

**LOUISBURG CITY COUNCIL
REGULAR MEETING
JULY 6, 2021
6:30 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA
 - A. Adopt Agenda
 - B. Approval of Minutes of the Regular Meeting June 21, 2021
 - C. Approval of the Bills
4. PUBLIC HEARING CDBG-CV CLOSE OUT
5. RECOGNITION OF SCHEDULED VISITOR
 - A. Kiersten Allen – Louisburg Library
6. PUBLIC COMMENTS: Persons who wish to address the Mayor and City Council regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for informational purposes only. Please state your name and address.
7. DEPARTMENT REPORTS
8. CITY ATTORNEY’S REPORT
9. MAYOR’S REPORT
10. ADMINISTRATOR’S REPORT
 - A. Master Planning Review Continued
 - B. Downtown Parking Consideration
 - C. Expanded CMB and Alcoholic Liquor Sales Hours
 - D. KDOT Utility Agreements
11. COUNCIL/COMMISSION REPORTS
12. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
JUNE 21, 2021**

The Council of the City of Louisburg, Kansas met at 6:30 p.m. in regular session in the City Hall Council Chambers. Mayor Marty Southard presiding.

Council Members Steve Town, Donna Cook, Sandy Harris, Kevin Vohs, Scott Margrave
City Administrator Nathan Law
City Clerk Traci Storey
City Attorney Jared Anderson
Police Chief Tim Bauer
Fire Chief Gerald Rittinghouse
Communications Coordinator Jean Carder
Public Works Supervisor Craig Hufferd
Visitors Joel Viterna, Christy Knop

PLEDGE OF ALLEGIANCE

Councilmember Kevin Vohs led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Donna Cook and Sandy Harris asked questions regarding the bills list. Administrator Law explained. Councilmember Harris moved, seconded by Councilmember Vohs, and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting minutes from June 7, 2021, and the bills list.

VISITORS

Chamber representative Joel Viterna asked Council to consider signing a resolution to allow for the sale and consumption of alcohol during the Chamber's Cider Run. The run is set for Oct. 2 starting at 3 p.m. and ending at 7 p.m. Broadway would be closed at noon for set up and clean up should end by 8 p.m. Councilmember Cook asked if everything would be held in the downtown. Mr. Viterna said yes it will. Mayor Southard asked if Police and Fire had anything they needed. Chief Bauer and Chief Rittinghouse said they were fine with the event.

Councilmember Steve Town moved, seconded by Councilmember Cook, and carried 5-0, to adopt Resolution 6-21-2021.

Liquor Depot owner Cristy Knop told the Council that the State of Kansas has changed the regulations for Sunday alcohol sales. Alcohol can now be sold from 9 a.m. until 8 p.m. Mrs. Knop would like the council to consider changing the City ordinance to expand the hours to match the State. Councilmembers had discussion and would like Mr. Law to draft an ordinance to bring back to the next meeting.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Police Department: None

Fire Department: Fire Chief Gerald Rittinghouse said he will be meeting with the County on Tuesday. If we continue this dry spell, a burn ban may be enacted. This may affect community July 4 celebrations.

Public Works: Mr. Hufferd had no report but answered an earlier query made by Councilmember Cook and said the City has 19 cell phones and three tablets.

CITY ATTORNEY'S REPORT

None

MAYOR'S REPORT

Mayor Southard thanked everyone for a great fishing derby this past weekend.

Mayor Southard asked if we have completed a harassment training lately. Mr. Law said it was planned last year, but was canceled due to COVID. We will get back in touch with them and have it planned as soon as the company is available.

ADMINISTRATOR'S REPORT

Master Planning Review Continued: Mr. Law reviewed the 14 items on the staff memo. Councilmember Cook asked about No. 7, the installation of bike

facilities and if the old railway would be a trail. Mr. Law said the old railway was suggested as a location for a trail through town by utilizing the Rails to Trails program. She asked about land acquisition. Mr. Law said that would be required if a trail along the old railway was intended to extend to Lewis-Young Park, easement acquisition may be required somewhere between the old railway and N. 16th Street.

Minimum Housing Code Violation – 302 South Elm Street – Hearing: Mr. Law said this agenda item is intended to be the start of a more formal process as required by City Code and state statutes. He said the Council could decide to delay the process. Councilmember Cook said she is in favor of delaying. Mr. Law said staff preference is to set up a timeframe for this housing violation. Councilmember Cook asked if there is a group that could fix up the porch roof. Councilmember Vohs said he talked with a representative of the homeowner and their concern is if the porch is removed it could cause other issues to the home. City Attorney Anderson said the problem is if a volunteer group fixes it and is later determined that those corrections cause additional problems that could be an issue for the City or the volunteer group. Mr. Law said staff has no way of knowing if there are additional structural issues inside the home. He also said if the City pays for repair or demolition the City may never recoup those expenses. Attorney Anderson said language could be drafted to provide legal coverage. Councilmember Vohs said he is in favor of delaying this issue. Councilmember Town suggested waiting until September to allow for additional time. Council agreed the bring it back at the second meeting in September. Mr. Law said based on the conversation Mr. Vohs had, City staff would have further conversations with the homeowner representative rather than the homeowner.

Councilmember Cook asked if the letter to the homeowner is a standard letter. Mr. Law said legal language in the letter is based on statute that has to be followed to the letter. He said the language is standard to that process and understands that it reads harshly. Councilmember Harris said in the meantime it is hoped that someone can assist with work on the home. Councilmember Cook said we need to make sure that no one would be liable for further damages as noted by the City Attorney.

Downtown Parking Consideration: Mr. Law reviewed the information and said there are currently no conflicts among currently occupied properties for parking. But he cautioned that if those vacant buildings become viable businesses then there might be a conflict. Councilmember Cook said she is not in favor of designated parking. Mr. Law said that Louisburg Library director Kiersten Allen plans to be at the next council meeting so it might be a good idea to wait and discuss this with her as she is the one who made the initial request about designated parking.

