



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, AUGUST 10, 2021 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting

Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from July 27, 2021 Regular Meeting **Action:** Motion (pg. 2)

Second Consideration Ordinances:

2. Second Consideration Ordinance 8170 – Illegal Camping **Action:** Roll Call Vote (pg. 7)
3. Second Consideration Ordinance 8171 – Amending Chapter 6 Alcoholic & CMB **Action:** Roll Call Vote (pg. 10)

NEW BUSINESS:

Public Comment: *(i.e. Items not listed on the agenda or receipt of petitions- Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address) A signup sheet will be provided in the commission chambers for anyone wished to speak. Fill out the sheet with requested information when you enter the meeting.*

General Items:

4. 2020 Audit Presentation (pg. 24)
5. Mayor's Appointment **Action:** Motion (pg. 25)
6. Consider Cereal Malt Beverage License – 609 Metropolitan **Action:** Motion (pg. 26)

First Consideration Ordinances:

7. First Consideration Ordinance Demolition Special Assessments **Action:** Consensus (pg. 27)
8. First Consideration Ordinance Nuisance Special Assessments **Action:** Consensus (pg. 30)

Consent Agenda:

Claims for July 24, 2021, through August 6, 2021, in the amount of \$2,231,332.40; Net amount for Payroll #15 effective July 30, 2021 in the amount of \$368,715.53 (No Police & Fire Pension). **Action:** Motion

Other:

Adjournment **Action:** Motion



CITY OF LEAVENWORTH
100 N. 5th Street
Leavenworth, Kansas 66048

City Commission Regular Meeting
Commission Chambers
Tuesday, July 27, 2021 7:00 p.m.

CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Nancy D. Bauder, Mayor Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold, Mark Preisinger and Jermaine Wilson

Staff members present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Brian Faust, Chief Building Inspector Harold Burdette, Police Chief Patrick Kitchens, Planning and Community Development Director Julie Hurley, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

Mayor Bauder asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS AND PRESENTATIONS:

Mayor's Award: VFW Post 56 Riders. Members of the Riders were present to accept the award.

Proclamation:

National Farmers Market Week August 1-7 – Austin Reynolds of the Leavenworth Farmers Market was present to accept the proclamation.

Alexander/Madison Chapter Buffalo Soldiers 155th Anniversary – Dwayne Wagner along with other members of the Chapter were present to accept the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the July 13, 2021 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance 8169 - Vacate a Portion of Sanders Street – City Clerk Carla Williamson presented the ordinance for second consideration. No changes have been made since placed on first consideration at the July 13, 2021 meeting. Mayor Bauder called the roll and the ordinance passed 5-0.

NEW BUSINESS:

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*
None

Public Hearing:

Public Hearing – Unsafe or Dangerous Structure 1006 Kickapoo Street Damaged by Fire

Open Public Hearing:

Commissioner Preisinger moved to open a public hearing. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Comments from Staff and Public:

Staff Comments:

Chief Building inspector Harold (Hal) Burdette reviewed the facts and condition of the property.

- On April 3, 2021 the house located at 1006 Kickapoo was damaged by fire.
- The City received \$8,250.00 of the insurance proceeds
- On June 8, 2021 the City Commission approved Resolution B-2284 setting July 27, 2021 as the public hearing date.
- Since the fire the property was sold to Shawn Holand and Sheafer Hoefgen
- On June 16, 2021 a building permit was issued to the new owners and work began
- Based on the work and current condition of the property, staff recommends giving the owners 90 days to complete repairs to the point that the exterior repairs are completed and interior has been inspected and approved. If repairs are not completed at that time the property will be reviewed by the commission and they may give additional time for repairs if they so desire to do so.
- Insurance proceeds will be continued to be held by the city until required repairs are completed or the commission orders demolition of the house.
- Insurance proceeds will be returned to the original owner of the house at the time of the fire.

Public Comments:

- Sheafer Hoefgen addressed the commission with any questions they commission may have
- Working on the house and appreciate the patience of the Commission
- Mr. Conard, previous owner, addressed the Commission and is happy with the process

Close Public Hearing:

Commissioner Preisinger moved to close the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Consider Resolution B-2286:

Commissioner Griswold moved to approve Resolution B-2286 giving the owners 90 days to complete the repairs. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Resolution:

Resolution B-2287 Set Public Hearing for Unsafe or Dangerous Structures – City Manager Paul Kramer presented for consideration and approval Resolution B-2287 setting September 14, 2021 as the public

hearing date to consider 13 unsafe or dangerous structures and if the structures should or should not be condemned as unsafe or dangerous and ordered repaired or demolished.

Commissioner Preisinger moved to approve Resolution B-2287 to set a public hearing date of September 14, 2021 for review of 13 dangerous or unsafe structures. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Illegal Camping – Police Chief Patrick Kitchens presented for first consideration an ordinance amending Chapter 30, Offenses by adding Section 30-8, Illegal Camping. The item was reviewed by the City Commission at the July 6, 2021 Study Session and there was a consensus by the Commission for Staff to move forward with an ordinance.

There was a consensus by the Commission to place the ordinance on first consideration.

First Consideration Ordinance Regarding Alcoholic Liquor and Cereal Malt Beverages – City Manager Paul Kramer presented for first consideration an ordinance regarding alcoholic liquor and cereal malt beverage (CMB). The 2021 Legislature passed House Bill 2137 amending the liquor control act, club and drinking establishment act, cereal malt beverage act and the liquor enforcement act. Changes were effective July 1, 2021. The issue before the City Commission is to consider amendments and establishment of new sections to chapter 6 of the City Code of Ordinances, Alcoholic Beverages and Cereal Malt Beverages due to State changes and additional updates needed. The amendments and changes include the following:

- Section 6-1 – amendments pertaining to requirement of Kansas agricultural products % of alcohol content; farm wineries, microbreweries, and microdistilleries; updated definitions of retailer and person.
- Sections 6-3, 6-5 and 6-220 – amended to allow for provisions of K.S.A. 41-2653 “to-go” beverages.
- Section 6-7 – amendments to revocations and penalties.
- Sections 6-34 and 6-37 – amendment to remove Kansas residency requirement to obtain a CMB license as previously required by Kansas statute. Finger prints may be required for out-of-state applicants and an out of state applicant must appoint a process agent who is a qualified Kansas resident.
- Section 6-36 – amended to update the K.S.A referenced.
- Section 6-44 – amended to follow state statute of 50% of gross receipts from sale of food.
- Section 6-45 - amended to read:
 - Except as provided by subsection (b) of this section, no enhanced cereal malt beverages may be sold or dispensed:
 - Except as to Sundays, between the hours of 12:00 midnight and 6:00 a.m.;
 - On Easter Sunday;
 - In the original package before 9:00 a.m. or after 8:00 p.m. on all other Sundays; or
 - For consumption on the licensed 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 percent of its gross receipts from the sale of food for consumption on the licensed premises.

