

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Tuesday, January 16, 2018  
TIME: 5:30 p.m.  
PLACE: City Commission – Community Council Room – First Floor – City Building

***AGENDA***

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

ROLL CALL.....City Clerk, Brenda Peters

MINUTES OF PRECEDING MEETINGS .....Monday, January 08, 2018  
.....Thursday, January 11, 2018

**PUBLIC HEARINGS**

- Consider Condemnation for property located at 515 E. 3<sup>rd</sup> Avenue
- Consider Condemnation for property located at 623 W. 9<sup>th</sup> Avenue

**BUSINESS FROM THE FLOOR**

- Citizens to be heard

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 1805 – An Ordinance** – Authorizing the City of Winfield, Kansas to approve the issuance by the Kansas Independent College Finance Authority of the Authority's Educational Facilities Revenue Bonds in an aggregate principal amount not to exceed \$2,550,000 for the purpose of refunding certain bonds to refinance certain projects of the Southwestern College; authorizing the designation of such bonds as qualified tax-exempt obligations; authorizing and approving the execution of certain documents certain other actions in connection with the bonds.

**Bill No. 1806 – A Resolution** – Authorizing the sale and conveyance of certain property to Mosaic.

**Bill No. 1807 – A Resolution** – Setting forth findings that the structures, a house and detached garage, located on a tract of land legally described as follows East Half of Lot 7, and all of Lot 8, block 202, Andrews Addition, Winfield, Kansas. Commonly known as 515 E. 3<sup>rd</sup> Ave. Recorded in Book 0931 Page 0833, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structures to be repaired or removed in ninety (90) days.

**Bill No. 1808 – A Resolution** – Setting forth findings that the structure, a house, located on a tract of land legally described as follows: A house on a tract of land in the West Half of the Northwest Quarter of Section 28, Township 32 South, Range 4 East, described by metes and bounds, as follows: Commencing at a point on East side of Right-of-way of Kansas City and Southwestern Railroad at intersection of the South side of Ninth Avenue of the City of Winfield with said right-of-way; thence East on the South line of Ninth Avenue, 50 feet; thence South 140 feet; thence West to East line of Right-of way to point of beginning. Commonly known as 623 W. 9<sup>th</sup> Ave. Recorded in Book 0861 Page 0058, 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.

**Bill No. 1809 – 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 real estate in Section 26, Township 32 South, Range 4 East of the 6th P.M., City of Winfield, Cowley County, Kansas.

**Bill No. 1810 – A Resolution** – Authorizing a sell-back directive directing the Kansas Municipal Energy Agency to sell certain contract energy capacity to the Grand River Dam Authority and authorizing the Kansas Power Pool (“KPP”), a Municipal Energy Agency, to act on behalf of the City in such matters.

**OTHER BUSINESS**

-Consider appointment to the Planning Commission

**ADJOURNMENT**

-Next work session 4:00 p.m. Thursday February 1, 2018

-Next regular meeting 5:30 p.m. Monday, February 05, 2018

## CITY COMMISSION MEETING MINUTES

Winfield, Kansas

January 8, 2018

The Board of City Commissioners met in regular session, Monday, January 08, 2018 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Gregory N. Thompson presiding. Commissioners Brenda K. Butters and Ronald E. Hutto 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 Assistant to the City Manager Gary Mangus and Director of Public Improvements Patrick Steward.

City Clerk Peters called roll.

Commissioner Butters moved that the minutes of the December 18, 2017 meeting be approved. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

### **OATHS OF OFFICE**

City Clerk Peters administered the Oath of Office to Elected Commissioners Phillip R. Jarvis and Ronald E. Hutto.

### **RECEPTION**

-Reception for outgoing Commissioner Butters and newly elected Commissioners Jarvis and Hutto. Mayor Thompson presented Commissioner Butters a plaque of appreciation for her service. City Manager Willmoth announced that the meeting would pause for a few minutes for the reception.

### **BUSINESS FROM THE FLOOR**

### **NEW BUSINESS**

**Bill No. 1801 – A Resolution** – Fixing the time and place and providing for notice of a public hearing before the Governing Body of the City of Winfield, Kansas, regarding the condemnation of a certain structures, a house in the City of Winfield, Cowley County, Kansas. Director of Public Improvements Steward explains that this resolution establishes a date for a public hearing for condemnation of a property located at 1810 Frankfort Street. Steward further explains that there was a fire at the property causing substantial damage, and as established in the code, in order for the City to retain the funds received by the insurance company, condemnation proceedings must begin within 30 days of receipt of the insurance proceeds. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis, all Commissioners voting aye, Bill No. 1801 was adopted and numbered Resolution No. 0118.

