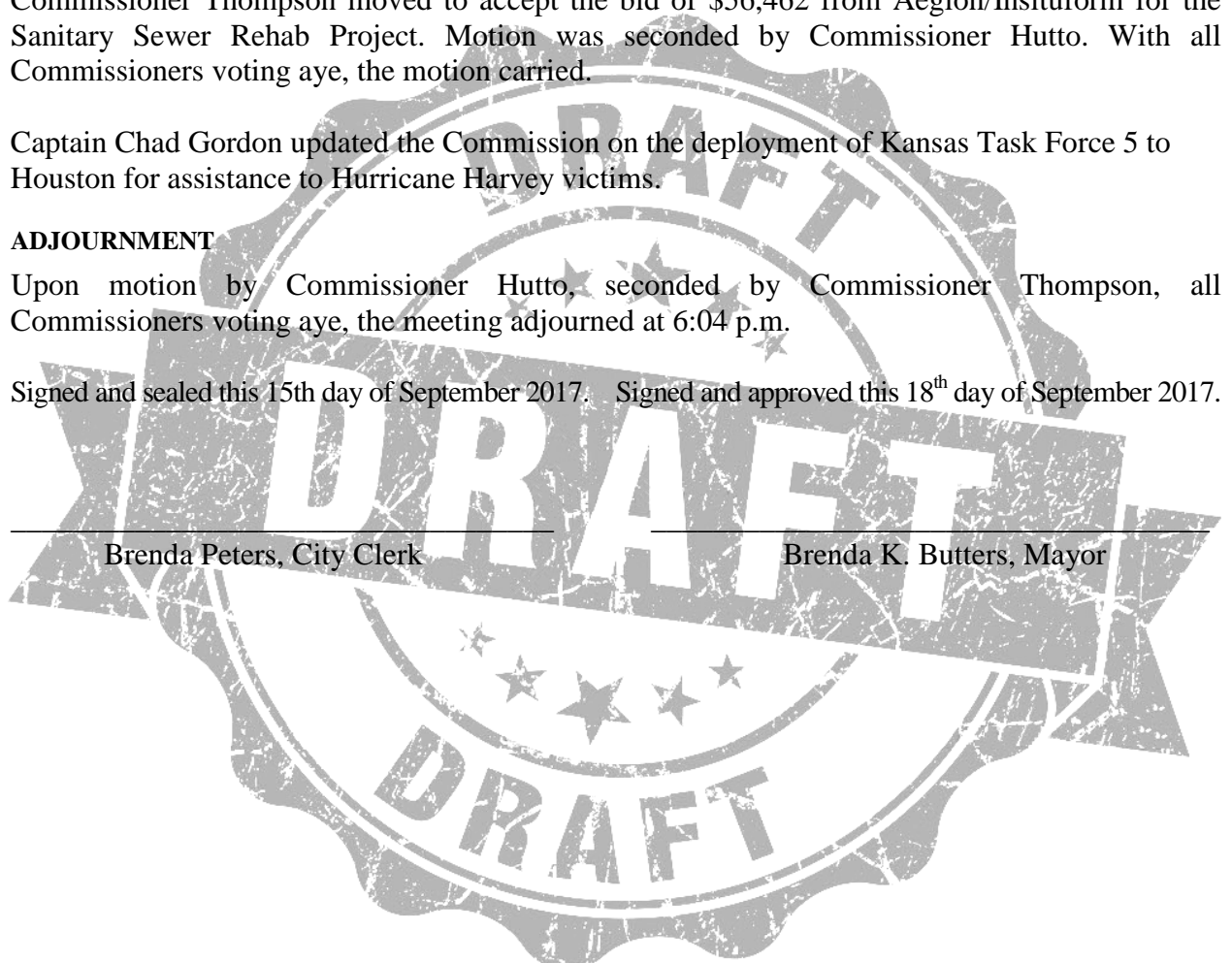
Signed and sealed this 15th day of September 2017. Signed and approved this 18<sup>th</sup> day of September 2017.