- Notwithstanding the foregoing, enhanced cereal malt beverages may be sold on premises which are licensed pursuant to both the Kansas cereal malt beverage act (K.S.A. 41-2701 et seq.) and the Kansas club and drinking establishment act (K.S.A. 41-2601 et seq.) at any time alcoholic liquor is allowed by law to be served on such premises.
- Section 6-98 – amended to read:
 - No person shall sell at retail, alcoholic liquor in the original package:
 - On Easter Sunday, Thanksgiving Day or Christmas Day;
 - On all other Sundays, before 9:00 a.m. or after 8:00 p.m.; or
 - Before 9:00 a.m. or after 11:00 p.m. on any day when the sale is permitted.
 - Enhanced cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverages for consumption off the premises at any time when alcoholic liquor is allowed by law to be served on the premises.

Note regarding sections 6-45 and 6-98
Pursuant to K.S.A. 41-2911 (b)(1)(A), any change made to expanded Sunday sales must be done through an updated ordinance. The City may draft an ordinance without an election but it is subject to a 60-day waiting period during which a petition for an election can be filed.
- Sections 6-49 and 6-221 – sections added to establish process for license suspension/revocation by City Commission (CMB and Liquor licenses).
- Section 6-93 – amended to add microdistilleries.

There was a consensus by the Commission to place on first consideration.

Consent Agenda:

Commissioner Wilson moved to approve claims for July 10, 2021, through July 23, 2021, in the amount of \$441,006.96; Net amount for Payroll #14 effective July 16, 2021 in the amount of \$380,902.36 (Includes Police & Fire Pension in the amount of \$8,856.38). Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Other:

City Manager Kramer

- Streets projects going on around the City to include the new pressure pave system
- August 9th mill and overlay projects will begin

Commissioner Griswold:

- Reviewed statistics of the COVID numbers within Leavenworth County which are trending back up with 162 new COVID cases this past week

Commissioner Wilson:

- Unity in the Community will have a family fun event this coming Saturday at Bob Dougherty Park

Mayor Bauder:

- Personal reflection about COVID cases in the county and in the City and increased cases
- Struggles of hospitals and businesses battling COVID
- Vaccinated vs unvaccinated

Adjournment:

Commissioner Preisinger moved to adjourn the meeting. Commissioner Griswold seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 7:43 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8170
RELATED TO ILLEGAL CAMPING

AUGUST 10, 2021



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the July 27, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AMENDING CHAPTER 30, OFFENSES, ARTICLE I BY ADDING SECTION 30-8, ILLEGAL CAMPING, OF THE CODE OF THE CITY OF LEAVENWORTH, KANSAS. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING SECTION 32-37.

Since first consideration there has been one change to the ordinance. The Federal Court in the 9th District has ruled that an ordinance is not valid if shelters are full as that would violate the 8th amendment to the constitution. The following language has been added to reflect the required statement:

(f) *Affirmative defense*. It shall be an affirmative defense to this charge if all the local homeless shelters defendant would qualify to attend were full on the date of the offense.

Ordinance No. 8170 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8170

(Summary Published in the Leavenworth Times on August 13, 2021)

ORDINANCE NO. 8170

AN ORDINANCE AMENDING CHAPTER 30, OFFENSES, ARTICLE I BY ADDING SECTION 30-8, ILLEGAL CAMPING, OF THE CODE OF THE CITY OF LEAVENWORTH, KANSAS. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING SECTION 32-37.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH KANSAS:

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 30, Offenses, Article I is hereby amended and added to read as follows:

Sec. 30-8. Illegal camping.

(a) Definitions:

Camping shall mean the use of land to conduct one or more “specified activities” (defined below) when, based upon such use, it reasonably appears, considering all the circumstances, that the participants, in conducting the specified activities, are using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may be engaging. Camping shall not include residing in a permanent structure that may be lawfully occupied as a permanent or temporary residence.

City shall mean the City of Leavenworth, Kansas.

Specified activities shall include one or more of the following:

- Sleeping or preparing to sleep, such as laying down bedding;
- Storing personal belongings including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials;
- Making any fire for the purpose of warmth, or cooking (excluding cooking on a designated city grill as part of a city approved shelter reservation);
- Erecting a tent, lean-to, or other similar temporary structure.

(b) It shall be illegal to engage in camping on private property without the consent of the property owner.

(c) It shall be illegal to engage in camping within 10 feet of any doorway, loading dock, stairway, or fire escape.

(d) It shall be illegal to engage in camping on any public right-of-way or public property located within the city.

(e) *Exclusions*

(1) Approved visitors to the city riverfront park campground, who follow the rules and regulations of the riverfront park campground, shall be excluded from enforcement of this section.

(2) Camping on any public property for a special event that has been approved by the city manager or his/her designee, shall be excluded from the enforcement of this section.

(f) *Affirmative defense.* It shall be an affirmative defense to this charge if all the local homeless shelters defendant would qualify to attend were full on the date of the offense.

(g) *Penalty.* Upon a conviction of a violation of this section, the violator shall be fined in an amount not to exceed \$500 or sentenced to a jail term not to exceed 30 days, or both.

Section 2. Chapter 32, Parks and Recreation, Article II, Section 32-37 Camping of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. This ordinance shall take effect and be in force, from and after its passage, approval, and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body on the 10th day of August, 2021.

Nancy D. Bauder, Mayor

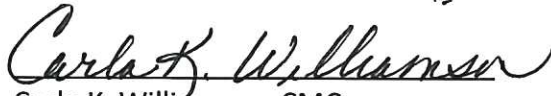
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ATTEST:

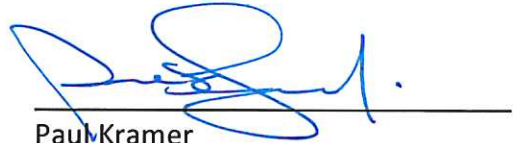
Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8171
REGARDING CHAPTER 6, ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE**

AUGUST 10, 2021



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the July 27, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE REGARDING ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES, AMENDING SECTIONS 6-1, 6-2, 6-5, 6-7, 6-34, 6-36, 6-37, 6-44, 6-45, 6-93, 6-98, AND 6-220, AND ESTABLISHING NEW SECTIONS 6-49 AND 6-221, OF CHAPTER 6 OF THE LEAVENWORTH CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES".

