

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Monday, July 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.....Monday, July 03, 2017

**PROCLAMATION**

-Congratulating STEM Center for Innovation Engineering program members for being named National Champions in Engineering Technology/Design.

**PRESENTATION**

-Presentation to City Manager Willmoth for completion of the 2017 Citizen's Academy

**PUBLIC HEARING**

-Consider condemnation proceedings at 420 Soward Street  
-Consider condemnation proceedings at 1012 Lowry Street

**BUSINESS FROM THE FLOOR**

-Citizens to be heard

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 1750 – An Ordinance** – Amending Chapter 74, of the Revised Ordinances of the City of Winfield relating to Standard Traffic Ordinances by striking Section 74-82(k) and adding a new Section 74-82(k).

**Bill No. 1751 – An Ordinance** – Amending Chapter 74, Section 74-226 of the Revised Ordinances of the City of Winfield relating to No Parking in the 2100 Block of Warren Avenue.

**Bill No. 1752 – An Ordinance** – Creating Section 78-175, of the Municipal Code of the City of Winfield, Kansas pertaining to back flow prevention devices providing non-compliance of annual testing.

**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.

**Bill No. 1754 – A Resolution** – Setting forth findings that the structure, a house, located on a tract of land legally described as follows *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 in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days.

**Bill No. 1755 – A Resolution** – Determining the existence of certain nuisances in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City. (218 N. Iowa)

**Bill No. 1756 – An Ordinance** – Authorizing and providing for the construction of sewer improvements in the City; and providing for the payment of the costs thereof.

**Bill No. 1757 – A Resolution** – Determining the advisability of the making of certain internal improvements in the City of Winfield, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (street and drainage improvements\Country Club Villas); and repealing Resolution No. 0208.

**Bill No. 1758 – A Resolution** – Determining the advisability of the making of certain internal improvements in the City of Winfield, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (water main improvements\Country Club Villas); and repealing Resolution No. 0108.

**Bill No. 1759 – A Resolution** – Authorizing and providing for improvements included in the multi-year Capital Improvement Plan for the City of Winfield, Kansas; and providing for the payment of the costs thereof.

**Bill No. 1760 – A Resolution** – Authorizing the offering for sale of General Obligation Temporary Notes, Series 2017-1, of the City of Winfield, Kansas.

#### **OTHER BUSINESS**

- Establish Public Hearing for 2018 Budget on Monday August 7, 2017 at 5:30 pm
- Annual Budget Workshop to discuss proposed 2018 Budget Wednesday July 19, 2017 at 1:00 pm Physician's Pavilion

#### **ADJOURNMENT**

- Next Commission work session 4:00 p.m. Thursday, August 03, 2017.
- Next regular meeting 5:30 p.m. Monday, August 07, 2017.

**CITY COMMISSION MEETING MINUTES**  
**Winfield, Kansas**  
**July 3, 2017**

The Board of City Commissioners met in regular session, Monday, July 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. 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; and Patrick Steward, Director of Community Development.

City Clerk Peters called Roll. Commissioner Hutto was noted as absent.

Commissioner Thompson moved that the minutes of the June 19, 2017 meeting be approved as presented. Mayor Butters seconded the motion. With both Commissioners voting aye, motion carried.

**BUSINESS FROM THE FLOOR**

**NEW BUSINESS**

**Bill No. 1747 – 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 deleting Section 182.1 of the Standard Traffic Ordinance adopted and incorporated into the Winfield City Code, and adding a new Section 182.1 regarding seatbelts. City Attorney Muret explains that the Kansas State Legislature adopted an amendment that changes the current Standard Traffic Ordinances by amending the current seat belt violation fine from \$10.00 to \$30.00 beginning July 1, 2017. The City will collect the fine of \$30.00 and remit \$20.00 of it back to the State. Upon motion by Commissioner Thompson, seconded by Mayor Butters, both Commissioners voting aye, Bill No. 1747 was adopted and numbered Ordinance No. 4059.

**Bill No. 1748 – A Resolution** – Authorizing and granting a Conditional Use Permit to Winfield Church of Christ, owner, and Jonathan and Cathleen Gibson, agent(s), at 721 Loomis St., Winfield, Kansas, to allow a single family dwelling on the main level in the Central Business District. Community Development Director Steward explains that this resolution considers a Conditional Use Application from Jonathan and Cathleen Gibson for the property located at 721 Loomis Street which was previously used as a church. The application request is for use of the main level of the building for a single family dwelling. Stewart explains that there is a condition written into the resolution, which is that the Commercial Building Code is followed for any construction or modification performed in the building. Upon motion by Commissioner Thompson, seconded by Mayor Butters, both Commissioners voting aye, Bill No. 1748 was adopted and numbered Resolution No. 4217.

**Bill No. 1749 – A Resolution** – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute an Extension to an Interlocal Cooperation Agreement between the City of Winfield, Kansas, the City of Arkansas City, Kansas, Cowley County Board of Commissioners, Cowley College and Business Partners represented by RCB Bank and Union State Bank, for the

provision of Countywide Economic Development Services. City Manager Willmoth explains that this will be the third amended agreement for this Interlocal Agreement which is for the operation of Cowley First. Upon motion by Commissioner Thompson, seconded by Mayor Butters, both Commissioners voting aye, Bill No. 1749 was adopted and numbered Resolution No. 4317.

**OTHER BUSINESS**

-Consider Board Appointments - City Clerk Peters presented a list of board appointments for the Commission's consideration.

Commissioner Thompson made a motion to accept the board appointments as follows:

**CONVENTION & TOURISM COMMITTEE**

Dean Kennedy  
Robert McNown  
Angela Root  
Peter Bhakta

Mayor Butters seconded the motion. With both Commissioners voting aye, motion carried.