**Bill No. 1802 – A Resolution** – Fixing the time and place and providing for notice of a public hearing before the Governing Body of the City of Winfield, Kansas, regarding the condemnation of a certain structures, a house in the City of Winfield, Cowley County, Kansas. Director of Public Improvements Steward explains that this resolution will also establish a public hearing for condemnation of the property at 420 Soward Street. Steward also explains that this property has already been brought to the Commission for consideration, but at that time the owner listed on the deed wished to attempt to reclaim and rehabilitate the property. This owner has since contacted the City through his attorney as notification that he is no longer going to pursue any action on this

property. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1802 was adopted and numbered Resolution No. 0218.

**Bill No. 1803 – A Resolution** – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to enter into an agreement for the demolition and removal of the structure, a House on a tract of land legally described as; Lot 9 and the South 10 feet of Lot 10, Block 30, Manning's Addition, to the City of Winfield, Kansas. Commonly known as 1012 Lowry St. Recorded in Book 0893 Page 0679, Instrument No. 000954, in the Office of the Register of Deeds of Cowley County, Kansas. Director of Public Improvements Steward explains that this resolution allows the City to enter into an agreement for the demolition of a structure located at 1012 Lowry Street. Steward explains that this property was condemned in July of last year. Steward also explains that the low bid was received from Virgil Dennett for an amount of \$6,500. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis, all Commissioners voting aye, Bill No. 1803 was adopted and numbered Resolution No. 0318.

**Bill No. 1804 – A Resolution** – Accepting and authorizing the filing of the final plat of Stonebrook Addition, a Subdivision in the Northeast Quarter of Section 33, Township 32 South, Range 4 East of the 6<sup>th</sup> P.M., Cowley County, Kansas. Director of Public Improvements Steward explains that this resolution considers authorizing and accepting the final plat for Stonebrook Addition. Steward explains that this parcel is currently owned by the City and is located at 19<sup>th</sup> Avenue and Bliss Street. Developer Mark McKenna was present to answer any questions. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1804 was adopted and numbered Resolution No. 0418.

#### **OTHER BUSINESS**

-City Manager Willmoth asks the Commission to approve a Special Called Meeting to be held before the work session scheduled on Thursday January 11, 2018 at 4:00 p.m. Commissioner Hutto made a motion to have a special meeting on Thursday, January 11, 2018. Commissioner Jarvis seconded the motion. With all Commissioners voting aye, the motion carried.

#### **ADJOURNMENT**

Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, the meeting adjourned at 5:57 p.m.

Signed and sealed this 12th day of January 2018.

Signed and approved this 16<sup>th</sup> day of January 2018.

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Brenda Peters, City Clerk

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Gregory N. Thompson, Mayor

**CITY COMMISSION MEETING MINUTES**  
**Winfield, Kansas**  
**January 11, 2018**

The Board of City Commissioners met in special session, Thursday, January 11, 2018 at 4:00 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Gregory N. Thompson presiding. Commissioners Phillip R. Jarvis and Ronald E. Hutto also present. Also in attendance were Jeremy Willmoth, City Manager, and Brenda Peters, City Clerk.

**OTHER BUSINESS**

-Executive Session to discuss matters that must be kept confidential to protect trade secrets - Commissioner Hutto made a motion that the Commission recess into Executive Session to discuss a potential transmission line project pursuant to the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships exception, K.S.A. 75-4319 (b)(4) with the City Manager, Assistant to the City Manager, Director of Utilities, Director of Public Improvements, representatives from KPP and Gridliance be permitted into the executive session to provide information necessary for our consideration, and that the open meeting will reconvene in the Community Council Room at 4:30 p.m. Commissioner Jarvis seconded the motion. With all Commissioners voting aye, motion carried.

The special meeting resumed at 4:30 p.m.

**ADJOURNMENT**

Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, the meeting adjourned at 4:32 p.m.

Signed and sealed this 11th day of January 2018.

Signed and approved this 16th day of January 2018.