As a reminder, Pursuant to K.S.A. 41-2911 (b)(1)(A), any change made to expanded Sunday sales must be done through an updated ordinance. The City may draft an ordinance without an election but it is subject to a 60-day waiting period during which a petition for an election can be filed. A summary of the ordinance will be published on August 13 and August 20, 2021. All provisions of the ordinance will go into effect on day 61 (October 21, 2021) following the second publication if a petition is not filed in protest.

There have been no changes to the ordinance since first introduced. Ordinance No. 8171 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8171

(Summary Publish in the Leavenworth Times August 13, 2021 and August 20, 2021)

ORDINANCE NO. 8171

AN ORDINANCE REGARDING ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES, AMENDING SECTIONS 6-1, 6-2, 6-5, 6-7, 6-34, 6-36, 6-37, 6-44, 6-45, 6-93, 6-98, AND 6-220, AND ESTABLISHING NEW SECTIONS 6-49 AND 6-221, OF CHAPTER 6 OF THE LEAVENWORTH CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES".

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Section 6-1 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

Alcoholic liquor means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

Beer, when its meaning is not enlarged, modified or limited by other words, means a beverage containing more than 3.2 percent of alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like having such alcoholic content.

Board means the state alcoholic beverage control board of review.

Caterer means an individual, partnership or corporation which sells alcoholic liquor by the individual drink and provides services related to the serving thereof on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

Cereal malt beverage or *CMB* means any fermented but undistilled liquor brewed or made from malt or from malt or from a mixture of malt or malt substitute, or any flavored malt beverage, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

Class A club means premises which are owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the state, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (referred to in this chapter as members), and their families and guests accompanying them.

Class B club means premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club means a Class A or Class B club.

Director means the state director of alcoholic beverage control.

Distributor means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this chapter, or cereal malt beverage or enhanced cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2701 and amendments thereto.

Domestic beer means beer which contains not more than 15 percent alcohol by weight and which is manufactured in this state.

Domestic fortified wine means wine which contains more than 14 percent, but not more than 20 percent alcohol by volume and which is manufactured in this state.

Domestic table wine means wine which contains not more than 14 percent alcohol by volume and which is manufactured without rectification or fortification in this state.

Drinking establishment has the meaning provided by K.S.A. 41-2601 and amendments thereto.

Enhanced cereal malt beverage means cereal malt beverage, as defined herein, and the term "enhanced cereal malt beverage" also includes beer containing not more than six percent alcohol by volume when such beer is sold by a retailer licensed under the Kansas Cereal Malt Beverage Act and the provisions of this chapter.

Farm winery means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

Food establishment has the meaning provided by K.S.A. 65-656 and amendments thereto.

General retailer means a person who has a license to sell enhanced cereal malt beverages at retail.

Legal age for consumption of enhanced cereal malt beverage means 21 years of age, except that legal age for consumption of cereal malt beverage shall mean 18 years of age if at any time the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume cereal malt beverage are repealed or otherwise invalidated or nullified.

Limited retailer means a person who has a license to sell enhanced cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

Manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer, enhanced cereal malt beverage, or cereal malt beverage.

Manufacturer means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors, beer, enhanced cereal malt beverage, or cereal malt beverage, regardless of its alcoholic content. The term "manufacturer" does not include a farm winery, microdistillery, or a microbrewery.

Microbrewery means a brewery licensed by the director to manufacture, store and sell domestic beer.

Microdistillery means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

Minor means any person under 21 years of age.

Nonbeverage user means any manufacturer of any of the products set forth and described in K.S.A. 41-501 and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for non-beverage purposes.

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

Person shall have the meaning set forth in Section 1-2 of this code.

Place of business means any place at which cereal malt beverages, enhanced cereal malt beverages, or alcoholic beverages or both are sold.

Retailer means a person who is licensed under the Kansas liquor control act and sells, at retail, or offers for sale at retail, alcoholic liquors or enhanced cereal malt beverages, but does not include a microbrewery, microdistillery, or farm winery.

Sale means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee.

Salesperson means any natural person who:

- (1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage; or
- (2) Is engaged in promoting the sale of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage, whether the seller resides within the state and sells to licensed buyers within the state, or whether the seller resides without the state and sells to licensed buyers within the state.

Sell at retail and *sale at retail* mean and refer to sales for use or consumption and not for resale in any form, and sales to clubs, licensed drinking establishments, licensed caterers, or holders of temporary permits. The term "sell at retail and sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer, or a holder of a state temporary permit.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whisky, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substance.

Supplier means a manufacturer of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

Temporary permit means a permit issued in accordance with the laws of the state, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises open to the public.

To sell means and includes to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell.

Wholesaler or *distributor* means any persons, individuals, firms, copartnerships, corporations and associations which sell or offer for sale any beverage referred to in this chapter, to persons, copartnerships, corporations and associations authorized by this chapter to sell enhanced cereal malt beverages or cereal malt beverages at retail.

Wine means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries, or other agricultural products, including such beverages containing added alcohol or spirits, or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Section 2. Section 6-2 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-2. City-owned properties, generally.

- (a) It shall be unlawful for any person to have any alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage in his possession upon any public street, highway, alley, sidewalk, inside vehicles, or any other public property unless such alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage is in the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed except as authorized hereinafter.
- (b) Notwithstanding the foregoing, it shall not be a violation of subsection (a) above if the alcoholic liquor or enhanced cereal malt beverage, not in its original unopened package or container, has been removed from licensed premises in accordance with the provisions of K.S.A. 41-2653 regarding "to-go" beverages; provided, that such package or container has been sealed in accordance with such law and has not been opened; and further provided, that nothing in this subsection (b) shall be construed or modifying or exempting any person from the provisions of the Standard Traffic Ordinance, as adopted by the city, regarding the transportation of alcoholic beverages.
- (c) No person shall drink or consume any alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage upon the public streets, alleys, sidewalks, roads or highways of the city or inside vehicles while upon such public streets, alleys, sidewalks, roads or highways, or in city-owned parks or other facilities or properties, unless authorized as provided in this section.
- (d) The above prohibitions shall not apply during events and the designated areas for such events in the city where:
 - (1) A special event CMB permit has been approved in accordance with article II of this chapter; or
 - (2) A temporary permit has been approved in accordance with article III, division 2, of this chapter, and the event has been approved by the city commission in accordance with K.S.A. 41-719.
- (e) Notwithstanding the foregoing, and pursuant to K.S.A. 41-719(e), as amended, the drinking or consumption of alcoholic liquor is permitted on the following city-owned properties and facilities without further approval from the city commission, provided that a temporary permit or a caterer's license has been approved in accordance with article III, division 2, of this chapter:
 - (1) The community center located on North Esplanade north of Cherokee Street.
 - (2) The Leavenworth Landing Park located east and south of above described community center.
 - (3) The Haymarket Square, located at 7th and Cherokee.
 - (4) The Havens Park, located at 22nd and Ottawa.
 - (5) The Riverfront Park, located at the east end of Dakota Street.
 - (6) Ray Miller Park, located at the corner of 4201 South 4th Street.
 - (7) Leavenworth Public Library, located at 417 Spruce Street.
 - (8) Performing Arts Center, 500 Delaware Street.
- (f) Notwithstanding the foregoing, cereal malt beverages are allowed to be possessed and consumed (but not served or sold) at city parks with a permit issued by the director of parks and recreation, subject to the following requirements:
 - (1) The premises must have been rented from the city by the applicant; in advance;