-Consider AIP Grant Agreement for Strother Field – City Manager Willmoth explains that this agreement is for improvements at the Strother Field Airport. Willmoth explains that since the City owns Strother Field with Arkansas City that both Cities will have to approve and execute the grant agreement.

Commissioner Thompson made a motion to adopt the AIP Grant Agreement for Strother Field. Motion was seconded by Mayor Butters. With both Commissioners voting aye, motion carried.

**ADJOURNMENT**

Upon motion by Commissioner Thompson, seconded by Mayor Butters, both Commissioners voting aye, the meeting adjourned at 6:08 p.m.

Signed and sealed this 14th day of July 2017. Signed and approved this 17<sup>th</sup> day of July 2017.

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Brenda Peters, City Clerk

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Brenda K. Butters, Mayor

**PROCLAMATION**

WHEREAS, the Winfield High School sent three students; Lexi Wilson, Ashley Jarvis, and Michael Endicott, lead by their director Carey D.E. Keller from the STEM Center for Innovation Engineering program to compete in the 53rd Annual SkillsUSA National Leadership and Skills Championships; and,

WHEREAS, More than 6,000 state contest winners in career and technical education competed in over 100 different hands-on trade, technical and leadership fields; and

WHEREAS, There were 27 High School and 9 Post-Secondary teams competing in the Engineering Technology/Design competition; and,

WHEREAS, the Winfield team designed an attachable tactical body retrieval devise that aids police officers, SWAT, Firefighters, EMS and Military personnel; and,

WHEREAS, They were named National Champions in Engineering Technology/Design, and were the first Kansas team to ever win this title.

NOW, THEREFORE, I, Brenda K. Butters, Mayor of the City of Winfield, Kansas do hereby congratulate Carey Keller, Lexi Wilson, Ashley Jarvis, and Michael Endicott for being named:

**NATIONAL CHAMPIONS IN ENGINEERING TECHNOLOGY/DESIGN**

In Winfield and encourage every resident to join us in celebrating their magnificent accomplishment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 17<sup>th</sup> day of July, 2017

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

ATTEST:

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

(First published in the Cowley Courier Traveler on Friday, July 21, 2017)

**BILL NO. 1750**

**ORDINANCE NO. 4060**

**AN ORDINANCE**

**AMENDING** Chapter 74, of the Revised Ordinances of the City of Winfield relating to Standard Traffic Ordinances by striking Section 74-82(k) and adding a new Section 74-82(k).

\_\_\_\_\_

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

**Section 1.** Current Section 74-82(k) is hereby deleted and a new Section 74-82(k) shall be added and shall read as follows:

(k) In a school zone governed by a flashing yellow 20 mile per hour speed limit indicator when it is operating or in any marked school zone during the hours of 7:30 a.m. to 8:30 a.m., (10:45 a.m. to 12:30 p.m. on Eighth Avenue only) and 3:00 p.m. to 4:00 p.m. (2:45 p.m. to 4:00 p.m. on Eighth Avenue only) when school is in session.

**Section 2.** This ordinance shall be in full force and effect on and after its passage and publication in the official city newspaper.

**ADOPTED** this 17th day of July, 2017.

**CITY OF WINFIELD, KANSAS**

By \_\_\_\_\_  
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

(First published in the Cowley Courier Traveler on Friday, July 21, 2017)

**BILL NO. 1751**

**ORDINANCE NO. 4061**

**AN ORDINANCE**

**AMENDING** Chapter 74, Section 74-226 of the Revised Ordinances of the City of Winfield relating to No Parking in the 2100 Block of Warren Avenue.

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

**Section 1.** The following language in Section 74-226 regarding 2100 Block of Warren Avenue shall be deleted:

2100 Block Warren Avenue Both sides from Viking Blvd. extending West 300 feet  
Applicable between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, with the exception of legal holidays.

**Section 2.** The following language for Section 74-226 regarding the 2100 Block of Warren Avenue shall be adopted:

2100 Block Warren Avenue Both sides from Viking Blvd. extending West 300 feet  
Applicable between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, with the exception of legal holidays.

**Section 3.** This ordinance shall be in full force and effect on and after its passage and publication in the official city newspaper.

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

**CITY OF WINFIELD, KANSAS**

By \_\_\_\_\_  
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

(First published in the Cowley Courier Traveler on Friday, July 21, 2017)

**BILL NO. 1752**

**ORDINANCE NO. 4062**

**AN ORDINANCE**

**CREATING** Section 78-175, of the Municipal Code of the City of Winfield, Kansas pertaining to back flow prevention devices providing non-compliance of annual testing.

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

**Section 1.** Article IV Division 2. **Section 78-175** is hereby created as follows:

Sec. 78-175. Penalty for non-compliance

(a) Failure to comply with annual testing of backflow devices as stated in Sec. 78-174(b) may result in the following action by the Director of Utilities.

- (1) City officer has the right to access the backflow device in order to determine if the testing has been completed. If not tested, the city may contract a certified backflow tester to perform testing. The customer will then be billed for the testing cost and a 20% administrative fee added.
- (2) Refusal to allow access to backflow device may result in water service being shut off to the property until testing is complete and documentation submitted to the city. Fees for reconnection to city service will apply.

**Section 2.** This ordinance shall be in full force and effect on and after its passage and publication in the official city newspaper.

