

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Monday, May 01, 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.....Monday, April 17, 2017

**PRESENTATION**

-Chief Danny Parker - Retirement

**PROCLAMATION**

-Proclaiming May 7 - 13, 2017 as Public Service Recognition Week

**BUSINESS FROM THE FLOOR**

-Citizens to be heard

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 1726 – An Ordinance** – Adopting a new Section 34-54 of the Municipal Code of the City of Winfield, Kansas pertaining to administrative fees associated with nuisance abatement.

**Bill No. 1727 – An Ordinance** – Amending Sections 54-3 and 54-32 by repealing Section 54-3 and adopting a new Section 54-3 and repealing subparagraph 2(d) of Section 54-32 and adopting a new subparagraph 2(d) to Section 54-32, both set out herein and a part of the Municipal Code of the City of Winfield, Kansas and pertaining to Administrative Fees associated with nuisance abatement.

**Bill No. 1728 – A Resolution** - Revoking the previous designation of condemnation of real estate. (122 N Minnesota)

**Bill No. 1729 – A Resolution** - Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Winfield Community Theatre)

**OTHER BUSINESS**

-Consider Temporary Liquor License for US 77 Productions, Inc at Fairgrounds, June 1-3 2017

**ADJOURNMENT**

-Next Commission work session 4:00 p.m. Thursday, May 11, 2017.

-Next regular meeting 5:30 p.m. Monday, May 15, 2017.

**CITY COMMISSION MEETING MINUTES**  
**Winfield, Kansas**  
**April 17, 2017**

The Board of City Commissioners met in regular session, Monday, April 17, 2017 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Brenda K. Butters presiding. Commissioners Gregory N. Thompson and Ronald E. Hutto were also present. Also in attendance were Jeremy Willmoth, City Manager and Brenda Peters, City Clerk. Other staff members present were Gary Mangus, Assistant to the City Manager; Patrick Steward, Director of Community Development; and Russ Tomevi, Director of Public Works/Engineering.

City Clerk Peters called roll. All Commissioners were present.

Commissioner Thompson moved that the minutes of the April 3, 2017 meeting be approved. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

**PROCLAMATION**

Mayor Butters presented a proclamation to Sanitation Superintendent, Shawn Mugler, proclaiming April 16 – April 22, 2017 as Spring Beautification Week.

**BUSINESS FROM THE FLOOR**

**NEW BUSINESS**

**Bill No. 1723 - An Ordinance** - Adopting new zoning regulations for the City of Winfield, Kansas; repealing existing zoning regulations of the City, adopting “City of Winfield, Kansas Zoning Regulations, April 2017” and readopting the Zoning Map and incorporating Zoning Regulations by reference in accordance with K.S.A. 12-741 et seq., K.S.A. 12-3009:3012 and K.S.A. 12-3301:3302. Community Development Director Steward explains that this ordinance is for the purpose of adopting amendments to the Zoning Regulations by abolishing the existing regulations and replacing them with a new set of regulations. Steward explains that the Planning Commission met on March 28, 2017 and considered all of the factors set out by the State of Kansas as well as the City’s regulations, and are recommending the changes as presented to the Commission with an effective date of June 1, 2017. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 1723 was adopted and numbered Ordinance No. 4054.

**Bill No. 1724 - An Ordinance** - Amending Sections 4-401 and 7-201 of the subdivision regulations for the City of Winfield, Kansas and repealing existing Sections 4-401 and 7-201. Community Development Director Steward explains that this ordinance considers amending the Subdivision Regulations by repealing only sections 4-401 and 7-201 and replacing them with new sections. The Planning Commission held a public hearing regarding the changes, and does recommend that the City Commission adopt the proposed changes. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 1724 was adopted and numbered Ordinance No. 4055.

**Bill No. 1725 - A Resolution** - Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project No. FY 2017 KDOT KLINK 1R (US) 160-18 U 0813-01 for Highway improvements from US-160 (9<sup>th</sup> Avenue) from Loomis Street to College Street and on US-77 (Main St) from 6<sup>th</sup> Avenue to Manning Street, between the City of Winfield, Kansas and Flint Hills Materials, LLC, Wichita, Kansas. Director of Public Works/Engineering Tomevi explains that this resolution is to award a contract for a KLINK resurfacing project consisting of Main Street from 6<sup>th</sup> Avenue to Manning Street, and on 9<sup>th</sup> Avenue from Loomis Street to College Street. Tomevi explains that four bids were opened on March 9, 2017 and the low bid was submitted by Flint Hills Materials, LLC, and staff does recommend that the contract be awarded to Flint Hills. The total project cost will be \$398,324. Tomevi also explains that fifty percent of this cost will be paid by the State of Kansas and fifty percent will be the City's responsibility. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 1725 was adopted and numbered Resolution No. 2317.