- (2) Applicant must be 21 years of age or older and a city resident. Applicant is required to remain on the site throughout the function.
- (3) Applications must be submitted to the parks and recreation office at least five working days prior to the event.
- (4) The director of parks and recreation will notify the police department prior to the permitted event.
- (5) Permits may only be issued for the following types of activities:
 - a. Company picnics.
 - b. Fraternal organization picnics.
 - c. Service club picnics.
 - d. Family reunions.
 - e. Other group functions, subject to the discretion of the director of parks and recreation.

The sale or service of cereal malt beverages on or from city-owned properties shall otherwise require a full cereal malt beverage license or a special event CMB permit.

- (g) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 nor more than \$200.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Section 3. Section 6-5 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-5. Possession and transportation.

Subject to the limitations provided in this section, the possession and transportation of alcoholic liquor and/or enhanced cereal malt beverages for other than personal use shall be unlawful.

- (1) No person shall transport in any vehicle upon a highway or street any alcoholic liquor or enhanced cereal malt beverage unless such liquor or beverage is:
 - a. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
 - b. Not in the original unopened package or container, provided that such alcoholic liquor or enhanced cereal malt beverage has been removed from licensed premises in accordance with the provisions of K.S.A. 41-2653 regarding "to-go" beverages; provided, that such package or container has been sealed in accordance with such law and has not been opened; and further provided, that nothing in this subsection (1)b. shall be construed or modifying or exempting any person from the provisions of the Standard Traffic Ordinance, as adopted by the city, regarding the transportation of alcoholic beverages.
 - c. In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
 - d. In the exclusive possession of a passenger in a vehicle which is a recreational vehicle, as defined by K.S.A. 75-1212, or a bus, as defined by K.S.A. 8-1406, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

Violation of this subsection is a misdemeanor punishable by a fine of not more than \$200.00 or by imprisonment for not more than six months, or both.

- (2) It shall be unlawful for any person to transport any alcoholic liquor upon which the tax imposed by the state liquor control act has not been paid or on the containers of which each mark and stamp required by the state liquor control act has not been affixed, provided that nothing contained in this subsection shall make unlawful the possession and transportation of wine imported solely for use by any church or religious organization for sacramental purposes and uses. Any person who shall violate any of the provisions of this subsection shall, upon conviction thereof, be fined not exceeding \$500.00, or shall be imprisoned not exceeding six months, or both, in the discretion of the court; and in proper cases, the court may order and direct the confiscation of the liquor involved in such transaction as part of the judgment or conviction.

Section 4. Section 6-7 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-7. Revocation; penalties.

- (a) Unless specific provisions for the suspension or revocation as to a particular license are provided elsewhere in this chapter, the city commission upon five days' notice to the person holding a license or permit under this chapter may revoke such license for any one of the following reasons:
 - (1) If a licensee or permit holder has fraudulently obtained the license by giving false information in the application therefor.
 - (2) If the licensee or permit holder has violated any of the provisions of this chapter or any other rules or regulations of the city relating to alcoholic liquor or enhanced cereal malt beverages, or if the licensee or permit holder has violated any law of the state, for which violation the city is authorized by law to revoke the license.
 - (3) If the licensee or permit holder has become ineligible to obtain a license or permit under this chapter.
 - (4) Drunkenness of a person holding such license or permit, drunkenness of a licensee's or permittee's manager or employee while on duty and while on the premises for which the license or permit is issued, or for a licensee or permittee, his manager or employee permitting any intoxicated person to remain in such place selling alcoholic liquor.
 - (5) The nonpayment of any license or permit fees or occupation tax.Additionally, the police chief or his designee may immediately cancel a temporary permit or a special event CMB permit if the event becomes unruly or if the permit holder has violated any of the provisions of this chapter.
- (b) Unless specific provisions for the suspension or revocation as to a particular license are provided elsewhere in this chapter, the licensee, within 20 days after the order of the city commission revoking any license or permit pursuant to this chapter, may appeal to the district court of the county and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken under this section shall not suspend the order of revocation of the license or permit of any licensee or permittee, nor shall any new license or permit be issued to such person or any person acting for or on his behalf, for a period of six months thereafter.
- (c) In addition to the provisions of subsection (a) of this section, and except where other penalties are provided, if the licensee or permit holder has violated any of the provisions of this chapter, the individual holding the license or permit may be charged in municipal court with a violation of the alcoholic liquor laws of the city and, upon conviction, shall be punished by:

- (1) A fine of not more than \$499.00;
- (2) Imprisonment in jail for not more than 179 days; or
- (3) Both such fine and imprisonment.

Section 5. Section 6-34 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-34. Application.

- (a) Any person desiring a license shall make an application to the city commission and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the state, and shall contain:
 - (1) The name and residence of the applicant;
 - (2) The particular place for which a license is desired;
 - (3) The name of the owner of the premises upon which the place of business is located;
 - (4) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired;
 - (5) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he has not, within two years immediately preceding the date of making application, been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- (b) Each application for a general retailer's license shall be accompanied by a certificate from the city health officer certifying that he has inspected the premises to be licensed and that the same comply with the provisions of chapter 22 of this Code.
- (c) Each application for a general retailer's license must be accompanied by a certificate from the city fire chief certifying that he has inspected the premises to be licensed and that the same comply with the provisions of chapter 20 of this Code.
- (d) The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information pertinent to the application. One copy of such application shall immediately be transmitted to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he is qualified as a licensee under the provisions of this article. The chief shall report to the city clerk not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the city commission at the earliest meeting consistent with current notification requirements.