**ADOPTED** this 17th day of July, 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



(Published in the *Cowley Courier Traveler* on July 21, 2017)

**BILL NO. 1753**

**RESOLUTION NO. 4417**

**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.

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**WHEREAS**, the Governing Body, by **Resolution No. 3117**, scheduled a hearing for July 17th 2017 at 5:30 p.m. to hear evidence to determine if the structure hereinafter described is unsafe and/or dangerous; and,

**WHEREAS**, on the 17th of July, 2017 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: *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 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 17th day of July, 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/jha

(Published in the *Cowley Courier Traveler* on July 21, 2017)

**BILL NO. 1754**

**RESOLUTION NO. 4517**

**A RESOLUTION**

**SETTING** forth findings that the structure, a house, located on a tract of land legally described as follows *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 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. 3017, scheduled a hearing for July 17, 2017 at 5:30 p.m. to hear evidence to determine if the structure hereinafter described is unsafe and/or dangerous; and,

**WHEREAS**, on the 17<sup>th</sup> of July, 2017 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: *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 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 17th day of July, 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/jha

**A RESOLUTION**

**DETERMINING** the existence of certain nuisances in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

**WHEREAS**, under the provisions of Section 54-3 and 70-2 of the Winfield City Code, Winfield, Kansas, adopted pursuant to K.S.A. 12-1617e, the Governing Body has the power to remove or abate from any lot or parcel of ground within the City any nuisance thereon, upon a finding and determination thereof by said Governing Body; and,

**WHEREAS**, the City’s inspector, on or about the 27th day of June, 2017 and on prior and subsequent times, inspected the premises described below and observed the following conditions as set forth below;

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

**Section 1.** The conditions hereinafter described are hereby found to be nuisances, and determined to be a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family or resident of the city, to wit:

(1) Owner: PHABMIXAY,MAY S & PHABMIXAY,SOUNTHARACK SUE S  
5 Berwick Ct.  
Winfield, KS 67156

Occupant: Vacant  
Property Address: 218 N. Iowa  
Legal Description: Lot 7, and 8 Block 38, Highland Park Addition to the City of Winfield, Cowley County, Kansas

Nature of Nuisance: A nuisance consisting of an abandon mattress miscellaneous junk and/or trash on the front porch and yard area.

Disposition of Items: Property items determined by the City to be of value will be impounded and stored at the City impound lot. Such items may be retrieved after appropriate impound fees and other incurred expenses have been paid by the owners.

**Section 2.** The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

**ADOPTED** this 17th day of July, 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/jha

**BILL NO. 1756**

**ORDINANCE NO. 4063**

**AN ORDINANCE OF THE CITY OF WINFIELD, KANSAS, AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

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**WHEREAS**, K.S.A. 12-618 provides, in part, that the governing body of any city having a population of less than 80,000 shall have power to provide for one or more systems of sewerage, or drainage, or both, for such city, or for any part thereof, with one or more main sewers or drains and sewer or drains outlets, and to build, construct or purchase pumping stations, sewers, sewer service lines and drains by districts or otherwise, as the governing body may determine; and

**WHEREAS**, K.S.A. 12-619 provides, in part, that if the estimated cost of the main sewer or drain of the system now or hereafter constructed shall be relatively large as compared with the estimated cost of the lateral sewers or drains tributary thereto, or if the main sewer or drain shall be so located that it will or may receive the sewage or drainage from two or more districts, the governing body shall have power to pass an ordinance providing that the cost of such main sewer or drain below a certain designated point shall be borne by the city and paid in the manner provided in K.S.A. 12-624 for the payment of the cost of main sewers and drains now or hereafter constructed beyond the corporate limits of the city; provided, that the ordinance shall state the point in the line of the main sewer or drain below which the provisions of this section shall apply, shall describe the proposed location of the main sewer or drain from the point to the outlet of the same or to the city limits, and shall state the manner of payment of the cost of the main sewer or drain; and

**WHEREAS**, K.S.A. 12-624 provides, in part, that all costs and expenses occasioned by the acquisition of a right-of-way and by the construction of sewers and drains and disposal works beyond the corporate limits of the city shall be borne by the city as a whole and shall be paid out of the general revenue fund or by the issuance of improvement bonds of the city as the governing body may determine, that bonds to pay the costs may be issued in addition to the \$100,000 authorized by K.S.A. 12-621 for the construction of disposal works and that such additional bonds may be issued in addition to the limit of bonded indebtedness of such cities as defined by statutes; and

**WHEREAS**, the City of Winfield, Kansas (the "City") has a population of approximately 12,204; and

**WHEREAS**, the governing body of the City hereby finds and determines it to be necessary to construct approximately 6,100 L.F. of 8" sanitary sewer main, manholes, wyes and risers, and all improvements appurtenant thereto (the "Improvements"); and

**WHEREAS**, the governing body of the City adopted Resolution No. 0308 on January 7, 2008, which authorized the Improvements pursuant to K.S.A. 12-6a01 *et seq.*, at an estimated cost of \$786,926, with 55.52% of such cost to be apportioned and assessed against the improvement district set forth therein and 44.48% of such cost to be apportioned and paid by the City-at-large, and Resolution No. 0308 was

published in the *Winfield Daily Courier* (*Cowley Courier Traveler*) on January 18, 2008, and republished on July 28, 2008, and recorded with the Cowley County Register of Deeds in Book 817 Pages 486-488, and due to increased construction costs, the estimated costs of the Improvements are now \$1,023,361; and

**WHEREAS**, the governing body of the City hereby finds and determines it to be necessary to authorize a portion of the Improvements for the City under authority of K.S.A. 12-619; and

**WHEREAS**, the governing body hereby further finds and determines that the costs of constructing the Improvements will be relatively large as compared to the estimated cost of possible future sewer lateral lines or drains tributary thereto, or that the Improvements may receive in the future sewage or drainage from two or more districts, and that a portion of the costs of constructing the Improvements should be chargeable to the City-at-large and paid by the issuance of general obligation bonds of the City in the manner provided by K.S.A. 12-624 for the costs of main sewer improvements and drains now or hereafter constructed beyond the corporate limits of the City; and

**WHEREAS**, the governing body hereby further finds and determines it to be necessary to authorize and provide for the construction of Improvements in the City; and to make provision for the payment of a portion of the costs thereof by the issuance of general obligation bonds of the City.