Councilmember Vohs asked if there had been parking complaints. Mr. Law said most complaints stemmed from when the restaurant/bar was located at S. First & Broadway. There were conflicts with the chiropractic office and in the private parking lot across the street. Councilmember Town asked if designated parking was allowed who would be responsible for signage. Councilmember Cook asked how it would be enforced, could drivers be ticketed. Mr. Law said yes that would be the general idea. Councilmember Town asked if it would be up to the business owner concerning enforcement. Mr. Law said it could, otherwise a law enforcement officer would need to be assigned to parking. Councilmember Harris asked how do you tell which business is being visited by car occupants. Mr. Law said that is difficult to determine. Mayor Southard said signage could be added to the Fox Hall area that overflow parking is available in the lot behind City Hall. Councilmember Cook asked if we could add public parking signage in the gravel lot behind Fox Hall. City Attorney Anderson said he has problems with advertising a public lot that isn't up to City Code.

Kubota RTV: At the last Council meeting, Staff proposed to offset the cost of the RTV by trading in the 1982 Ford 5610 tractor. This tractor has had very little use over the last seven years and the City has new tractors that are utilized instead. The need for another RTV has grown at Lewis/Young Park and now is an essential need with the addition of the walking trail and disc golf course. The RTV could also be used at other city-sponsored or city-participated events such as Freedom Fest, Fishing Derby and Cider Run. Councilmember Town moved, seconded by Councilmember Harris to approve the low bid. Councilmember Harris asked what the difference is in the two bids. Mr. Hufferd said the unit from Romans Outdoor Power is a bigger vehicle and they don't have access to a smaller machine. Councilmember Cook asked if all public works employees have their own trucks why a RTV is needed. Mr. Hufferd said he is hoping to keep the heavier trucks off the sports fields and other grass areas as well as the new asphalt trail. Motion carried 4-1(Cook voting no) to trade in the 1982 Ford 5610 tractor for the Kubota RTV from Ottawa Kan Equip.

2022 Budget – Revenue Neutral Rate: Mr. Law explained the Revenue Neutral Rate and why a hearing is recommended. Councilmember Cook said if the council votes to approve this we do not ultimately have to do it. Mr. Law said that is correct. Mayor Southard said if the council votes to proceed, staff notifies the County Clerk but then we do not have to move forward from there. Mr. Law said that is correct. Mr. Law said because valuations have gone up, the City would collect the same property tax revenue but the mill levy would drop so there is a net zero increase in taxes. Mr. Law said staff will not know tax needs until the draft budget is done.

Councilmember Town moved, seconded by Councilmember Harris to direct staff to notify the County Clerk of the intent to exceed the Revenue Neutral Rate for the 2022 budget. Councilmember Cook asked again if we adopt this it does not mean we have to increase if it is not needed. Mr. Law said that is correct. Motion carried 5-0.

Rural Opportunity Zone Participation: Mr. Law told Councilmembers that the County Commission recently adopted a resolution that allows the County to participate as a Rural Opportunity Zone. This program is designed to slow out-migration in rural counties and provides a state income tax waiver and student loan repayment assistance to eligible residents of these rural counties.

Since the County recently approved this program, the City can also participate financially or leave it up to businesses to provide financial assistance. The State provides \$1,500 with a local sponsor matching that dollar figure. Mr. Law said if the City wants to participate it should set aside a dollar figure for the program. Mayor Southard said he doesn't understand why the City would want to participate. Councilmember Harris asked how many participants there are from Louisburg. Mr. Law said he did not know but would see if he can find out that information and provide at a later date. Mr. Harris asked if this could be promoted within the community and through the city newsletter. No action was taken.

Policy for Honoring Contributions: Mr. Law said this is a conversation item for the Council. He said since he has been with the City, Council has presented two keys to the City and recently provided flowers for a resident celebrating a 104th birthday. Councilmember Harris said a policy would be good. He is supportive of certificates and such items. Council asked Staff to provide something formal at a future meeting.

Executive Session: Mr. Law asked for a 15-minute executive session to discuss a finance director applicant and a public works applicant per K.S.A. 75-4319(b)(1). Councilmember Harris moved, seconded by Councilmember Cook and carried 5-0, to go into executive session at 7:27 p.m. and to return to the open meeting at 7:42 p.m.

REGULAR SESSION

Council resumed in regular session at 7:42 p.m. It was asked to Public Works Supervisor if he would be short staffed due to a delay in hiring. Hufferd said they could make it work in the meantime.

COUNCIL REPORTS

Councilmember Vohs - None

Councilmember Harris: Councilmember Harris does not think our leaders from Topeka are doing enough to advocate for residents or the city from the high cost of natural gas in the February cold spell. Mr. Law said local legislators supported the low-interest loan offered by the State, of which Louisburg took advantage. Mr. Law said the Federal Energy Regulatory Commission is currently investigating whether inappropriate action was taken by gas suppliers at that time. He is not sure legislators are involved in that. City Attorney Anderson said there have been some lawsuits over the situation and there will likely be answers at some future point. Mr. Anderson said the litigation may take months or even years and if it is settled out of court, we may never know the outcome. Mr. Law said KMGA has been very helpful and reports to us any updates on those processes. Council had discussion on the legal aspects. Councilmember Town asked when the new rates go into effect. Mr. Law said that happened with this month's bill for last month's consumption. Councilmember Cook asked if we had made the first payment to the state for the loan. Mr. Law said we had.

Mr. Harris said the fishing derby was great and the joy that it brings to the little ones in catching their first fish. He thanked everyone involved for the great event.

Councilmember Cook: Councilmember Cook thanked staff for helping with the Fishing Derby and for the wastewater treatment plant tour.

Ms. Cook thinks we should have work studies prior to meetings like the County Commission and City of Paola has. Mayor Southard said he isn't sure how that could happen. He said he hopes if councilmembers have questions, they should ask those during regular meetings and hopes no one would vote on anything they do not understand. He said Staff is approachable to ask questions as well.

Ms. Cook asked about the gravel sidewalk area at S. Fourth and Sims. Hufferd said that is temporary from a culvert repair and will be fixed in the next few weeks.