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Brenda Peters, City Clerk

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Gregory N. Thompson, Mayor

**BILL NO. 1805**

**ORDINANCE NO. 4082**

**AN ORDINANCE**

**AUTHORIZING** the City of Winfield, Kansas to approve the issuance by the Kansas Independent College Finance Authority of the Authority's Educational Facilities Revenue Bonds in an aggregate principal amount not to exceed \$2,550,000 for the purpose of refunding certain bonds to refinance certain projects of the Southwestern College; authorizing the designation of such bonds as qualified tax-exempt obligations; authorizing and approving the execution of certain documents certain other actions in connection with the bonds.

**WHEREAS**, Kansas Independent College Finance Authority (the "Authority"), proposes to issue its Educational Facilities Revenue Bonds (The Southwestern College) Series 2018 (the "Series 2018 Bonds"), in a principal amount not to exceed \$2,550,000, to provide funds to refinance the costs of certain educational facilities to be owned and operated by The Southwestern College (the "College") at its campus located at 100 College Street, Winfield, Kansas, by refunding the Authority's Educational Facilities Revenue Bonds (The Southwestern College) Series 2014, and finance a debt service reserve fund and costs of issuance for such bonds; and

**WHEREAS**, the City of Winfield, Kansas (the "City") is the city in which the College is located and a member party to the interlocal cooperation agreement pursuant to which the Authority was created for purposes of issuing bonds; and

**WHEREAS**, the College has requested that the City (i) approve the issuance of the Series 2018 Bonds in accordance with the requirements of Section 147(f) of the Internal Revenue Code, and (ii) designate the Series 2018 Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Internal Revenue Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WINFIELD, KANSAS, AS FOLLOWS:**

**Section 1.** For purposes of the requirements of Section 147(f) of the Internal Revenue Code, after a public hearing is held by the Authority, the Mayor of the City is authorized to execute a certificate and other required documents approving the issuance of the Series 2018 Bonds for the purposes described herein.

**Section 2.** The City designates the Series 2018 Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Internal Revenue Code, and the Mayor of the City is authorized to execute a certificate and other required documents relating to such designation.

**Section 3.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 4.** This Ordinance shall take effect and be in full force after its adoption by the City and publication once in the official newspaper of the City.

**ADOPTED** by the City of Winfield, Kansas this 16 day of January, 2018.

(Seal)

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Gregory N. Thompson, Mayor

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Brenda Peters, City Clerk



## Request for Commission Action

**Date:** January 11, 2018

**Requestor:** Brenda Peters

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**Action Requested:** Passage of an Ordinance regarding Southwestern College Financing Project

**Analysis:** Southwestern College is seeking to issue Educational Facilities Revenue Bonds in an amount not to exceed \$2,550,000 to provide funds to refinance the costs of previous Bond Issue Series 2014. The City must authorize the issuance as the College wishes the Bonds to be "bank qualified" which allows for a lower interest rate on the Bonds. The affect on the City is that this new amount considered for financing would count toward the City's limit of \$10 million bank qualified bonding authority for 2018. After discussion among staff, it was determined that this proposed issue would not affect the City's financing plans for 2018.

**Fiscal Impact:** None, City has no obligation

**Attachments:** Authorizing Ordinance and Certificate of Approval

**BILL NO. 1806**

**RESOLUTION NO. 0518**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WINFIELD,  
KANSAS AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN  
PROPERTY TO MOSAIC**

**WHEREAS**, pursuant to Ordinance No. 3585 and the Bond Agreement dated as of February 1, 1999, the City of Winfield, Kansas (the "Issuer") has previously issued its Housing Facilities Revenue Bonds, Series A, 1999 and Series B, 1999 (Martin Luther Homes of Kansas, Inc.) in the original aggregate principal amount of \$1,200,000 (the "Bonds") to finance the cost of acquiring, constructing and equipping certain residential facilities for developmentally disabled individuals (collectively, the "Project"), such Project having been leased to Mosaic (formerly Martin Luther Homes of Kansas, Inc.), a Nebraska not-for-profit corporation (the "Tenant") pursuant to a Lease dated as of February 1, 1999 between the City and the Tenant (the "Lease"); and

**WHEREAS**, the Bond Agreement and Lease have been previously amended to release and convey to the Tenant the following properties located in Cowley County, Kansas:

- 1) South 25 feet of Lot 26 and all of Lot 27, Lakewynds Estates #1, Cowley County, Kansas; and
- 2) Lot 9, Block 3, Hillside Fourth Addition to the City of Arkansas City, Kansas.