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

**Section 1. Authorization of Improvements.** It is hereby authorized, ordered, and directed that the Improvements be constructed as a part of the sewer system of the City, as provided by K.S.A. 12-618 *et seq.* and K.S.A. 12-6a01 *et seq.*, in accordance with the plans and specifications therefor, which have been prepared or approved by the City Engineer and placed on file in the office of the Clerk. The authorization of the Improvements by Resolution No. 0308 is hereby ratified and confirmed.

**Section 2. Designated Points.** The proposed location of the Improvements is approximately from the intersection of Braid Hill Drive and Country Club Road to the intersection of Braid Hill Drive and C.A. Kitch Road. A portion of the costs of the Improvements (in the amount set forth in **Section 3**) within such designated points shall be borne by the City at large, and shall be paid in the manner provided in K.S.A. 12-624, for the costs of main sewers and drains now or hereafter constructed beyond the corporate limits of the City.

**Section 3. Bond Authorization.** The estimated costs of the Improvements, including construction, engineering fees, contingencies and administrative expenses are \$1,023,361. A portion of the costs of the Improvements in an amount not to exceed \$786,926 shall be payable under the authority of and in the manner set forth in Resolution No. 0308 and the balance of the costs of the Improvements, interest on interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of K.S.A. 12-619 and K.S.A. 12-624 (the "Bonds").

**Section 4. Reimbursement.** Any Bonds issued under the authority of this Ordinance may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Ordinance pursuant to U.S. Treasury Regulation §1.150-2.

**Section 5. Effective Date.** This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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**PASSED** by the governing body of the City of Winfield on July 17, 2017, and **SIGNED** by the Mayor.

(SEAL)

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

ATTEST:

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

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

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

**BILL NO. 1757**

**RESOLUTION NO. 4717**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WINFIELD, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STREET AND DRAINAGE IMPROVEMENTS\COUNTRY CLUB VILLAS) ; AND REPEALING RESOLUTION NO. 0208.**

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**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Winfield, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City-at-large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*; and

**WHEREAS**, the governing body of the City hereby finds and determines that said Petition was signed by all of the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of K.S.A. 12-6a01 *et seq.* (the "Act").

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

**Section 1. Findings of Advisability.** The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Install street and drainage improvements to serve Lots 1 and 2, Block A; and Lots 1 through 9, Block B, Country Club Villas, an addition to the City of Winfield, Cowley County, Kansas, in accordance with the City of Winfield Standard Specifications.

(b) The estimated or probable cost of the proposed Improvements is: \$272,835; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 and 2, Block A; and Lots 1 through 9, Block B, Country Club Villas, an addition to the City of Winfield, Cowley County, Kansas.

(d) The method of assessment is: Equally per lot (11 lots).

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Section 2. Authorization of Improvements.** The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

**Section 3. Bond Authority; Reimbursement.** The Act provides for the costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

**Section 4. Repealer.** Resolution No. 0208 of the City is hereby repealed.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Cowley County, Kansas.

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**ADOPTED** by the governing body of the City of Winfield on July 17, 2017.

(SEAL)

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

ATTEST:

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

**BILL NO. 1758**

**RESOLUTION NO. 4817**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WINFIELD, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER MAIN IMPROVEMENTS\COUNTRY CLUB VILLAS); AND REPEALING RESOLUTION NO. 0108.**

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**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Winfield, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City-at-large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*; and

**WHEREAS**, the governing body of the City hereby finds and determines that said Petition was signed by all of the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of K.S.A. 12-6a01 *et seq.* (the "Act").

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

**Section 1. Findings of Advisability.** The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Install water main improvements to serve Lots 1 and 2, Block A; and Lots 1 through 9, Block B, Country Club Villas, an addition to the City of Winfield, Cowley County, Kansas, in accordance with the City of Winfield Standard Specifications.

(b) The estimated or probable cost of the proposed Improvements is: \$54,929; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 and 2, Block A; and Lots 1 through 9, Block B, Country Club Villas, an addition to the City of Winfield, Cowley County, Kansas.

(d) The method of assessment is: Equally per lot (11 lots).

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 87.53% to be assessed against the Improvement District and 12.47% to be paid by the City-at-large.

**Section 2. Authorization of Improvements.** The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

**Section 3. Bond Authority; Reimbursement.** The Act provides for the costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

**Section 4. Repealer.** Resolution No. 0108 of the City is hereby repealed.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Cowley County, Kansas.

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**ADOPTED** by the governing body of the City of Winfield on July 17, 2017.

(SEAL)

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

ATTEST:

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

**BILL NO. 1759**

**RESOLUTION NO. 4917**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR IMPROVEMENTS INCLUDED IN THE MULTI-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF WINFIELD, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

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**WHEREAS**, K.S.A. 14-570 *et seq.*, as amended by Charter Ordinance No. 39 (the “Act”) provides that the City Engineer of the City of Winfield, Kansas (the “City”), may file with the governing body of the City (the “Governing Body”) a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute; and

**WHEREAS**, upon approval of the Plan by the Governing Body, the City is authorized to issue its general obligation bonds in an amount sufficient to carry out such Plan and associated costs; and

**WHEREAS**, the City Engineer has filed such a Plan, as may be amended, with the Governing Body, a copy of which is attached as *Exhibit A*; and

**WHEREAS**, the Governing Body desires to ratify and approve the Plan and to authorize the issuance of general obligation bonds to finance all or a portion of such Plan.