Section 6. Section 6-36 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-36. License fees; term.

- (a) The license fees for selling enhanced cereal malt beverages shall be as provided in the city fee schedule. Such fee shall be in addition to such fees as are to be remitted to the division of alcohol beverage control pursuant to K.S.A. 41-2702, as amended. License fees are nonrefundable and non-transferable.

- (b) The full amount of the license fee shall be required regardless of the time of year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

Section 7. Section 6-37 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-37. Examination; approval; disqualification.

If the application made under this article is in proper form and accompanied by the license fee, the city commission shall examine the application, and if the applicant is qualified as provided by law the city commission shall approve the granting of a license to the applicant, provided that no license shall be issued to:

- (1) A person who is not a citizen of the United States.
- (2) A person who is not of good character and reputation in the community in which he resides.
- (3) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- (4) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
- (5) A corporation or a limited liability company if any member, manager, officer or director thereof, or any stockholder or member owning in the aggregate more than 25 percent of the stock or the ownership interests of such corporation or limited liability company would be ineligible to receive a license hereunder for any reason.
- (7) A corporation or a limited liability company, if any member, manager, officer or director thereof, or any stockholder or member owning in the aggregate more than 25 percent of the stock or the ownership interests of such corporation or limited liability company, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock or the ownership interests of a corporation or limited liability company which:
 - a. Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
 - b. Has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.
- (8) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- (9) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship or age, except that this subsection shall not apply in determining eligibility for a renewal license.

Section 8. Section 6-44 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-44. Minors on premises; loitering by underage persons.

- (a) No license under this article shall permit a person under the legal age for consumption of enhanced cereal malt beverages in or about a place of business, and no licensee shall permit a person under the legal age for consumption of enhanced cereal malt beverage to possess an enhanced cereal malt beverage in or about a place of business, except that a licensee's employee who is not less than 18 years of age may dispense or sell enhanced cereal malt beverage if:
 - (1) The licensee's place of business is licensed only to sell enhanced cereal malt beverage at retail in original and unopened containers and not for consumption on the premises; or
 - (2) The licensee's place of business is a licensed food establishment, and not less than 50 percent of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.
- (b) No person under the legal age for consumption of enhanced cereal malt beverages shall loaf or loiter or consume any enhanced cereal malt beverage in any place of business in the city for which an enhanced cereal malt beverage license for consumption on the premises has been issued.

Section 9. Section 6-45 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-45. Days and hours of operation.

- (a) Except as provided by subsection (b) of this section, no enhanced cereal malt beverages may be sold or dispensed:
 - (1) Except as to Sundays, between the hours of 12:00 midnight and 6:00 a.m.;
 - (2) On Easter Sunday;
 - (3) In the original package before 9:00 a.m. or after 8:00 p.m. on all other Sundays; or
 - (4) For consumption on the licensed 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 percent of its gross receipts from the sale of food for consumption on the licensed premises.
- (b) Notwithstanding the foregoing, enhanced cereal malt beverages may be sold on premises which are licensed pursuant to both the Kansas cereal malt beverage act (K.S.A. 41-2701 et seq.) and the Kansas club and drinking establishment act (K.S.A. 41-2601 et seq.) at any time alcoholic liquor is allowed by law to be served on such premises.

Section 10. A new Section 6-49 is hereby established in the Leavenworth Code of Ordinances, to read as follows:

Sec. 6-49. License Suspension/Revocation by City Commission.

- (a) The governing body of the city, upon five (5) days' notice to the persons holding a license to sell enhanced cereal malt beverages, may revoke or suspend the license for any one of the following reasons:
 - (1) The licensee has violated any of the provisions of this chapter, or any provisions of K.S.A. 41-2701 *et seq.*, as amended;
 - (2) Drunkenness of the licensee or permitting any intoxicated person to remain upon the licensee's place of business;

- (3) The sale of cereal malt beverages or enhanced cereal malt beverages to any person under the legal age for consumption of cereal malt beverages or enhanced cereal malt beverages;
 - (4) Permitting any person to mix drinks with materials purchased in or upon the place of business or brought in for that purpose;
 - (5) For the sale or possession of, or for permitting any person to use or consume on the licensed premises, any alcoholic liquor, except enhanced cereal malt beverages; or
 - (6) The licensee has been convicted of a violation of the Kansas beer and cereal malt beverage keg registration act, as amended.
- (b) The provisions of subsections (a)(4) and (a)(5) shall not apply if such place of business or premises also are currently licensed as a club or drinking establishment pursuant to the Kansas club and drinking establishment act, as amended.
- (c) The governing body of the city, upon five (5) days' notice to the persons holding a license to sell enhanced cereal malt beverages, shall revoke or suspend the license for any one of the following reasons:
- (1) If a licensee has fraudulently obtained the license by giving false information in the application therefor;
 - (2) If the licensee has become ineligible to obtain a license under this article;
 - (3) The nonpayment of any license fees;
 - (4) For permitting any gambling in or upon any premises licensed under this article;
 - (5) For the employment of any person under the age established by the State of Kansas for employment involving dispensing enhanced cereal malt beverages;
 - (6) For the employment or continuation in employment of a person in connection with the sale, serving, or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or any violation of the intoxicating liquor laws of this state, or another state, or the United States; or
 - (7) There has been a violation of K.S.A. 21-6204 (maintaining or permitting a public nuisance), as amended.
- (d) Within 20 days after the order of the board revoking or suspending any license, the licensee may appeal to the district court and the district court shall proceed to hear such appeal as though such court had original jurisdiction of the matter. Any appeal taken from an order revoking or suspending the license shall not suspend the order of revocation or suspension during the pendency of any such appeal.

Section 11. Section 6-93 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-93. Occupational taxes.

There is hereby levied an occupation tax, as provided in the city fee schedule, on any person holding a license issued by the state director of alcoholic beverage control for the following:

- (1) The retail sale within the city of alcoholic liquors for consumption off the premises;
- (2) All alcoholic liquor and/or cereal malt beverage distributors, for the first and each additional distributing place of business operated in the city by the same licensee;
- (3) All microbreweries and microdistilleries;
- (4) All farm wineries;
- (5) All persons engaged in a nonbeverage users' business.

Such tax shall be paid by the licensee to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license. A holder of any of the above-described licensees shall present such state license when applying to pay the occupation taxes levied herein, and the taxes shall be received and receipt issued for the period covered by the state license by the city license collector. The occupation tax is nonrefundable and non-transferable.

Section 12. Section 6-98 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-98. Days and hours of operation.