Councilmember Cook said the budget workshop should be more than an hour. Mr. Law said department heads will also be in attendance to discuss their larger expense items. If the Council in its entirety requests more time, Mr. Law said that is not a problem.

Councilmember Margrave: Councilmember Scott Margrave said he is the Fox Hall and Cemetery Board liaison and attended a recent meeting by that group. The Fox Hall is alive and doing great and a lot of people are using it. The most recent finances show that facility is in “the black”, covering expenses, by about \$80.

Councilmember Town: Councilmember Town said on the south side of K-68 and Rockville the grass needs mowed as there is a sight issue pulling onto the highway.

Councilmember Harris said moving the fence back at the new Casey’s was great and is not sure who prompted the movement but appreciates it.

ADJOURNMENT

At 8 p.m. Councilmember Vohs moved, seconded by Councilmember Harris and carried 5-0, to adjourn.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk

BILLS LIST 7-6-21

360 DOCUMENT SOLUTIONS	105.00	SERVICE/SUPPLY CONTRACT - PD
ADVANCED ASPHALT PAVING	254,452.70	L/Y PARK & VARIOUS PATCHING
AFLAC INS	1,022.20	INSURANCE -ALL
APPLE ELECTRIC INC.	1,002.40	REPAIRS - POOL
BLACK HILLS ENERGY	3,201.05	MONTHLY CHARGES
BLUE CROSS/BLUE SHIELD	28,816.80	INSURANCE -ALL
BP (AMOCO)	3,043.41	FUEL - FIRE, PWD, PUA
CORE & MAIN	2,068.20	SUPPLIES - WATER
CREATIVE PRODUCT SOURCE	289.36	SUPPLIES - POLICE
DIGITAL ALLY	490.00	SUPPLIES - POLICE
DOBBINS MASON	211.90	TRAINIG REIMBURSEMENT - POOL
DOUGLAS PUMP SERVICE	7,953.44	EQUIPMENT REPAIRS - POOL
FELD FIRE	86,906.62	EQUIPMENT/SUPPLIES - FIRE
FRANCIS, ANDREW J	451.24	PAYROLL - FIRE
GALLS INCORPORATED	257.99	UNIFORM - POLICE
G-B CONSTRUCTION	1,550.00	REPAIRS - SEWER
GRAINGER W.W.INC	2,174.86	EQUIPMENT - POOL
GRASS PAD WAREHOUSE	547.70	SUPPLIES - PARKS
GREENER EXPECTATIONS	65.00	SERVICES - POOL
GRIGSBY CONSULTING	2,450.00	INSPECTIONS - BZ
HARRIS JON	362.71	PAYROLL - FIRE
HEARTLAND COCA COLA	772.83	CONCESSIONS - POOL
HEARTLAND LAKE MANAGEMENT	1,300.00	SUPPLIES - CITY LAKE
HICKEY, KRAIG	200.00	SERVICES - CEMETERY
HOLLIDAY SAND & GRAVEL CO	933.91	SAND - PWD
IN BLOOM	54.00	FLOWERS - ADMN
JJ CLEANING	1,000.00	CLEANING SERVICES - ADMIN, PD
JOHN DEERE FINANCIAL	2,202.38	EQUIPMENT,SUPPLIES - ALL
KANSAS MUNICIPAL GAS	2,034.12	NATURAL GAS
LAMP, RYNERSON & ASSOC.	11,638.28	WWTP PROJECT
LOHSE, JEFF	20.00	REFUND - CORNHOLE TOURNAMENT
LOUISBURG MUNICIPAL UTILITIES	1,524.36	CITY UTILITIES
MAYFAIR CLEANERS	167.55	UNIFORMS - POLICE
MI CO REGISTER OF DEEDS	32.00	RECORDING FEES - BZ
MIAMI COUNTY AUTO	60.39	TIRE REPAIRS - POLICE
MID AMERICAN FUNDRAISING	125.00	RENTAL - FREEDOM FEST
MILLER JEREMIAH	19.00	TRAINING PER DIEM - GAS
MYERS, TREY	418.93	PAYROLL REPLACEMENT - POOL
NAVY BRAND MFG CO	2,897.81	TREATMENT - SEWER
PEREGRINE CORP.	1,157.91	UTILITY BILLING
PETERSON SCOTT	19.00	TRAINING PER DIEM - GAS
PHILLIPS 66 CARD	2,371.77	FUEL - POLICE
PRINCIPAL LIFE INSURANCE	89.40	LIFE INSURANCE - ALL
RANK HANNAH	250.00	LIFEGUARD TRAINING

RAY LEE	20.00
REASONABLE LAWN & TREE	900.00
ROMANS OUTDOOR POWER	458.85
SAMS CLUB MC/SYNCB	5,433.56
SOLITUDE LAKE MANAGEMENT	108.00
STATE FIRE MARSHAL	95.00
STILWELL OIL CO INC.	4,181.45
SUMNER ONE	603.38
SUTTON LAW OFFICE, P.A.	3,985.80
VISION SERVICE PLAN	1,322.30
WALD & COMPANY INC	6,673.81
WESTERN CONSULTANTS	4,000.00
WHITE'S AUTOMOTIVE	1,992.87
CLAIMS TOTAL	456,486.24

REFUND - CORNHOLE TOURNAMENT
 TRIMMING - CITY LAKE
 MOWER MAINTENANCE - PARKS,PWD
 SUPPLIES - ALL
 LAKE AERATION
 Kansas State Fire Marshal
 DIESEL FOR SHOP
 COPY SERVICES
 CONTRACT TO PROSECUTE
 INSURANCE -ALL
 FREEDOM FEST FIREWORKS
 CDBG ADMINISTRATION
 REPAIRS - PWD

Community Improvement CDBG Application Public Hearing Notice

The city of Louisburg, KS will hold a public hearing on Tuesday, July 6th, 2021 at 6:30pm, in the City Hall located at 215 S Broadway St. for the purpose of evaluating the performance of Grant No. 20-CV-040 which was for a small business grant program (economic development) within the city limits of Louisburg, KS. The scope of work supplied small business grants and associated administrative costs in the amount of \$132,000.