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

**Section 1. Plan Approval.** The Governing Body hereby ratifies and approves the Plan in the form submitted by the City Engineer, a copy of which is attached as *Exhibit A*.

**Section 2. Bond Authorization.** The Governing Body hereby authorizes the issuance of general obligation bonds of the City (the “Bonds”) for the following described projects included in the Plan (the “Improvements”):

<u>Description</u>	<u>Estimated Cost</u>
Acquisition of Wastewater Treatment Plant Improvements	\$804,434

The costs of the Improvements, interest on interim financing and associated financing costs shall be payable from the proceeds of the Bonds issued under authority of the Act

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.



**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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**ADOPTED AND APPROVED** by the governing body of the City of Winfield, Kansas, on July 17, 2017.

(Seal)

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

Clerk

**EXHIBIT A**

**CITY OF WINFIELD, KANSAS  
MULTIYEAR CAPITAL IMPROVEMENTS PLAN**

<b><u>Project</u></b>	<b><u>Funds Needed</u></b>	<b><u>Year Funds Needed</u></b>	<b><u>Project Description</u></b>
Ambulance Purchase	\$ 100,000	2016	Ambulance – Winfield EMS
Baden Community Center Improvements	100,000	2016	Public Building Improvements
Technology Upgrades	100,000	2016	Digital Storage Capacity Improvements
Public Safety Facility Study	100,000	2016	Comprehensive Study for Public Safety Facility Operational Needs
2016 KLINK	125,000	2017	Street improvements and related appurtenances
12th Avenue KDOT Project	800,000	2017	Street improvements and related appurtenances
Fire Truck	750,000	2018	Fire Truck Acquisition
14th Avenue Bridge	1,678,000	2017	Bridge improvements
2017 KLINK	315,000	2017	Street improvements and related appurtenances
Public Safety Facility	7,500,000	2017 - 2019	Construction of Public Safety Facility
Acquisition of Wastewater Treatment Plant Improvements	804,434	2017 – 2018	Purchase wastewater treatment plant improvements originally financed by a 2012 lease purchase agreement

**BILL NO. 1760**

**RESOLUTION NO. 5017**

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2017-1, OF THE CITY OF WINFIELD, KANSAS.**

**WHEREAS**, the City of Winfield, Kansas (the “Issuer”), has previously authorized certain internal improvements described as follows (collectively the “Improvements”):

<u>Project Description</u>	<u>Ord./ Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Estimated Construction Cost</u>
Ambulance Purchase – Winfield EMS <sup>1</sup>	Res. 6815	14-570 <i>et seq.</i> /Ch. Ord. 39	\$ 100,000
Public Building Improvements – Baden Community Center <sup>1</sup>	Res. 6815	14-570 <i>et seq.</i> /Ch. Ord. 39	100,000
Technology Upgrades – Digital Storage Capacity Improvements <sup>1</sup>	Res. 6815	14-570 <i>et seq.</i> /Ch. Ord. 39	100,000
Comprehensive Study for Public Safety Facility Operations Needs <sup>1</sup>	Res. 6815	14-570 <i>et seq.</i> /Ch. Ord. 39	100,000
Street Improvements – 2016 KLINK <sup>1</sup>	Res. 6815	14-570 <i>et seq.</i> /Ch. Ord. 39	125,000
Street Improvements – 12th Avenue KDOT Project <sup>1</sup>	Res. 6815/ Res. 1617	14-570 <i>et seq.</i> /Ch. Ord. 39	800,000
14th Avenue Bridge Replacement <sup>2</sup>	Res. 6516/ Res. 1617	14-570 <i>et seq.</i> /Ch. Ord. 39	1,678,000
Public Safety Facility	Res. 1617	14-570 <i>et seq.</i> /Ch. Ord. 39	7,500,000
Fire Truck Acquisition	Res. 6815	14-570 <i>et seq.</i> /Ch. Ord. 39	750,000
Country Club Villas – Sewer	Res. 0308/ Ord. 4063	12-6a01 <i>et seq.</i> / 12-618 <i>et seq.</i>	1,023,361
Country Club Villas – Street and Drainage	Res. 4717	12-6a01 <i>et seq.</i>	272,835
Country Club Villas – Water	Res. 4817	12-6a01 <i>et seq.</i>	54,929
Acquisition of Wastewater Treatment Plant Improvements <sup>3</sup>	Res. 4917	14-570 <i>et seq.</i> /Ch. Ord. 39	<u>804,434</u>
<b>Total</b>			<b>\$13,408,559</b>

<sup>1</sup> Originally financed in whole or in part by the Refunded Notes

<sup>2</sup> \$200,000 financed by the Issuer’s Series 2016-3 Notes

<sup>3</sup> Originally financed by the Refunded Lease

**WHEREAS**, the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

**WHEREAS**, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issue; and

**WHEREAS**, the Issuer has previously issued its General Obligation Temporary Notes, Series 2016-1 and General Obligation Temporary Notes, Series 2016-3, to temporarily finance a portion of the costs of some of the Improvements, and all aspects of the Improvements will not be completed prior to the maturity date of such temporary notes and it is necessary for the Issuer to issue an additional series of temporary notes in order to meet its obligations on the following described temporary note (the “Refunded Notes”):