- (a) No person shall sell at retail, alcoholic liquor in the original package:
 - (1) On Easter Sunday, Thanksgiving Day or Christmas Day;
 - (2) On all other Sundays, before 9:00 a.m. or after 8:00 p.m.; or
 - (3) Before 9:00 a.m. or after 11:00 p.m. on any day when the sale is permitted.
- (b) Enhanced cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverages for consumption off the premises at any time when alcoholic liquor is allowed by law to be served on the premises.

Section 13. Section 6-220 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 6-220. Business regulations.

- (a) No drinking establishment licensed under this article shall allow the serving, mixing or consumption of alcoholic liquor or enhanced cereal malt beverages on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (b) Enhanced cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.
- (c) No alcoholic beverages or enhanced cereal malt beverages shall be given, sold or traded to any person under 21 years of age.
- (d) A club or drinking establishment licensee shall allow the licensee to allow legal patrons of the club or drinking establishment to remove alcoholic liquor or enhanced cereal malt beverages from the licensed premises in one or more containers, including in the original unopened container, subject to the following conditions:
 - (1) It must be otherwise legal for the licensee to sell the alcoholic liquor or enhanced cereal malt beverage;
 - (2) Each container of alcoholic liquor or enhanced cereal malt beverage must have been purchased by a patron of the licensed premises;
 - (3) The licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor or enhanced cereal malt beverage;
 - (4) Before any container of alcoholic liquor or enhanced cereal malt beverage is removed from the licensed premises, the licensee or the licensee's employee must securely reseal any opened containers, and place the container in a tamper-proof, transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened;

- (5) No original unopened containers of spirits may be removed from the licensed premises; and
- (6) No alcoholic liquor or enhanced cereal malt beverage may 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.

Nothing in this subsection (d) shall be construed as modifying or exempting any person from the provisions of the Standard Traffic Ordinance, as adopted by the City, regarding the transportation of alcoholic beverages.

Section 14. A new Section 6-221 is hereby established in the Leavenworth Code of Ordinances, to read as follows:

Sec. 6-221. Revocation or suspension of license.

The governing body, upon five (5) days' notice to the persons holding a license, may revoke or suspend any license pursuant to this article for any one or more of the following reasons:

- (a) The licensee has fraudulently obtained the license by giving false information in the application therefor or any hearing thereon.
- (b) The licensee has violated any of the provisions of this article or any rules or regulations adopted hereunder.
- (c) The licensee has become ineligible to obtain a license or permit under this article.
- (d) The licensee's manager or employee has been intoxicated while on duty.
- (e) The licensee, or its manager or employee, has permitted any disorderly person to remain on premises where alcoholic liquor is sold by such licensee.
- (f) There has been a violation of provisions of laws of this city, this state, or of the United States, pertaining to the sale of intoxicating or alcoholic liquors or cereal malt beverages, or any crime involving a morals charge, on premises where alcoholic liquor is sold by such licensee.
- (g) The licensee, or its managing officers or any employee has purchased and displayed, on premises where alcoholic liquor is sold by such license, a federal wagering occupational stamp issued by the United States Treasury Department.
- (h) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor is sold by such licensee, a federal coil operated gambling device stamp for the premises issued by the United States Treasury Department.
- (i) The licensee holds a license as a Class B club, drinking establishment or caterer and has been found guilty of a violation of K.S.A., Article 10 of Chapter 44, under a decision or order of the Kansas Human Rights Commission which has become final.
- (j) There has been a violation of K.S.A. 21-6204 (maintaining or permitting a public nuisance), as amended.

Section 15. Subject to the provisions of Section 17 below, Sections 6-1, 6-2, 6-5, 6-7, 6-34, 6-36, 6-37, 6-44, 6-45, 6-93, 6-98, and 6-220 of the Leavenworth Code of Ordinances, in existence as of and prior to the adoption of this ordinance, are hereby repealed. The Leavenworth Code of Ordinances shall further be amended to reflect that, with the enacting of new Section 6-49, Sections 6-50 through 6-69 are reserved, and

Section 16. This ordinance shall take effect and be in force from and after its publication in the official city newspaper. Provided, that as to Section 9 and Section 12 of this ordinance

(amending Code Sections 6-45 and 6-98, respectively), and pursuant to K.S.A. 41-2911(b) (as amended by 2021 House Bill No. 2137), this ordinance shall be published at least once each week for two consecutive weeks in the official city newspaper, and such Section 9 and Section 12 shall not become effective earlier than sixty (60) days following the date of its publication. If, within sixty (60) days following publication of this ordinance, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with K.S.A. 41-2911(b)(2), Section 9 and Section 12 of this ordinance shall not become effective until a proposition is submitted to and approved at an election as provided in K.S.A. 41-2911(b). The Sections of this ordinance shall be severable such that other sections of this ordinance not subject to such petition process shall take effect as provided above.

PASSED and APPROVED by the Governing Body on the 10th day of August, 2021.

Nancy D. Bauder, Mayor

{SEAL}

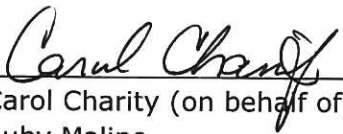
ATTEST:

Carla K. Williamson CMC, City Clerk

**Policy Report No. FIN-21-09
Presentation of 2020 Audit**

August 10, 2021

Prepared By:


Carol Charity (on behalf of)
Ruby Maline
Finance Director

Approved By:


Paul Kramer
City Manager

Issue:

Michael Keenan, CPA, from Cochran Head Vick & Co., P. A. will present the 2020 Audit.
A copy of the audit report can be found at www.leavenworthks.org.

MAYOR'S APPOINTMENT

AUGUST 10, 2021

Mayor Bauder

"Move to

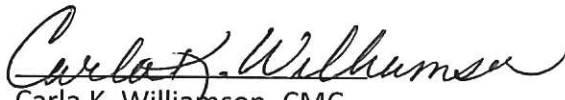
*Re-appoint to the **Main Street Board**, Melissa Bower to a term ending August 15, 2024."*

Requires a second and vote by the Governing Body.

POLICY REPORT
CONSIDER CEREAL MALT BEVERAGE LICENSE FOR
7-ELEVEN, 609 METROPOLITAN AVENUE

AUGUST 10, 2021

Reviewed by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Consider 2021 Cereal Malt Beverage (CMB) Licenses for the new 7-Eleven Food Mart, located at 609 Metropolitan Avenue.