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

**WHEREAS**, the Tenant has made all the payments of Basic Rent and Additional Rent pursuant to the Lease and all principal and interest on the Bonds has been paid or payment has been provided for; and

**WHEREAS**, Wells Fargo Securities, LLC (formerly Norwest Investment Services, Inc.) ("Wells Fargo"), original purchaser and owner of all of the Bonds, has certified that no Bonds remain outstanding; and

**WHEREAS**, the Tenant has provided the City written notice of its intent to exercise its option to purchase the Project;

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

**Section 1.** The Mayor and Clerk are authorized and directed to execute a special warranty deed, a bill of sale and a release of lease, in substantially the forms submitted to the Governing Body concurrently with the adoption of this Resolution. The Clerk is directed to deliver the executed special warranty deed, a bill of sale and a release of lease to the Tenant.

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

**Section 3. Effective Date.** This Resolution shall take effect from and after its adoption by a majority of the governing body of the Issuer.

**ADOPTED** by the governing body of the City of Winfield, Kansas on January 16, 2018.

[SEAL]

CITY OF WINFIELD, KANSAS

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Gregory N. Thompson, Mayor

ATTEST:

By: \_\_\_\_\_  
Brenda Peters, City Clerk

(First published in the Cowley Courier Traveler on Friday, January 19, 2018)

**BILL NO. 1807**

**RESOLUTION NO. 0618**

**A RESOLUTION**

**SETTING**     forth findings that the structures, a house and detached garage, located on a tract of land legally described as follows *East Half of Lot 7, and all of Lot 8, block 202, Andrews Addition, Winfield, Kansas. Commonly known as 515 E. 3<sup>rd</sup> Ave. Recorded in Book 0931 Page 0833*, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structures to be repaired or removed in ninety (90) days.

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**WHEREAS**, the Governing Body, by **Resolution No. 6417**, scheduled a hearing for January 16<sup>th</sup>, 2018 at 5:30 p.m. to hear evidence to determine if the structure hereinafter described is unsafe and/or dangerous; and,

**WHEREAS**, on the 16th of January, 2018 the Governing Body heard all the evidence submitted.

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

**Section 1.** The Governing Body hereby finds that the structure located on a tract of land legally described as: *East Half of Lot 7, and all of Lot 8, block 202, Andrews Addition, Winfield, Kansas. Commonly known as 515 E. 3<sup>rd</sup> Ave. Recorded in Book 0931 Page 0833*, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and dangerous and hereby directs the owner to remove or repair said structure and make the premises safe and secure. The owner has ninety (90) days from the date of publication of this resolution or building permit date, whichever comes first, to complete repair work, bring the structure into code compliance and make said structure safe and habitable. Compliance must meet city standards and expectations. The owner must have the structure inspected by the city inspector and obtain a Certificate of Occupancy from the Inspection Department before said structure is deemed safe, habitable and ready for occupancy. Regardless of the expenditures and/or progress on the structure, if the owner fails to complete the repair within the time frame specified or fails to diligently prosecute the same until the work is completed, then at its discretion said Governing body will cause the structure to be razed and removed or extend the time period. The cost of razing and removal, less salvage, if any, shall be assessed as a special assessment against the parcel of land upon which the structures are located.

**Section 2.** Within thirty (30) days of publication, the owner shall provide to the Building Official a detailed written plan for rehabilitation or removal of the structure complete with estimated costs and completion date. Failure to provide said plan within the designated time shall constitute waiving of the established time for repair established in Section 1.

**Section 3.** The City Clerk shall cause said findings to be filed with the Register of Deeds of Cowley County, Kansas.

**Section 4.** This resolution shall be in full force and effect from and after its adoption and publication in the official city newspaper.