All proposed activities were accomplished. This grant was funded, all or in part, from the Kansas Department of Commerce, Small Cities Community Development Block Grant (CDBG) funds. All aspects of the grant will be discussed, and oral and written comments will be recorded and become part of Louisburg's CDBG Citizen Participation Plan. Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to the city clerk (913-837-5371) by July 2nd, 2021.

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: July 1, 2021

Re: Master Planning Review Continued

Background: Included as part of the administrative goals list is a regular review of master planning projects, goals and objectives. This is the fourth section of the Bright Future Comprehensive Plan but the sixteenth section of master planning review. The comp plan may be found at - <https://www.louisburgkansas.gov/DocumentCenter/View/366/Louisburg-Comprehensive-Plan-12-4-17>.

Community Services & Quality of Life:

1. Develop recreation program needs assessment & action plan
2. Implement Trails & Sidewalk Master Plan to establish connections
3. Establish minimum acreage level of service (LOS) (e.g. 10 acres per 1,000 population) and revise subdivision regulations to reflect this
4. Create an inventory database of park assets that includes year constructed, condition, manufacturer, etc.
5. Conduct annual audit of parks & amenities (include LAC) to evaluate condition and incorporate needs into Capital Improvement Program
6. Update Lewis-Young Master Plan and consider regional athletic needs including turf & fitness trail
7. Implement a dark sky preserve for Powell Observatory
8. Develop outdoor skating rink and other winter-related activities
9. Update website & marketing materials to promote Louisburg parks & recreational amenities
10. Develop a community center
11. Construct a new downtown library
12. Forge partnerships with Louisburg Ministerial Alliance
13. Create & establish a Louisburg gateway and wayfinding program
14. Establish Downtown Business Owners Association to facilitate downtown placemaking activities and events
15. Construct a Farmers Market pavilion/indoor market downtown

These fifteen initiatives are discussed in greater detail on pages 182-185 of the comp plan document.

On the first item, City staff undertook a survey process as part of creating a Master Parks Plan that included a component of what amenities were currently missing from the various parks. That process and the resulting rankings can be found on the City website at - <https://www.louisburgkansas.gov/DocumentCenter/View/1059/master-parks-plan-FINAL-2-3-20-PDF>. As part of that document, staff made sure to include the survey results from the two public hearings and survey mailer included with the August 2019 utility bill. Also found in that document is the Parks priority list determined by the Park & Tree Board members.

On the second item, following the creation of the 2017 Master Trails Plan, staff has pulled sidewalk and connection projects for discussion as part of Councilmember recommended projects such as N. Metcalf sidewalk and N. Broadway sidewalk, noting the varying degrees of priority placed on those project areas and the timeframe listed in the plan document. That document also will continue to serve as a guide for future discussion and approval of sidewalk and trail funding. That document can be found on the City website at - https://www.louisburgkansas.gov/DocumentCenter/View/789/Louisburg-Master-Trails-Plan-2017_FINAL-PDF. To date the focus has been on connecting neighborhoods to services, but staff still aims to connect parks through a greater trail or sidewalk system.

On the third item, staff has maintained a list of past Councilmember recommendations, one of which is adding one or more parks on the north side of Louisburg, which is included as part of this item. No additional effort has been placed in trying to secure land for future establishment of a park in these areas. With continued development of new neighborhoods in the northern parts of Louisburg, that would potentially include dedication of park land and/or park funding per the platting process.

On the fourth item, staff has not included the intended depth of this recommended inventory but compiled amenities found within each park as part of the Master Parks Plan process.

On the fifth item, this effort is currently underway as part of the Park & Tree Board assignment duties. Recently members of that board were informally trained on amenity safety inspections and things to look out for in their respective assignments. Staff also continues to budget for optional Aquatic Center expansion planning.

On the sixth item, this has been included with the Master Parks Plan and ongoing ballfield discussions as well as improvement efforts for Lewis-Young Park.

On the seventh item, staff has not pursued this item but is aware of the desire for such a preserve.

On the eighth item, staff had looked into options for such winter-related activities but found them to be cost prohibitive. This could be revisited going forward to update options. The other recommendations for winter events are still options going forward.

On the ninth item, staff has put past effort into marketing Louisburg and its amenities. This continues to be reviewed and updated periodically, specifically as amenities are added to the parks system.

On the tenth item, staff continues to be mindful of this item through annual administrative goals. Currently the goals discussions have focused on a recreation center, not just limited to a community center, but the considerations for a downtown pavilion could adjust to incorporate a community center just as much as the consideration of reuse of a possible former library building on Broadway.

On the eleventh item, staff has continued to be aware of this item, but no concerted efforts have been taken to continue discussion with the Library Board of Trustees.

On the twelfth item, staff has not pursued this item to the depth discussed in the initiative description within the plan document. There are fairly regular communications between the City and Ministerial Alliance.

On the thirteenth item, staff has incorporated gateway considerations into other planning efforts for entryways into Louisburg. Staff is currently waiting for wayfinding recommendations from a commercial group that could potentially be included with the intended community signage as discussed in the plan initiative.

On the fourteenth item, staff has not pursued this consideration. However, staff will look to pursue this in the near future, potentially to get more immediate results on wayfinding as well as a focus on discussing the historic downtown area.

On the fifteenth item, staff reminds Council that there is currently a plan and an estimate for a downtown pavilion.

Financial Consideration: None.

Legal Consideration: None.

Recommendation: Discuss as desired and direct accordingly.