**OTHER BUSINESS**

-Consider quote for Micro-Surfacing - Director of Public Works and Engineering Tomevi explains that as part of the 2017 street resurfacing projects, three areas were identified for micro-sealing; Lakeview, Cedar Crest, and Country Club Estates. Tomevi explains that a quote was received by Vance Brothers, Kansas City, Missouri who will be doing another project east of the City, and by utilizing them during this project while they are in the area, the City would save certain costs. The quote for the three areas proposed for micro-surfacing is \$99,134.28. Commissioner Thompson made a motion to accept the quote from Vance Brothers as presented for micro-surfacing at a cost of \$99,134.28. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

**ADJOURNMENT**

Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, the meeting adjourned at 5:40 p.m.

Signed and sealed this 27th day of April 2017.

Signed and approved this 1st day of May 2017.

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Brenda Peters, City Clerk

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Brenda K. Butters, Mayor

## **SERVICE RECOGNITION AWARD**

WHEREAS, Police Chief Danny Parker has enjoyed a more than forty-three year career in law enforcement including more than six years serving as Police Chief for the City of Winfield; and,

WHEREAS, Police Chief Danny Parker has announced his retirement effective May 6, 2017; and,

WHEREAS, Chief Parker has been a well respected leader in the City of Winfield's organization and a valued member of the City's management team;

NOW, THEREFORE, I, Brenda K. Butters, Mayor of the City of Winfield, Kansas, do hereby recognize Chief Danny Parker and thank him on behalf of the City of Winfield, the City Commission and the Community for his dedicated service, and wish him well on his much deserved retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 1st day of May, 2017.



Brenda K. Butters, Mayor

ATTEST:



Brenda Peters, City Clerk

## **PROCLAMATION**

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation operating; and

WHEREAS, Many public servants risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, Public servants also include teachers, doctors and scientists, train conductors and astronauts, nurses and safety inspectors, utility technicians and laborers, computer technicians and social workers, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people with integrity; and

WHEREAS, celebrations are being initiated across the nation by mayors, governors, agency leaders, communities and public service organizations.

NOW, THEREFORE, I, Brenda K. Butters, Mayor of the City of Winfield, Kansas, do hereby announce and proclaim to all citizens and set seal hereto, that May 7 - 13, 2017, is:

### **Public Service Recognition Week**

In order to recognize the accomplishments and contributions of the millions of public employees at the federal, state, county, and city levels:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 1st day of May 2017.

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

ATTEST:

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

(Published in the Cowley Courier Traveler on Friday, May 5, 2017)

**BILL NO. 1726**

**ORDINANCE NO. 4056**

**AN ORDINANCE**

**ADOPTING** a new Section 34-54 of the Municipal Code of the City of Winfield, Kansas pertaining to administrative fees associated with nuisance abatement.

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

**Section 1.** Section 34-54 shall be adopted as follows:

Sec. 34-54 - Nuisance Abatement Fees.

(a) Nuisance abatement actions per Section 54-3.

In addition to the actual cost of abatement, an administrative fee of \$100 shall be assessed for each action ordered by resolution.

(b) Weeds and Rank Vegetation.

In addition to the actual cost of abating weeds and rank vegetation pursuant to Section 54-32, an administrative fee shall be assessed for each time the clerk shall cause abatement to occur: The number of occurrences shall be those taken within the given calendar year.

1. First Occurrence..... \$50
2. Second and Third Occurrence..... \$75
3. Any additional Occurrence ..... \$100

(c) Condemnation Fees.

In addition to the actual cost of abatement, an administrative fee of \$100 shall be assessed for each action ordered by resolution.

**Section 2. Severability.** Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect on June 1, 2017 and after its publication in the official city newspaper.