<u>Series</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Original Amount</u>	<u>Outstanding Amount</u>	<u>Redemption Amount</u>	<u>Redemption Date</u>
2016-1	07/06/2016	08/01/2018	\$935,000	\$935,000	\$935,000	09/15/2017

**WHEREAS**, the Issuer has previously executed and delivered its Lease Purchase Agreement, dated March 20, 2012, to finance a portion of the costs of some of the Improvements, and due to the current interest rate environment, the Issuer has the opportunity to reduce debt service requirements of the City for certain years, restructure the debt payments on the lease and provide an orderly plan of finance for the City by prepaying and refunding the lease described as follows (the “Refunded Lease”):

<u>Dated Date</u>	<u>Maturity Date</u>	<u>Original Amount</u>	<u>Outstanding Amount</u>	<u>Redemption Amount</u>	<u>Redemption Date</u>
03/20/2012	09/01/2018	\$3,305,000	\$804,433.51	\$539,243.52	03/01/2018

**WHEREAS**, the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements and to retire the Refunded Notes and the Refunded Lease; and

**WHEREAS**, the City Commission of the Issuer (the “Governing Body”) has selected the firm of George K. Baum & Company, Kansas City, Missouri (the “Municipal Advisor”), as municipal advisor for one or more series of temporary notes of the Issuer to be issued to provide funds to temporarily finance the Improvements and retire the Refunded Notes and the Refunded Lease; and

**WHEREAS**, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of the temporary notes and related activities, including the preparation and distribution of a preliminary official statement relating to the temporary notes, if necessary; and

**WHEREAS**, the Issuer desires to authorize the Municipal Advisor, in conjunction with the Clerk/Director of Finance and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer’s bond counsel (“Bond Counsel”), to proceed with the preparation and distribution of a preliminary official statement, if necessary, and all other preliminary action necessary to sell the temporary notes; and

**WHEREAS**, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of the temporary notes, the Governing Body desires to authorize the Mayor to confirm the sale of the temporary notes, if necessary, prior to the next meeting of the Governing Body to adopt the necessary resolution providing for the issuance thereof.

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

**Section 1.** The Municipal Advisor, in conjunction with the City Manager and Clerk/Director of Finance, is hereby authorized to proceed with the offering for sale of the Issuer’s General Obligation Temporary Notes, Series 2017-1 (the “Notes”). The Notes shall be sold, subject to the approving opinion of Bond Counsel, on a negotiated basis to a purchaser or purchasers (collectively the “Purchaser”) to be designated by the City Manager and Clerk/Director of Finance, in consultation with the Municipal

Advisor. The timing of offering for sale, the pricing, the determination of the structuring and repayment terms of the Notes and the selection of various other professionals necessary to complete the issuance of the Notes, shall be determined by the City Manager and Clerk/Director of Finance, in consultation with the Municipal Advisor and Bond Counsel.

The confirmation of the sale of the Notes shall be subject to the execution of one or more note purchase agreements between the Purchaser and the Issuer (collectively the "Note Purchase Agreement") in a form approved by Bond Counsel and the City Attorney, the adoption of a resolution by the Governing Body authorizing the issuance of the Notes and the execution of various documents necessary to deliver the Notes. The Mayor is hereby authorized to execute the Note Purchase Agreement subject to the following parameters: (a) the principal amount of the Notes shall not exceed \$6,350,000; and (b) the true interest cost of the Notes shall not exceed 3.00%.

**Section 2.** If necessary, the Municipal Advisor, in conjunction with the Clerk/Director of Finance and Bond Counsel, is hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Notes (the "Preliminary Official Statement"). The Issuer hereby consents to the use and distribution of the Preliminary Official Statement in connection with the offering for sale of the Notes. If the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") are applicable to the Notes, then for the purpose of enabling the Purchaser to comply with such requirements, the Mayor and Clerk/Director of Finance are hereby authorized: (a) to approve the form of the Preliminary Official Statement, and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule. The Issuer agrees to provide to the Purchaser within seven business days of the date of the Note Purchase Agreement or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board, if necessary.

**Section 3.** The Mayor, City Manager, Clerk/Director of Finance, and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to: (a) carry out the sale of the Notes; (b) make provision for payment and/or redemption of the Refunded Notes and the Refunded Lease from proceeds of the Notes; and (c) purchase or subscribe for the securities to be deposited in the escrow for the Refunded Lease.

**Section 4.** The Mayor, Clerk/Director of Finance, and the other officers and representatives of the Issuer are hereby authorized and directed to execute the engagement letter related to services to be provided by the Municipal Advisor, in substantially the form attached hereto as *Exhibit B*.

**Section 5.** This Resolution shall be in full force and effect from and after its adoption.

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**ADOPTED** by the City Commission on July 17, 2017.

(SEAL)

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

ATTEST:

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

**EXHIBIT A**

**CERTIFICATE DEEMING  
PRELIMINARY OFFICIAL STATEMENT FINAL**

July 17, 2017

Re: City of Winfield, Kansas, General Obligation Temporary Notes, Series 2017-1

The undersigned are the duly acting Mayor and Clerk/Director of Finance of the City of Winfield, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the purchaser (the "Purchaser") of the above-referenced notes (the "Notes") on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the Notes.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Notes depending on such matters.

**CITY OF WINFIELD, KANSAS**

By: \_\_\_\_\_  
Title: Mayor

By: \_\_\_\_\_  
Title: Clerk/Director of Finance



**EXHIBIT B**

**FIDUCIARY ENGAGEMENT AGREEMENT  
FOR  
MUNICIPAL ADVISORY SERVICES**

This Fiduciary Engagement Agreement for Municipal Advisory Services (“Agreement”) is made this \_\_ day of \_\_\_\_\_, 2017, by and between the City of Winfield, Kansas (“Issuer”), and George K. Baum & Company, located at 4801 Main Street, Kansas City, Missouri (“GKB”).