ECONOMY

1.62%
job growth

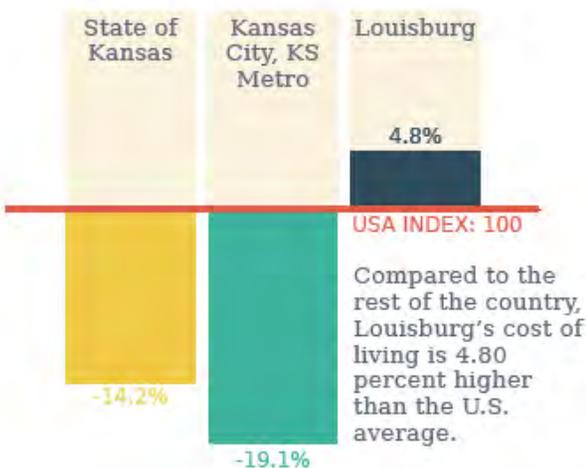


95.8%
EMPLOYED

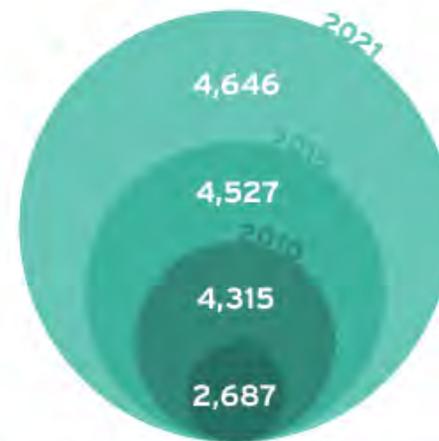
4.2%
UNEMPLOYED

The unemployment rate in Louisburg is 4.20 percent (U.S. average is 5.20 percent).

COST OF LIVING



POPULATION



Since 2000, it has had a population growth of 117.72 percent.

Average commute time is 29 minutes. The national average is 26 minutes.



29 MINUTES
TO WORK

\$209,100
FOR SALE

Home appreciation the last 10 years has been -0.81 percent.



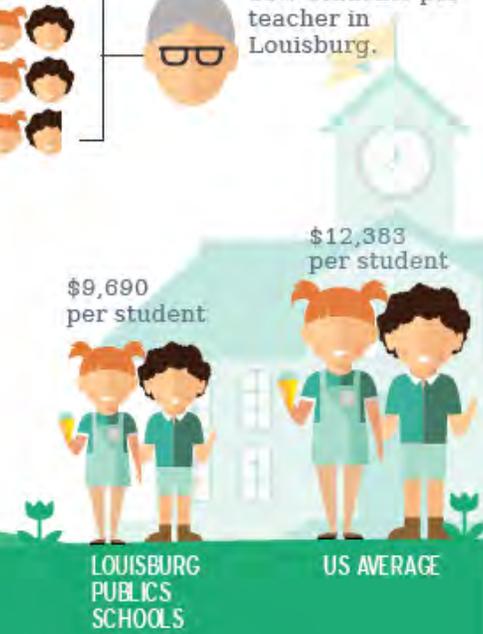
There are about 15.7 students per teacher in Louisburg.

\$9,690
per student

\$12,383
per student

LOUISBURG
PUBLIC SCHOOLS

US AVERAGE



Memo

To: Louisburg Governing Body

From: Nathan Law

Date: July 1, 2021

Re: Downtown Parking Consideration

Background: Recently it was requested of Council to allow the Louisburg Library District #1 to have reserved parking spaces located outside the library at 206 S. Broadway. At the time Council requested staff to reach out to all properties on Broadway to see if there would be similar interest from others. The following is the stated interest from the businesses on S. Broadway.

Former funeral home – no one to ask
Mokan Dial – 4 spaces including one ADA space
Edward Jones – 3 spaces
Antidel – no one to ask
Twist – 4 spaces
Chiropractor's office – 9 spaces including two ADA spaces
Former newspaper office – no one to ask
Former Stutty III – no one to ask
First Option Bank – 3 spaces
Country Care Pet Salon – 6 spaces

Attached with this memorandum is a map showing parking requests above. From that image and the current requests, there are no conflicts. Consideration should be paid to impacts of future use of any of the three vacant buildings. Two of the three vacant buildings have direct conflict from the current requests above.

Financial Consideration: None.

Legal Consideration: None.

Recommendation: Discuss parking considerations and direct staff accordingly.



Memo

To: Louisburg Governing Body

From: Nathan Law

Date: July 1, 2021

Re: Expanded CMB and Alcoholic Liquor Sales Hours

Background: State Legislature made changes to allow for expanded cereal malt beverage and alcoholic liquor sales hours on Sundays, along with a slate of other changes regarding alcohol sales for various types of businesses. As directed by Council at the last meeting, staff has drafted an ordinance for Council consideration to duplicate expanded sales hours at the local level.

House Bill 2137 states that sale at retail of cereal malt beverage and alcoholic liquor in the original package may be allowed by local ordinance on any Sunday, except Easter, not earlier than 9 a.m. and not later than 8 p.m. Current city code restricts Sunday sales to between 12:00 noon and 8:00 p.m. for both cereal malt beverage (enhanced or otherwise) and alcoholic liquor.

Attached is a summary of HB 2137 as provided by the Kansas Legislative Research Department.

Financial Consideration: Publication costs.

Legal Consideration: The approving ordinance must be published once each week for two consecutive weeks in the official city newspaper. There is a 60-day petition period following approval during which 5% of voters who voted for the office of president of the United States at the last preceding general election may sign such petition and require a proposition to be submitted to and approved at an election as prescribed in the legislation.

Recommendation: Approve the attached ordinance amending city code to expand cereal malt beverage and alcoholic liquor sales hours as a result of HB 2137.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODE OF THE CITY OF LOUISBURG, KANSAS, EXPANDING SUNDAY SALES OF CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR IN THE ORIGINAL PACKAGE WITHIN THE CITY OF LOUISBURG.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG:

Section 1. Pursuant to K.S.A. 41-2704, Chapter III. Beverages, Article 2. Enhanced Cereal Malt Beverages, Section 3-216. Business Regulations of the Code of the City of Louisburg is hereby amended to read as follows:

3-216. Business regulations.

It shall be the duty of every licensee to observe the following regulations.