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Brenda Peters, City Clerk

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Brenda K. Butters, Mayor



**AN ORDINANCE**

**VACATING** a portion of an easement reserved upon the vacation of a portion of Park Street, adjacent to Lots 1 and 2, Block 5, Highland Addition to the City of Winfield, Cowley County, Kansas, recorded as Page 519, Book 535 at the Cowley County Register of Deeds.

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**WHEREAS**, on August 28th, 2017, William Newton Hospital did formally request the vacation of said easement and,

**WHEREAS**, there are not currently documented utilities within the described portion of the easement established by the vacation;

**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, after due and proper consideration of said request to vacate the portion of the easement recorded as Page 519, Book 535 at the Cowley County Register of Deeds described as:

That portion of Park Street described as commencing at the southeast corner of Lot 1, Block 5, Highland Park Addition to the City of Winfield, Cowley County, Kansas; thence east 37.667 feet parallel to the south line of said Lot 1; thence north parallel with the east line of Lots 1 and 2, Block 5 of said Addition a distance of 40 feet to the point of beginning; thence north parallel with the east line of Lots 1 and 2, Block 5, 133 feet; thence in a westerly direction 75.33 feet to a point on the east line of Lot 2, Block 5 of said Addition 238 feet north of the southeast corner of Lot 1, Block 5; thence south along the east line of Block 1 and 2, 198 feet; thence east 37.667 feet to the point of beginning.

finds that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; and therefore said request shall be granted.

**Section 2.** The Clerk of the City of Winfield is hereby authorized and directed to file said Ordinance with the Register of Deeds of Cowley County, Kansas.

**ADOPTED** this 18th day of September, 2017.

(SEAL)

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

ATTEST:

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

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

Approved for Commission action: \_\_\_\_\_  
Jeremy Willmoth, City Manager/ps

**AN ORDINANCE**

**VACATING** an easement reserved upon the vacation of Plum Street, between Sixth Street north to the alley, recorded as Page 362, Book 671 at the Cowley County Register of Deeds.

**WHEREAS**, on August 28th, 2017, William Newton Hospital did formally request the vacation of said easement and,

**WHEREAS**, there are not currently documented utilities within the easement established by the vacation;

**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, after due and proper consideration of said request to vacate the portion of the easement recorded as Page 362, Book 671 at the Cowley County Register of Deeds described as:

That portion of Plum Street as platted between Lot7, Block 3 and Lot 12, Block 4 of the Grand View Addition to the City of Winfield, Cowley County, Kansas; also described as from the north line of Sixth Avenue, as platted, to the south line of the alley, as platted, in said Blocks 3 and 4.

finds that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; and therefore said request shall be granted.

**Section 2.** The Clerk of the City of Winfield is hereby authorized and directed to file said Ordinance with the Register of Deeds of Cowley County, Kansas.

**ADOPTED** this 18th day of September, 2017.

(SEAL)

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

ATTEST:

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

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

Approved for Commission Action: \_\_\_\_\_  
Jeremy Willmoth, City Manager/ps

**A RESOLUTION**

**AUTHORIZING** an Outdoor Community Event and Temporary Entertainment District Application (Old Skool Productions LLC)

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**WHEREAS**, Old Skool Productions LLC has made application for an Outdoor Community Event and Temporary Entertainment District; and

**WHEREAS**, Old Skool Productions LLC requests the sale, possession, and consumption of alcoholic liquor at Winfield Fairgrounds during an event from 12:00 pm to 11:00 pm, on October 21, 2017, north of the Grandstand.

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

**Section 1.** Within Section 6-120 of Article IV of Section 6 of the Code of the City of Winfield, Kansas, "Temporary Entertainment District" means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a community event which has been properly permitted under Chapter 8 of this Code.