**PURPOSE:** The Issuer has identified the need to provide temporary construction period funding for certain specific capital projects for the purpose of improving Baden Community Center, acquiring a new ambulance and fire truck, acquiring technology, design of a new public safety building, 2016 KLINK road improvements, improvements to 12<sup>th</sup> Avenue, bridge improvements on 14<sup>th</sup> Avenue and infrastructure in the Country Club Villas subdivision (jointly, the “Project”) which may result in the issuance of bonds, notes, refunding bonds and the use of other financial instruments (the “Transaction”). The Issuer deems it in its best interest to engage and retain GKB, an independent registered municipal advisor firm, to provide certain municipal advisory services to the Issuer for or related to the Transaction, including but not limited to the preparation of supporting data, bond market information, and assistance in investor negotiations.

**CONSIDERATION:** Consideration for this Agreement includes the services, compensation, and mutual exchange of promises of the parties specified herein.

**SPECIFIC PROVISIONS:** The provisions of the above “Purpose” section are material and binding terms of this Agreement.

1. **GKB’s Obligations, Scope of Services and Limitations on Scope of Services.** GKB shall provide the Issuer with the following municipal advisory services for or related to the Transaction, including the analysis of the cost and benefits relative to financing the Project (collectively, the “Scope of Services”), subject to the limitations set forth herein:
  - A. Will work with the Issuer, and others as directed by the Issuer, concerning the legal and financial issues associated with the Transaction.
  - B. Will attend all meetings and be available to the Issuer, and its other agents, for consultation and conference at times and places mutually agreed upon.
  - C. Will assist in the preparation of a credit presentation for bond rating agencies and bond insurance companies, if any.
  - D. Will assist in the collection of information and the preparation of the documents necessary to accomplish the Transaction including any related contracts, agreements or other documents related to offering securities either for purchase or sale, all of which shall be appropriately executed and satisfactory to the Issuer.

- E. Will assist in the gathering of financial, statistical or factual information relating to (i) the Issuer, and (ii) GKB and its role as Issuer's municipal advisor, to be included in the Issuer's preliminary or final official statement or other documents for the Transaction.
- F. If the Transaction involves the issuance of municipal securities to be sold on a competitive bid basis and Issuer has not engaged disclosure counsel to prepare the preliminary and final official statement, GKB will assist the Issuer with its preparation of the preliminary and final official statement and the bid package, obtain CUSIP numbers and provide an electronic version of the official statement to the winning underwriter.
- G. If the Transaction involves the issuance of municipal securities to be sold on a negotiated basis, GKB will assist the Issuer and its bond counsel in their preparation and/or review of the preliminary and final official statement, if prepared.
- H. Will advise Issuer with regard to any continuing disclosure undertaking required to be entered into in connection with the Transaction, including advising on the selection of a dissemination agent, if any.
- I. For a competitive bid sale, GKB will assist Issuer in collecting and analyzing bids submitted by underwriters and in connection with Issuer's selection of a winning bidder.
- J. For a negotiated sale, GKB will assist Issuer in the selection of underwriter(s).
- K. Will arrange for closing and delivery of any Transaction securities.
- L. Will provide such other usual and customary financial advisory services for or related to the Transaction as may be requested by Issuer.
- M. Municipal Securities Rulemaking Board ("MSRB") Rule G-42 requires that GKB, when acting as Issuer's municipal advisor, make a reasonable inquiry as to the facts that are relevant to Issuer's determination whether to proceed with a course of action, or that form the basis for any advice (recommendations) provided by GKB to Issuer regarding any municipal financial product or the issuance of municipal securities. Rule G-42 also requires that GKB undertake a reasonable investigation to determine that it is not basing any such advice (recommendation) on materially inaccurate or incomplete information. GKB is also required under Rule G-42 to use reasonable diligence to know the essential facts about Issuer and the authority of each person acting on Issuer's behalf.
- N. MSRB Rule G-42 requires that GKB provide Issuer with disclosures of (i) material conflicts of interest, and (ii) of information regarding certain legal events and disciplinary history. Those disclosures are provided in GKB's Municipal Advisory Disclosure Statement delivered to Issuer prior to or together with this Agreement.
- O. It is expressly understood and agreed that, under this Agreement, GKB is acting as a municipal advisor and fiduciary to the Issuer for or related to the Transaction. GKB retains the right to be engaged by the Issuer on other transactions in a capacity other than as a municipal advisor or fiduciary.
- P. It is expressly understood and agreed that the Scope of Services is limited solely to the services described in this Agreement.