- (a) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business.
- (b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.
- (c) Except as provided by subsection (d), no enhanced cereal malt beverages may be sold; (1) Between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 9:00 a.m. or after 8:00 p.m. on Sunday; (3) on Easter Sunday; or (4) for consumption on the licensee's premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.
- (d) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601 et seq., and licensed as a club by the State Director of Alcoholic Beverage Control.
- (e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.
- (f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.
- (g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.
- (h) No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to any person under 21 years of age.
- (i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.
- (j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.
- (k) No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

Section 2. Pursuant to K.S.A. 41-712, Chapter III. Beverages, Article 3. Alcoholic Liquor, Section 3-304. Hours of Sale of the Code of the City of Louisburg is hereby amended to read as follows:

3-304. Hours of sale.

No person shall sell at retail any alcoholic liquor:

- (a) On Sunday before 9:00 a.m. or after 8:00 p.m.;
- (b) On Easter Sunday, Thanksgiving Day, or Christmas Day; or

(c) Before 9:00 a.m. or after 11:00 p.m. on any day when the sale thereof is permitted.

Section 3. Any section of any ordinance found to conflict with this ordinance is hereby repealed.

Section 4. This ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. This ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in K.S.A. 41-2911, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

Passed by the City Council and signed by the Mayor on this 6th day of July 2021.

Mayor

ATTEST:

City Clerk

[SEAL]

Sale of Liquor and Cereal Malt Beverage; Transfer of Liquor; Liquor Licensure; HB 2137

HB 2137 amends various provisions in the Kansas Liquor Control Act (KLCA), the Cereal Malt Beverage Act (CMBA) and the Club and Drinking Establishment Act (CDEA) concerning the sale, transfer, and licensure requirements related to alcoholic liquor and cereal malt beverage (CMB).

Days and Times of Sale of Liquor and Cereal Malt Beverage

The bill amends the KLCA and the CMBA to expand the time when retail sales of alcoholic liquor and CMB are allowed.

The bill allows retail sales of alcoholic liquor and CMB in original packaging on Sundays between 9 a.m., rather than noon, and 8 p.m. and on Memorial Day, Independence Day, and Labor Day.

Electronic Submission of Records by Special Order Shipping License Holders

The bill changes the effective date of special order shipping licenses by specifying the license term begins on the date listed on the license, rather than on the date the license is issued.

The bill also changes the payment of gallonage taxes by licensees and requires such taxes to be paid electronically on a quarterly basis to the Division of Alcoholic Beverage Control (ABC), Kansas Department of Revenue, rather than annually.

Refillable and Sealable Containers

The bill authorizes alcoholic liquor retailers, class A and B clubs, and drinking establishments to sell refillable and sealable containers of beer and CMB for consumption off the licensed premises. Formerly, alcoholic liquor retailers were restricted to selling alcoholic liquor only in the original unopened container, and class A and B clubs are not able to sell refillable and sealable containers of beer and CMB; only microbreweries are allowed to make such sales.

The bill allows alcoholic liquor retailers and clubs to sell beer and CMB under the same conditions as microbreweries. The bill requires refillable and sealable containers to hold between 32 and 64 fluid ounces and have a label that clearly indicates the licensee's name and the type of alcoholic beverage in the container. Club and drinking establishment sales of beer and CMB in refillable and sealable containers will be prohibited after 11 p.m., and the bill specifies such sales will be subject to the liquor drink tax.

Sale and Delivery of CMB by Liquor Retail Licensees

Under former law, retail liquor store licensees could sell CMB along with alcoholic liquor, and CMB retailers were allowed to sell beer with an alcohol content of up to 6 percent alcohol by volume. Liquor retail licensees were also allowed to sell and deliver alcoholic liquor and CMB to a temporary permit holder for resale by such permit holder, to sell and deliver alcoholic liquor to a caterer, and to deliver alcoholic liquor to the licensed premises of a public venue, club, or drinking establishment, if such premises are either in the same county or in a county adjacent to that of the liquor retailer.

The bill allows liquor retail licensees to sell, and deliver for resale, CMB and beer containing not more than 6 percent alcohol by volume to the licensed premises of a CMB retailer who is licensed for on-premises consumption, provided such premises are located either in the same county as the retailer or in an adjacent county.

The bill also allows the retailer to charge a delivery fee for delivery of the CMB and beer containing not more than 6 percent alcohol by volume to a receiving CMB retailer.

Sale of CMB by the Drink

The bill allows liquor-by-the-drink licensees (e.g. clubs, restaurants, bars, caterers, and public venues) to also sell CMB for consumption on the licensed premises pursuant to the same restrictions as for sales of liquor-by-the-drink.

Removal of Unconsumed CMB from a Club or Drinking Establishment

The bill allows for the removal of unconsumed CMB, as well as alcoholic liquor as in continuing law, from the premises of a club or drinking establishment, both in the original unopened container and no longer in the original unopened container, under the following conditions:

- If the licensee can legally sell the liquor or CMB;
- Each container of liquor or CMB was purchased by a patron of the licensed premises;
- The licensee provides a dated receipt for the liquor or CMB;
- If any opened containers are resealed and each container is placed in a tamper-proof, transparent bag that makes subsequent opening or tampering obvious before it is removed from the licensed premises; and
- If no original unopened containers of spirits are removed from the licensed premises.

The bill also specifies that no licensee may allow any alcoholic liquor or CMB to be removed from the licensed premises after 11:00 p.m., unless such alcoholic liquor is wine that was purchased and partially consumed on the licensed premises.

The bill also removes the sunset date of March 31, 2021, for the provisions related to removal of alcoholic liquor from licensed premises.

[*Note:* The provisions in law for removal of alcoholic drinks from licensed premises had a sunset date of January 26, 2021, pursuant to 2020 Special Session HB 2016. SB 14 (2021), which was signed by the Governor on January 25, 2021, extended those provisions through March 31, 2021.]

Temporary Permits

The bill allows holders of temporary permits issued by the ABC to sell CMB, in addition to alcoholic liquor as in continuing law, subject to the same permit application requirements, limitations, and restrictions in continuing law.

Common Consumption Areas

The bill allows municipalities to establish common consumption areas in which CMB, as well as alcoholic liquor as in continuing law, may be consumed without being subject to enforcement of open container laws.