**ADOPTED** this 1<sup>st</sup> day of May 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

**BILL NO. 1727**

**ORDINANCE NO. 4057**

**AN ORDINANCE**

**AMENDING**

Sections 54-3 and 54-32 by repealing Section 54-3 and adopting a new Section 54-3 and repealing subparagraph 2(d) of Section 54-32 and adopting a new subparagraph 2(d) to Section 54-32, both set out herein and a part of the Municipal Code of the City of Winfield, Kansas and pertaining to Administrative Fees associated with nuisance abatement.

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

**Section 1.** Section 54-3 is hereby amended as follows:.

Sec. 54-3. - Abatement procedure.

- (a) The city shall have the power to have removed or abated from any lot or parcel of ground within the city any and all nuisances, including rank grass, weeds, or other vegetation, and shall have the power to cause to be drained any pond of water, at the cost and expense of the owner of the property on which the nuisance is located, whenever the governing body of the city determines, by resolution, that such nuisance, rank vegetation or pond of water is a menace and dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the city.
  
- (b) Upon such determination being made, the city clerk or his designee shall issue notice requiring the owner of the premises, or his agent, to remove and abate from the premises the thing therein described as a nuisance within a time, not exceeding ten days, to be specified in the notice. The notice shall state that, before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or its designated representative. The notice shall be served by personal service, by delivering a copy thereof to the owner, occupant or agent of such property, or, if the property is unoccupied and the owner is a nonresident, then by mailing a notice by certified mail to the last known address of the owner. If the owner, occupant or agent fails to comply with the requirement of the notice for a period longer than that named in the notice, then the city shall proceed to have the things described in the notice removed and abated from the lot or parcel of ground. The city shall give notice to the owner, occupant or agent by certified mail of the total costs of such abatement or removal incurred by the city **and the associated administrative fees noted in Section 34-54**. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the 30-day period, the cost shall be collected in the manner provided by section 54-5 or shall be assessed and charged against the lot or

parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify the costs, and the county clerk shall extend the cost on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by section 54-5, but only until the full cost and any applicable interest have been paid in full.

**Section 2.** Section 54-32, Subparagraph (d) is hereby amended as follows:

- (d) If such owner, occupant or agent fails to request a hearing or does not cut or remove the weeds within the applicable waiting period, the city clerk shall cause such weeds to be cut or destroyed. The city shall give notice to the owner, occupant or agent by certified mail of the total cost of such cutting or removal incurred by the city, **including the administrative fee established in Section 34-54.**

**Section 3. Severability.** Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect on June 1, 2017 and after its publication in the official city newspaper.

**ADOPTED** this 1<sup>st</sup> day of May 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**

**REVOKING** the previous designation of condemnation of real estate.

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**WHEREAS**, the Governing Body, by Bill No. 1653, Resolution No. 4116, condemned a house as unsafe and dangerous, said house being located at 122 N. Minnesota, and legally described as: Lot 7, Block 35, Highland Park Addition, Winfield, Cowley County, Kansas; and

**WHEREAS**, the current owners, Rex and Janice Harrington, have provided an acceptable plan for the restoration of the property.

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

**Section 1.** The Governing Body, due to the acceptance of a proposed plan for restoration of the dwelling on the parcel described as: Lot 7, Block 35, Highland Park Addition, Winfield, Cowley County, Kansas; to a habitable structure within 180 days of the issuance of a building permit; hereby revokes the designation as a condemned structure associated with said property, as set out in Bill No. 1653, Resolution No. 4116.

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

**ADOPTED** this 1<sup>st</sup> day of May 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 (Winfield Community Theatre)

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**WHEREAS**, Winfield Community Theatre has made application for an Outdoor Community Event and Temporary Entertainment District to host an official fundraising event, 3:00 pm to 10:00 pm, May 27, 2017, to be held in and adjacent to the Meyer Hall Theater, 1500 E 8th; and

**WHEREAS**, Winfield Community Theatre, a long-standing benevolent, social, and creative outlet for Cowley County, wishes to serve complimentary alcoholic liquor to members of the general public attending the proposed official fundraising event; and

**WHEREAS**, K.S.A. 41-104 (h) states that the following activity is exempt from state regulation: The serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto.

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

**Section 1.** The governing body of the City of Winfield, Kansas, hereby authorizes an 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, as presented by the Winfield Community Theatre for a special event from 3:00 pm to 10:00 pm, on May 27, 2017, to be held in and adjacent to Meyer Hall Theater, 1500 E 8th, 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 2.** This resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** this 1st day of May, 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