**ADOPTED** this 16th day of January, 2018.

(SEAL)

\_\_\_\_\_  
Gregory N. Thompson, Mayor

ATTEST:

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

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

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

(First published in the Cowley Courier Traveler on Friday, January 19, 2018)

**BILL NO. 1808**

**RESOLUTION NO. 0718**

**A RESOLUTION**

**SETTING** forth findings that the structure, a house, located on a tract of land legally described as follows: *A house on a tract of land in the West Half of the Northwest Quarter of Section 28, Township 32 South, Range 4 East, described by metes and bounds, as follows: Commencing at a point on East side of Right-of-way of Kansas City and Southwestern Railroad at intersection of the South side of Ninth Avenue of the City of Winfield with said right-of-way; thence East on the South line of Ninth Avenue, 50 feet; thence South 140 feet; thence West to East line of Right-of way to point of beginning. Commonly known as 623 W. 9TH AVE. Recorded in Book 0861 Page 0058, 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.*

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**WHEREAS**, the Governing Body, by **Resolution No. 6517**, scheduled a hearing for January 16<sup>th</sup>, 2018 at 5:30 p.m. to hear evidence to determine if the structure hereinafter described is unsafe and/or dangerous; and,

**WHEREAS**, on the 16th of January, 2018 the Governing Body heard all the evidence submitted.

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

**Section 1.** The Governing Body hereby finds that the structure located on a tract of land legally described as: *A house on a tract of land in the West Half of the Northwest Quarter of Section 28, Township 32 South, Range 4 East, described by metes and bounds, as follows: Commencing at a point on East side of Right-of-way of Kansas City and Southwestern Railroad at intersection of the South side of Ninth Avenue of the City of Winfield with said right-of-way; thence East on the South line of Ninth Avenue, 50 feet; thence South 140 feet; thence West to East line of Right-of way to point of beginning. Commonly known as 623 W. 9TH AVE. Recorded in Book 0861 Page 0058, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and dangerous and hereby directs the owner to remove or repair said structure and make the premises safe and secure. The owner has ninety (90) days from the date of publication of this resolution or building permit date, whichever comes first, to complete repair work, bring the structure into code compliance and make said structure safe and habitable. Compliance must meet city standards and expectations. The owner must have the structure inspected by the city inspector and obtain a Certificate of Occupancy from the Inspection Department before said structure is deemed safe, habitable and ready for occupancy. Regardless of the expenditures and/or progress on the structure, if the owner fails to complete the repair within the time frame specified or fails to diligently prosecute the same until the work is completed, then at its discretion said Governing body will cause the structure to be razed and removed or extend the time period. The cost of razing and removal, less salvage, if any, shall be assessed as a special assessment against the parcel of land upon which the structures are located.*

**Section 2.** Within thirty (30) days of publication, the owner shall provide to the Building Official a detailed written plan for rehabilitation or removal of the structure complete with estimated costs and completion date. Failure to provide said plan within the designated time shall constitute waiving of the established time for repair established in Section 1.

**Section 3.** The City Clerk shall cause said findings to be filed with the Register of Deeds of Cowley County, Kansas.

**Section 4.** This resolution shall be in full force and effect from and after its adoption and publication in the official city newspaper.

**ADOPTED** this 16th day of January, 2018.

(SEAL)

\_\_\_\_\_  
Gregory N. Thompson, Mayor

ATTEST:

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

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

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

**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 real estate in Section 26, Township 32 South, Range 4 East of the 6th P.M., City of Winfield, Cowley County, Kansas.

**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 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 the City of Winfield, a municipal corporation in Cowley County, Kansas, Gregory N. Thompson, Mayor, 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:

The West 445 feet of the South 25 feet of Lot 19, Winfield Industrial Park Replat, Winfield, Cowley County, Kansas.

**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 16<sup>th</sup> day of January 2018.

(SEAL)

\_\_\_\_\_  
Gregory N. Thompson, Mayor

ATTEST:

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

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

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



## Request for Commission Action

**Date:** January 11, 2018

**Requestor:** Gus Collins, Director of Utilities

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**Action Requested:** C/C consider approval/acceptance of a utility easement – to allow Electric Utility Department to extend new service for Webster Engineering. Approval or a resolution – for January 16 C/C Meeting.

**Analysis:** The Webster Engineering has requested a new electric service to their facility. The electric distribution department will provide the up-grade. An easement from Cates Supply is needed. Cates has agreed to provide the easement – 450' x 25'.

**Fiscal Impact:** No cost to the city. The company will reimburse the cost to install – Estimated at \$6500.

**Attachments:** Map depicting the easement.

**PERMANENT EASEMENT**

We, Cates Supply, Inc. owners, in consideration of the benefit to be obtained from the utility lines which are the subject of these easements, 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, permanent easements 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 in the Northeast Quarter of Section 26, Township 32 South, Range 4 East of the 6<sup>th</sup> P.M., City of Winfield, Cowley County, Kansas, described as follows:

The West 445 feet of the South 25 feet of Lot 19, Winfield Industrial Park Replat, Winfield, Cowley County, Kansas.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Randy Cates, President

STATE OF KANSAS  
COUNTY of COWLEY, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me a notary public in and for said county and state, personally appeared Randy Cates, to me known to be the person named in and who executed the foregoing instrument, and duly acknowledged the execution thereof.