Special Events at Class A and Class B Clubs

[*Note:* Continuing law defines a “class A club” (club) as a premises that is owned or leased by a corporation, partnership, business trust, or association and that is operated as a *bona fide* nonprofit social, fraternal, or war veterans’ club, as determined by the Director of ABC (Director), for the exclusive use of the corporate stockholders, partners, trust beneficiaries, or associates (members) and their families and guests accompanying them.]

The bill authorizes a club to offer the sale and service of alcoholic liquor on the club’s licensed premises to individuals outside of members, families, and accompanying guests during events held at the club.

An “event” is defined by the bill as any function, occasion, celebration, or other event held on the licensed premises for a contractually specified duration of time and during which individuals who are not members of the licensee, their families, or guests are permitted to enter and use the licensed premises.

The bill also requires a club hosting an event to provide electronic notice to the Director no less than 48 hours prior to the event. The Director is then required to provide notification to local law enforcement agencies. The bill requires such notice consist of the date, time, location, and names of the contracting parties of the event. The bill requires all agreements, receipts, and records of alcohol purchased at events to be retained by the licensee for a minimum of three years for inspection by the Director.

Mixed Alcoholic Beverages in Pitchers

The bill authorizes a public venue, club, drinking establishment, caterer, or holder of a temporary permit to sell or serve mixed alcoholic beverages in a pitcher, changed from authorization for the sale or serving of only certain mixed drinks listed in statute or others specifically approved by the Director.

The bill also defines the following terms:

- “Mixed alcoholic beverage” means a beverage that is made by combining alcoholic liquor with a non-alcoholic liquid or other edible substance and that is composed of at least 25 percent non-alcoholic liquid or other edible substance, including, but not limited to, margarita, sangria, daiquiri, or mojito; and
- “Pitcher” means any container capable of containing more than 32 fluid ounces, but not more than 64 fluid ounces, that is used to serve alcoholic liquor or CMB to one or more individuals.

Transfer of Alcohol for Canning and Bottling

The bill allows any manufacturer or supplier of alcoholic liquor or CMB, or holder of a distilled spirits plant permit issued by the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury to apply for an annual packaging and warehousing facility permit. The bill also allows such permit holders to receive and transfer liquor in a bulk container from any manufacturer, supplier, farm winery, microbrewery, or microdistillery for the purposes of packaging in cans or bottles, in addition to actions allowed in continuing law.

Residency Requirements for Certain Liquor Licenses

The bill amends the KLCA by removing the residency requirement for liquor license applicants and their spouses, including a prohibition on license issuance to residents who have not been a resident of Kansas for a full year, corporations not organized under the laws of Kansas, and persons who are not residents of the county in which the premises sought to be licensed are located. The bill also amends the requirement to fingerprint all out-of-state applicants by making it optional if the applicant’s identity is unclear.

The bill specifically removes residency requirements for the following liquor licenses:

- Retailer;
- Manufacturer;
- Distributor;
- Microbrewery;
- Microdistillery; and
- Farm winery.

Retailer License

The bill removes a prohibition on issuing a retailer license to a person who:

- Is not a resident of the county in which the place of business covered by the license is located; or
- Has not been a resident of such county for at least six months; and
- Has not been a resident of Kansas in good faith, or a resident of Kansas for at least one year immediately preceding application for a retailer's license.

Manufacturer License

The bill requires, for copartnership applicants for a manufacturer license, all of the copartners to be individually eligible to receive a manufacturer's license.

Resident Agent

The bill specifies that if the applicant is not a Kansas resident, no license will be issued until the applicant has appointed a U.S. citizen, who is a resident of Kansas, as the applicant's agent and has filed certain documentation. Such agent is required to meet certain qualifications as required by continuing law.

Nonresident Application Documentation

The bill provides the Director may require applicants who are not residents of Kansas on the date of application to submit certain documentation, submit to a criminal history record check as provided in continuing law, and appoint a process agent who is a U.S. citizen and a resident of Kansas to accept service of process for legal proceedings.

Former law required the Director to require such documentation and background check for such applicants or applicants who have not been a resident of Kansas for at least one year immediately preceding the date of application submission.

Suspending, Canceling, or Revoking Certain Liquor Licenses

The bill allows the Director to suspend, cancel, or revoke a license under the KLCA or the CDEA for violation of a lawful order issued by the Director.

The bill amends the law to expand the lists of unlawful conduct for which the Director is authorized to suspend, cancel, or revoke a license to include violations of lawful orders issued by the Director.

Liquor Licensure of Spouses of Law Enforcement Officers

Former law prohibited liquor licensure for an applicant whose spouse is employed as a law enforcement officer (LEO) and such applicant is ineligible to hold a license. The bill allows a person whose spouse is employed as an LEO to be eligible to receive a liquor license, provided the applicant meets the requirements in continuing law.

[*Note:* KSA 2020 Supp. 41-2623(a)(1), which establishes eligibility for licensure under the CDEA, specifically references the eligibility provisions being amended in this bill.]

Fulfillment House License

The bill establishes a new fulfillment house license under the KLCA to be issued by the Director.

The bill adds to the KLCA a definition of “fulfillment house”: any location or facility for any in-state or out-of-state entity that handles logistics, including warehousing, packaging, order fulfillment, or shipping services, on behalf of the holder of a special order shipping license.

The fulfillment house license allows the license holder to warehouse, package, and ship alcoholic liquors produced by and belonging to a Kansas special order shipping licensee and applies for each location that is involved in the shipping process to Kansas residents.

Fulfillment House License Application

The bill clarifies that before making or causing any shipment of alcoholic liquor to Kansas residents, an applicant for a fulfillment house license is required to:

- Pay a \$50 license fee for each of the locations involved in the shipping process to Kansas residents; and
- Provide any information required by rules and regulations adopted by the Director and contained in the application. The bill provides that such licenses will remain valid for two years from the date specified on the license.