- Q. Unless otherwise provided in the Scope of Services described above, GKB is not responsible for preparing any preliminary or final official statement, or for certifying as to the accuracy or completeness of any preliminary or final official statement, other than with respect to any information about GKB, in its role as Issuer's municipal advisor, provided by GKB for inclusion in such documents.
- R. It is expressly understood and agreed that the Scope of Services does not include tax, legal, accounting or engineering advice with respect to the Transaction or in connection with any opinion or certificate rendered by counsel or any other person at closing, and does not include review or advice on any feasibility study.
- S. The Scope of Services may be changed only by written amendment or supplement to this Agreement. The parties agree to promptly amend or supplement the Scope of Services described above to reflect any material changes or additions to the Scope of Services.
2. **Issuer's Obligations.** The Issuer's obligations shall include the following, subject to the limitations set forth herein:
- A. Retain GKB as its municipal advisor for and related to the Transaction.
  - B. Cooperate with GKB in the proper development of the Transaction and provide all pertinent information needed to allow GKB to (i) fulfill its duties under Rule G-42, (ii) provide the Issuer with informed advice, and (iii) support the desired Transactions on behalf of the Issuer.
  - C. To the extent Issuer seeks to have GKB provide advice with regard to any recommendation made to Issuer by a third party, including but not limited to any underwriter for the Transaction, Issuer agrees that it will provide GKB with written direction to do so, as well as any information Issuer has received from such third party relating to its recommendation.
  - D. Issuer agrees to observe and comply with the limitations on GKB's Scope of Services described above.
  - E. Will retain a nationally recognized firm of bond attorneys and utilize the services of the Issuer's attorney.
  - F. Will pay for all costs of legal advice, printed matter, advertising, bond ratings, bond insurance premium, required audits and other professional services.
  - G. Reimburse GKB for all reasonable costs and expenses incurred by GKB that are related to the Transaction.
  - F. Pay GKB an advisory fee equal to one-half of one percent (0.50%) for the first \$500,000 principal amount of Transaction securities issued, plus one quarter of one percent (0.25%) for all principal amount in excess of \$500,000. Such fee will be discounted by 20% if the Transaction securities are sold without an official statement and rating.

3. **Term.** The term of this Agreement shall commence on the date indicated above and shall expire on the completion of the Transaction, except as terminated earlier pursuant to the provisions below.
4. **Termination.** The Issuer, at its sole discretion, may terminate this Agreement at any time by providing a written notice of termination to GKB. At the termination of this Agreement, the Issuer shall reimburse GKB such reasonable costs and expenses incurred to the date of such termination, which payment shall be in full satisfaction of all claims against the Issuer under this Agreement.
5. **Additional Transactions.** During the Term of this Agreement, if the Issuer decides to consider or pursue other or additional financing, either for the Project or for other separate projects the Issuer identifies from time-to-time (“Additional Transactions”), the Issuer may engage GKB to act as its investment banker to provide financial advisory, or municipal advisory, or underwriting or placement agent services for any of those Additional Transactions. In that event, the parties will execute separate written engagement agreements for each of any such Additional Transactions. Until such a separate additional agreement is in place, the parties understand and agree that GKB will not provide any advice or recommendations to the Issuer regarding any such Additional Transactions.
6. **Authority.** Each of the undersigned representatives of the respective parties represents and warrants that he or she has full legal authority to execute this Agreement on behalf of that respective party. In addition, the Issuer further represents and warrants that unless the Issuer provides written notice to GKB to the contrary, any officer of the Issuer has the authority (i) to act on behalf of the Issuer, (ii) to request or direct on behalf of the Issuer that GKB take or refrain from taking certain actions within the Scope of Services under this Agreement, and (iii) to sign any documents on behalf of the Issuer.
7. **Execution.** This Agreement may be executed in multiple counterparts and together such counterparts will be deemed an original.

IN WITNESS WHEREOF, the parties here have executed this Agreement the day and year first above written.

AGREED TO AND ACCEPTED:

**GEORGE K. BAUM & COMPANY**

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

Printed Name: \_\_\_\_\_

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

**CITY OF WINFIELD, KANSAS**

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

Printed Name: \_\_\_\_\_

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

**CITY OF WINFIELD, KANSAS**

July 17, 2017

Gilmore & Bell, P.C.  
100 N. Main, Suite 800  
Wichita, Kansas 67202

Re: Subscription for Purchase of United States Treasury Time Deposit Securities – State and Local Government Series

Issuer: City of Winfield, Kansas  
Tax I.D. No: 48-6004918  
Notes: General Obligation Temporary Notes, Series 2017-1 (the “Notes”)  
Municipal Advisor: George K. Baum & Company, Kansas City, Missouri  
Escrow Agent: Security Bank of Kansas City – ABA No. 1010-0092-5  
Bond Counsel: Gilmore & Bell, P.C., Wichita, Kansas

In connection with the issuance of the Notes, the Issuer hereby authorizes and directs Bond Counsel to submit an initial subscription on its behalf for the purchase of United States Treasury Time Deposit Securities – State and Local Government Series (the “SLGS”), to be issued as entries on the books of the Bureau of the Public Debt, Department of the Treasury. The total amount of the subscription and the issue date will be determined at a later date.

The Issuer certifies that the SLGS will be purchased solely from proceeds of the Notes, and not from any amounts received from either: (a) the sale or redemption before maturity of any marketable security, or (b) the redemption before maturity of a time deposit SLGS (other than a zero-interest SLGS).

The Issuer agrees that the final subscription and payment for the SLGS will be submitted to the U.S. Treasury on or before the issue date. The Issuer further authorizes Bond Counsel, Escrow Agent, and Municipal Advisor to file the final subscription for SLGS, to amend or cancel such subscription, and to re-subscribe for SLGS, all on behalf of the Issuer. The Issuer understands that, if it fails to settle on the subscription for the SLGS or makes an untimely or unauthorized change to the subscription, the Bureau of Public Debt may bar the Issuer from subscribing for SLGS for six months beginning on the earlier of (a) the date the subscription is withdrawn, or (b) the proposed issue date of the SLGS.

The Issuer acknowledges that Bond Counsel has not made any recommendation as to the investment of Note proceeds or other monies in the SLGS or any other investment securities. Bond Counsel is not a financial advisor or a “municipal advisor” as defined in the Securities Exchange Act of 1934, as amended.

CITY OF WINFIELD, KANSAS

By: \_\_\_\_\_  
Name: Brenda Peters, Director of Finance