BACKGROUND:

Application for an off premise consumption Cereal Malt Beverage license was received from ASAD, Inc. This is the new 7-Eleven convenience store moving from 701 Metropolitan Avenue to 609 Metropolitan Avenue. At this time, final inspection of the building is pending by both the State of Kansas and the City's Health & Safety Officer. The opening date of the new store is set for August 26, 2021. The City's Health & Safety Officer has been monitoring the progress of the new construction and does not anticipate any problems that would prevent approval of the City Health Permit and CMB license upon final inspection.

The Police Department has reviewed and approved the application.

STAFF RECOMMENDATIONS:

Staff recommends approval of the CMB license contingent upon final inspection and approval by the City's Health & Safety Officer.

ACTION:

Motion to approve the 2021 off premise Cereal Malt Beverage Licenses for 7-Eleven at 609 Metropolitan Avenue contingent upon final inspection and approval of the facility by the City Health & Safety Officer.

POLICY REPORT
FIRST CONSIDERATION ORDINANCE
ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR DEMOLITION COSTS
AUGUST 10, 2021


 Carla K. Williamson, CMC City Clerk


 Paul Kramer, City Manager

ISSUE: Consider an ordinance levying special assessments for the City's cost to demolish certain structures.

BACKGROUND: The below listed properties were approved by the City Commission for demolition. Chapter 10, Article XI of our Code of Ordinances provides the tools for city staff to demolish structures. This ordinance also provides for the collection of costs incurred by the City. As a note, fees for 1612 W 7th Street are pre-demo costs incurred by the City. The owner of the property hired a private contractor to demolish the structure. The ordinance presented provides for the assessment of demolition costs. The owners of the properties have been billed for the charges with notification also mailed to lending institutions if applicable. Liens have been placed on all properties for the amount of demolition costs.

Property Owner	Street Address	Legal Address	Demolition Costs
Carlisle, Betty & Billy	934 Ottawa St	Cochran & Mulligan's Sub, Block 14, Lt 39 Cochran & Mulligan's Sub & Lt 29 Ewing, Roelofson & Co Sub	\$12,710.00
Cook, Sally Jean	407 N 20 th St	S27, T08, R22E, PT W1/2SW1/4; BEG 419'S inter S LI Ottawa & W LI 20 th St, S109', W290.4', N109', E290.4' to POB	\$16,891.00
Inverse Asset Fund, LLC	420 Ottawa St	Leavenworth, PLT ORIG, S25, T08, R22E, Block 55, Lot 11	\$11,344.00
Dunlap, Mary B	1612 W 7 th St	Leas Subdivision, Block 4, N1/2 LTS 1-4 & E10' of N1/2 LT 5	\$125.00 <i>(pre-demo)</i>
Smith, Ricky L & Conley, Linda S	1033 Osage (Garage)	Ewing, Roelofson & Co., Block 2, W50'LTS 20-24	\$6,225.00
Ross, Lee A	714 Kiowa	Day & Macaulay's Sub, S26, T08, R22E, Block 101, Lt 6 less W2'	\$7,690.00
Jeffries, Richard L & Jeffries, Mary J	525 Pawnee	Leavenworth, PLT ORIG, Block 61, Lot 19- 22	\$17,307.00
Lewis, Redie	718 Dakota	Day & Macaulay's Sub, Block 102, Lot 9	\$7,386.00
Lewis, Redie	515 N 5 th St	Leavenworth, PLT ORIG, S25, T08, R22E, Block 65, S79' Lts 31 & 32	\$30,594.40
Lewis, Redie	306 N 3 rd St	Leavenworth, PLT ORIG, S25, T08, R22E, Block 26, N55'LTS 15 & 16	\$11,625.00
		Total	\$121,897.40

ACTION: Consensus by the Governing Body to place on first consideration.

ATTACHMENTS: Draft Ordinance

(Published in the Leavenworth Times on _____, 2021)

ORDINANCE NO. _____

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain unsafe structures have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That for the purpose of paying the costs to demolish unsafe structures in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against certain lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

Property Owner	Street Address	Legal Address	Demolition Costs
Carlysle, Betty & Billy	934 Ottawa St	Cochran & Mulligan's Sub, Block 14, Lt 39 Cochran & Mulligan's Sub & Lt 29 Ewing, Roelofson & Co Sub	\$12,710.00
Cook, Sally Jean	407 N 20 th St	S27, T08, R22E, PT W1/2SW1/4; BEG 419'S inter S LI Ottawa & W LI 20 th St, S109', W290.4', N109', E290.4' to POB	\$16,891.00
Inverse Asset Fund, LLC	420 Ottawa St	Leavenworth,PLT ORIG, S25, T08, R22E, Block 55, Lot 11	\$11,344.00
Dunlap, Mary B	1612 W 7 th St	Leas Subdivision, Block 4, N1/2 LTS 1-4 & E10' of N1/2 LT 5	\$125.00
Smith, Ricky L & Conley, Linda S	1033 Osage (Garage)	Ewing, Roelofson & Co., Block 2, W50'LTS 20-24	\$6,225.00
Ross, Lee A	714 Kiowa	Day & Macaulay's Sub, S26, T08, R22E, Block 101, Lt 6 less W2'	\$7,690.00
Jeffries, Richard L & Jeffries, Mary J	525 Pawnee	Leavenworth,PLT ORIG, Block 61, Lot 19- 22	\$17,307.00
Lewis, Redie	718 Dakota	Day & Macaulay's Sub, Block 102, Lot 9	\$7,386.00
Lewis, Redie	515 N 5 th St	Leavenworth,PLT ORIG, S25, T08, R22E, Block 65, S79' Lts 31 & 32	\$30,594.40
Lewis, Redie	306 N 3 rd St	Leavenworth,PLT ORIG, S25, T08, R22E, Block 26, N55'LTS 15 & 16	\$11,625.00
		Total	\$121,897.40

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this ____th day of August 2021.

Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

Carla K. Williamson CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
ORDINANCE TO LEVY SPECIAL ASSESSMENTS
FOR NUISANCE ABATEMENT COSTS
AUGUST 10, 2021**


Carla K. Williamson, CMC City Clerk


Paul Kramer, City Manager

ISSUE:

Consider an ordinance to levy special assessments for the City's costs of abating nuisances such as mowing, tree removals, and lot cleanup and administrative fees.

BACKGROUND:

Chapter 28, Article I of the City Code of Ordinances provides the tools for the City to cut vegetation and weeds; it also provides for the collection of costs incurred.

The ordinance presented provides for the assessment of such costs. The owners of the properties listed on Exhibit "A" Consolidated List beginning July 11, 2020 through July 12, 2021 have been billed for the charges and were given 30 days in which to compensate the City. In many cases, more than one mowing was required.