Fulfillment House Licensee Requirements

The bill requires a licensee to:

- Make reasonable efforts to confirm that any winery for which the licensee ships has a Kansas special order shipping license, and the bill specifies the licensee may rely on the representations of each such winery for such assurance;
- Ensure that all containers of alcoholic liquors shipped directly within the state are labeled with the name, address, and license number of the fulfillment house licensee;

- Ensure containers are labeled with the following conspicuously printed statement: “SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY”;
- Require the signature of a receiver over the age of 21 for all packages shipped; and
- Ship all packages by a common carrier pursuant to continuing law.

Electronic Records

The bill requires fulfillment house licensees to keep records of all shipments for a three-year period and electronically submit them to the Director monthly.

Reports submitted will be available as open records, in accordance with the Kansas Open Records Act. However, the bill specifies the names and addresses of consignees must be redacted from the paragraphs open for public inspection.

The bill provides the confidentiality of the redacted report information will expire on July 1, 2026, unless reenacted pursuant to continuing law by the Legislature prior to such date.

Record and Report Requirements

The bill requires the following information to be maintained by the licensee as a record for a minimum of three years after the shipment date:

- The name, address, and license number of the special order shipping licensee for whom the alcoholic liquor is being shipped;
- The name and license number of the express company or common carrier used;
- The date of each shipment;
- The carrier tracking number;
- The name and address of the consignee of such alcoholic liquors; and
- The weight of the package and the product type of alcoholic liquors shipped.

The bill requires such records to be submitted to the Director monthly in the form and format prescribed.

Penalty for Failure to Report

The bill states a fulfillment house that willfully fails, neglects, or refuses to report any shipments is subject to civil penalty of no more than \$100. The bill specifies that after notice and an opportunity for a hearing in accordance with the Kansas Administrative Procedure Act, the Director may refuse to issue or renew, or may revoke, a fulfillment house license upon a finding the licensee has failed to comply with the provisions of the bill.

The bill also specifies that an out-of-state license holder is deemed to have appointed the Secretary of State as the resident agent and representative of the licensee to accept service of process from the Secretary of Revenue, the Director, and the courts concerning enforcement of the provisions of the bill, the KLCA, and any rules and regulations adopted pursuant to those sections, and to accept service of any notice or order provided for in the KLCA.

Farm Winery Licenses

The bill allows farm wineries, in accordance with federal law, to:

- Transfer or receive wine in a bulk container or packaged wine in bond to any bonded premises;
- Transfer or receive wine in a bulk container in bond to a distilled spirits plant;
- Receive distilled spirits in a bulk container; and
- Produce fortified wine with the addition of wine spirits to domestic wine if the added spirits are produced from the same kind of fruit used to produce the wine.

Under the bill, a farm winery licensee may import wine from outside Kansas for use in the production of its domestic table wine and domestic fortified wine. The bill requires such imports of wine to be reported on forms prescribed by the Director.

The bill specifies farm wineries may not transfer wine in a bulk container to the premises of a brewery.

Additionally, the bill allows a farm winery, microdistillery, microbrewery, or the holder of a federal distilled spirits plant permit to receive and transfer alcoholic liquor in a bulk container from any manufacturer or supplier of liquor or cereal malt beverage, licensed in any state, for packaging in cans or bottles.

The bill specifies any terms not defined in state law will have the same meaning as in the definitions found in federal law.

The bill also amends provisions generally requiring farm wineries and microbreweries to use at least 30 percent Kansas-grown products in the manufacture of domestic wine and hard cider, respectively. Under the bill, farm wineries and microbreweries are required to use at least

15 percent Kansas-grown products beginning on July 1, 2021. The Kansas-grown products requirement will sunset on January 1, 2023.

Licenses Held by Alcoholic Liquor Manufacturers

The bill amends the CDEA to allow any person who has a beneficial interest in a manufacturer licensed pursuant to the KLCA to be issued one drinking establishment license.

The law prohibits manufacturers and others from influencing, coercing, or attempting to influence or coerce drinking establishment licensees from purchasing particular brands or kinds of alcoholic liquor or purchasing alcoholic liquor from a specific distributor. The bill creates an exemption from those provisions for manufacturers holding drinking establishment licenses with respect to purchases made by such a drinking establishment.

The bill specifies that if a drinking establishment licensee also holds a manufacturer's license:

- The licensed premises specified in the drinking establishment license are required to be separate from, and may be not more than two miles by the road usually traveled from, the licensed premises specified in the manufacturer's license;
- The drinking establishment may not sell alcoholic liquor manufactured by such manufacturer's licensee to the exclusion of other alcoholic liquor;
- All beer and CMB sold by the drinking establishment must be acquired from a licensed distributor or retailer; and
- All wine and spirits sold by the drinking establishment must be acquired from a licensed retailer or farm winery that possesses a federal wholesaler's basic permit.

Producer's Licenses

The bill requires approval of an application for a retailer's license if the applicant has already been issued a producer's license for a vineyard pursuant to KSA 41-355, provided the applicant is not otherwise disqualified from holding the retailer's license under continuing law.

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: July 1, 2021

Re: KDOT Utility Agreements

Background: Staff has received utility agreements for split cost of relocating water and gas utility infrastructure currently located within Kansas Department of Transportation (KDOT) right-of-way for the project immediately west of the K68 & US69 junction. The local share to relocate water utility is 7%, and gas utility is 20%. The City of Louisburg will solicit bids and contract for the utility work to be completed and submit to KDOT for reimbursement of the non-local share of the project costs. These projects are required to be completed before November 1.

Financial: Funds are not specifically budgeted for this project but may be accommodated through utility reserves for each. City will pay for full costs to relocate utilities in the KDOT right-of-way for the project and will seek reimbursement from KDOT for its portion thereafter. This is similar to the process utilized for the wastewater treatment plant state revolving loan fund.

Based on project estimates, the City share of water utility relocate is \$11,612.16 and gas utility relocate is \$11,971.

Legal: Agreements must be entered into for the project in order to ensure work is completed as planned and reimbursement is secured from KDOT. As with other utilities in City rights-of-way, a utility owner is obligated to relocate utilities at its own expense if required by the controlling authority for reasons such as this project.

City attorney has reviewed agreements and approved as to form.

Recommendation: Authorize staff to complete, sign and submit agreements with KDOT for relocating water and gas utilities as required.