**Section 2.** A Special Event is defined by K.S.A. 41.719(a)(2). Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645 for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

**Section 3.** Old Skool Productions LLC has contracted with Bottle Service LLC, 1421 Millington Street, Winfield KS, a Caterer licensed by the Kansas Department of Revenue, Alcoholic Beverage Control Division and the City of Winfield. A "caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related thereto, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit. [Subsection (c) of K.S.A. 41-2601]. Kansas Department of Revenue, Alcoholic Beverage Control Division granted Bottle Service LLC liquor license #4760, attached and made a part hereof, effective 01/27/2016 and expiring 01/26/2018. Bottle



Service LLC will notify the Alcoholic Beverage Control Division Director by electronic notification of its intent to sell and serve alcoholic liquor by individual drink at least 48 hours prior to the event. A separate Temporary Alcohol Permit is not required of Old Skool Productions LLC or Bottle Service LLC.

**Section 4.** The governing body of the city of Winfield Kansas hereby authorizes the Outdoor Community Event and Temporary Entertainment District Application in accordance with the rules and procedures set forth by Article IV of Section 6 of the Code of the City of Winfield, Kansas, regarding the sale, possession or consumption of alcoholic liquor as presented by the Old Skool Productions LLC for an event from 12:00 noon to 11:00 pm, on October 21, 2017, at Winfield Fairgrounds, north of the Grandstand, Winfield Kansas, as identified in the Outdoor Community Event and Temporary Entertainment District Application; a copy of which is attached hereto and made a part hereof.

**Section 5.** This resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** this 18th day of September, 2017.

(SEAL)

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

ATTEST:

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

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

Approved for Commission Action: \_\_\_\_\_  
Jeremy Willmoth, City Manager

**A RESOLUTION**

**AUTHORIZING** an Outdoor Community Event and Temporary Entertainment District Application (Winfield Arts and Humanities Council)

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**WHEREAS**, Winfield Arts and Humanities Council has made application for an Outdoor Community Event and Temporary Entertainment District; and

**WHEREAS**, Winfield Arts and Humanities Council requests that Kansas farm winery licensees be authorized to serve samples free of charge and sell unopened containers of their domestic wines during Art in the Park, a special event, from 10:00 am to 5:00 pm, on October 7, 2017, in a designated area within Island Park, 200 Main.

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

**Section 1.** Within Section 6-120 of Article IV of Section 6 of the Code of the City of Winfield, Kansas, "Temporary Entertainment District" means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a community event which has been properly permitted under Chapter 8 of this Code.

**Section 2.** A Special Event is defined by K.S.A. 41.719(a)(2). Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645 for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

**Section 3.** A Kansas farm winery licensee may serve samples free of charge and sell unopened containers of its domestic wine off the farm winery premises at "special events monitored and regulated by the division of ABC" [Subsection (a)(4) of K.S.A. 41-308a]. "Special Event" is defined as a public or private gathering of two or more persons, arranged for a specific commercial, charitable or social purpose, having a limited duration and not conducted in the ordinary course of business. "Monitored and regulated" is not defined. The ABC therefore construes the term to require the Director's permission before a farm winery licensee may

participate in special event. The farm winery licensee shall complete and submit form ABC-842 not less than 10 days prior to the event. No special event can be held on a premise that possesses a private club liquor license or cereal malt beverage license; or, in a location where liquor by the drink or retail sales are not authorized. A separate Temporary Alcohol Permit is not required of Winfield Arts and Humanities Council or Kansas farm winery licensees.

**Section 4.** The governing body of the city of Winfield Kansas hereby authorizes the Outdoor Community Event and Temporary Entertainment District Application, in accordance with the rules and procedures set forth by Article IV of Section 6 of the Code of the City of Winfield, Kansas, regarding the sale, possession or consumption of alcoholic liquor as presented by the Winfield Arts and Humanities Council for an event from 10:00 am to 5:00 pm, on October 7, 2017, in a designated area within Island Park, 200 Main, as identified in the Outdoor Community Event and Temporary Entertainment District Application; a copy of which is attached hereto and made a part hereof.

**Section 5.** This resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** this 18th day of September, 2017.

(SEAL)

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

ATTEST:

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

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

Approved for Commission Action: \_\_\_\_\_  
Jeremy Willmoth, City Manager