\_\_\_\_\_  
Notary Public

My commission expires:

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Accepted and authorized for filing in the Office of Register of Deeds, Cowley County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by Resolution No. \_\_\_\_\_ of the Governing Body of the City of Winfield, Kansas.

\_\_\_\_\_  
Gregory N. Thompson, Mayor

ATTEST:

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



# City of Winfield

Electric Department  
2701 East Ninth Ave  
Winfield, Kansas 67156

While the City of Winfield, KS makes every effort to maintain and distribute accurate information, no warranties and/or representations of any kind are made regarding information, data or services provided. In no event shall the City of Winfield, KS, be liable in any way to the users of this data. Users of this data shall hold the City of Winfield, KS, harmless in all matters and accounts arising from the use and/or accuracy of this data.

507 INDUSTRIAL RD

INDUSTRIAL

511 INDUSTRIAL RD

609 INDUSTRIAL RD

619 INDUSTRIAL RD

25'

Purposed Easement

450'

Feet

360

270

180

90

45

0



**A RESOLUTION**

**AUTHORIZING** a sell-back directive directing the Kansas Municipal Energy Agency to sell certain contract energy capacity to the Grand River Dam Authority and authorizing the Kansas Power Pool (“KPP”), a Municipal Energy Agency, to act on behalf of the City in such matters.

**WHEREAS**, the City of Winfield, Kansas (the “City”) is a member of The Kansas Power Pool (“KPP”), a Municipal Energy Agency, and has previously entered into a Power Purchase Agreement – Grand River Dam Authority Power Supply (the “GRDA Agreement”) with the Kansas Municipal Energy Agency (“KMEA”), which resulting capacity is now a pooled resource of the KPP; and

**WHEREAS**, the KMEA has requested the City execute a GRDA Energy Sell-Back Directive (the “Sell-Back Directive”) authorizing the KMEA to sell back all or a portion of the contract energy capacity amount as authorized from time to time to the Grand River Dam Authority (the “GRDA”) pursuant to an Agreement for the Purchase and Sale of Electric Energy dated October 20, 2017 (the “Sell-Back Agreement”) and to schedule the sale on behalf of the City; and

**WHEREAS**, the City and the KPP desire that the City authorize and execute the Sell-Back Directive and authorize the KPP to act on behalf of the City with respect to the scheduling and sale of contract energy capacity back to the GRDA pursuant to the Sell-Back Directive.

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

**SECTION 1.** The City intends and is hereby authorized to participate in the sale of contract energy capacity to GRDA pursuant to the Sell-Back Directive and Sell-Back Agreement.

**SECTION 2.** The City hereby authorizes the KPP and its authorized representatives to act on behalf of the City and exercise any rights of the City with respect to the scheduling and sale of contract energy capacity back to the GRDA pursuant to the Sell-Back Directive.

**SECTION 3.** The Mayor and City Clerk are hereby authorized and directed to execute any documents and take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Resolution, including but not limited to, execution on behalf of the City of the Sell-Back Directive and an assignment of rights in the GRDA Agreement to the KPP.

**SECTION 4.** This Resolution shall become effective upon its approval and passage by the governing body of the City.

**PASSED AND APPROVED** by the governing body of the City of Winfield, Kansas this 16th day of January, 2018.

[seal]

CITY OF WINFIELD, KANSAS

By \_\_\_\_\_  
Gregory N. Thompson, Mayor

ATTEST:

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



## Request for Commission Action

**Date:** January 11, 2018

**Requestor:** Gus Collins, Director of Utilities

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**Action Requested:** C/C consider approving, at January 16, 2018 C/C meeting, a resolution to the existing PPA between GRDA and the city. This PPA was conveyed to the KPP in 2005.

**Analysis:** This Resolution would allow GRDA to return or "sell" excess power to KMEA – thus providing potential revenue to the pool.

**Fiscal Impact:** Possible saving to the membership of KPP. No cost to City.

**Attachments:** A copy of proposed Resolution.