ACTION:

Consensus by the Governing Body to place on first consideration.

ATTACHMENTS:

Draft Ordinance

(Published in the Leavenworth Times on _____, 2021)

ORDINANCE NO. _____

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain nuisances have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That for the purpose of paying the costs of abatement of nuisances in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against several lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

ATTACHED GRASS AND WEEDS NUISANCE ASSESSMENTS – EXHIBIT A

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this _____th day of August 2021.

Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

Carla K. Williamson CMC, City Clerk

Property Owner Name	Property Address	Legal Description	CAMA	Billed Amount
WESTFALL, JEFFREY L	1609 MICHAEL STREET	AMRON ACRES, Lot 19	0782704017003000	\$121.57
STANDIFER, BIANCIA	222 DAKOTA STREET	BRIDGEPORT SUBDIVISION, S25, T08, R22E, BLOCK 2, Lot 18	0772502008006000	\$429.94
WESLEY, MONTARIAL A & LAKISHA	213 SOUTH 10TH STREET	CENTRAL SUBDIVISION, BLOCK 15, Lot 26	0773502010005000	\$1,405.68
HENRY, DEBORAH A	911 CHEROKEE STREET	CENTRAL SUBDIVISION, BLOCK 16, Lot 25 - 27	0773501015002000	\$1,617.21
DUCKWORTH, HARLAN J & HOOTEN, SHARLEE S	1002 CHEROKEE STREET	CENTRAL SUBDIVISION, BLOCK 26, E38'LTS 1-4	0773502009016000	\$2,069.74
JONES, HERBERT H & MARY A	501 NORTH 13TH STREET	CENTRAL SUBDIVISION, BLOCK 80, E210'(S) BLK 80 (SCALED)	0772603011005000	\$747.44
VARGAS, MAUREEN A	1314 POTTAWATOMIE STREET	CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 80, W150' OF E360' BLK 80	0772603011005010	\$490.00
NEXIA HOLDINGS, INC	431 NORTH 12TH STREET	CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 88, TR BLK 88 CENTRAL SUB; BEG INTER POTTAWATOMIE ST & 12TH ST; S27', W115', NWLY37.3', E143' TO POB & ABAN RR ROW ADJ	0772603016001000	\$1,159.01
WACKER, THOMAS E	854 SHERMAN AVENUE	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 13, PT BLK 13;BEG W69' FROM NE COR SE60'(S), SW43', NW75' (S), E28' TO POB (SCALED)	0773501014002000	\$3,165.68
ARROYO, GABRIEL	403 OLIVE STREET	CLARK & REES ADDITION, BLOCK 20, Lot 2	0773602044002000	\$394.98
WILLIAMSON, ANDY T L	616 SPRUCE STREET	CLARK & REES ADDITION, BLOCK 30, Lot 12, (SCALED)	0773602042012000	\$1,004.76
JEFFERSON, DONALD R	604 SOUTH 6TH STREET	CLARK & REES ADDITION, BLOCK 32, S70'LT 1 & S70'E1/2 LT 2	0773602025013000	\$116.13
CHISHTI REAL ESTATE INC	619 OAK STREET	CLARK & REES ADDITION, BLOCK 33, Lot 5	0773602022004000	\$2,235.68
HUDSPETH, CHADWICK G	625 OAK STREET	CLARK & REES ADDITION, BLOCK 33, Lot 7	0773602022006000	\$3,755.05
KING, WILLIAM B	118 SPRUCE STREET	CLARK & REES ADDITION, BLOCK 5, Lot 11	0773601002006000	\$304.88
EDWARDS, MICHAEL	609 SOUTH 13TH STREET	CLAY'S REPLAT, S35, T08, R22E, Lot 4	0773502027003010	\$110.51
CARLYSLE, BETTY & BILLY	934 OTTAWA STREET	COCHRAN & MULLIGAN'S SUB, BLOCK 14, LT 39	0772603105008000	\$885.37
AILIN, ARI RYAN & RACHEL	801 POTTAWATOMIE STREET	COCHRAN & MULLIGAN'S SUB & LT 29	0772604302001000	\$121.17
BRUMIT, RONALD O & SHERRY I	924 SOUTH 17TH TERRACE	EWING,ROELOFSON & CO SUB (SCALED)	0783404003009160	\$141.56
LEWIS, REDIE	718 DAKOTA STREET	CROWN ESTATES SUB PH I, LT 4 CROWN ESTATES & PT LT 20 HYDES SUB & VAC RANDOLPH ST ADJ;BEG	0772601409016000	\$112.47
DEVELOPMENT INC	735 METROPOLITAN AVENUE	DAY & MACAULAY'S SUB, BLOCK 102, Lot 9	0772601403004000	\$780.16
JAMERSON, CHARLES E III & KIMBERLY R	1011 NORTH BROADWAY STREET	DAY & MACAULAY'S SUB, BLOCK 104, S75'LTS 27 & 28	0772601307001000	\$1,443.72
ROSS, LEE A	714 KIOWA STREET	DAY & MACAULAY'S SUB, BLOCK 107, Lot 6	0772604101005000	\$1,147.80
SANTEE, DAVID ROY	615 PROSPECT STREET	DAY'S SUBDIVISION, BLOCK 18, W1/2 LT 6 & ALL LT 7	0773603039004000	\$3,978.60
CLARK, MATTHEW J & DONA A	1024 2ND AVENUE	DAY'S SUBDIVISION, BLOCK 8, Lot 22	0773603010012000	\$269.49
CAMMACK, CURTIS W	617 MIDDLE STREET	DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 15, Lot 6 - 7	0773603024005000	\$2,509.92
HULSEY, CHARLES J & JOANNE; TRUST	1519 OHIO STREET	DOLSBERRY SUBDIVISION, Lot 4	1020301003015000	\$134.99
CILLIERS, ABRAHAM A JR	3308 IOWA STREET	EVANS ADDITION, S12, T09, R22E, PT BLKS 9, 10 & VAC IDAHO ST; BEG SE COR LT 1, COLLEGE PLAZA REPLAT, S110.61', W200', S250', W100.8', N360', E302.43' TO POB	1011202003080000	\$150.00
WILLEY, MARY S	823 KICKAPOO STREET	EWING, ROELOFSON & CO., BLOCK 13, Lot 16 - 17	0772604208007000	\$276.38
HIATT, DONALD L	611 NORTH 8TH STREET	EWING, ROELOFSON & CO., BLOCK 13, LTS 5 & 6 & S28.5'LT 7	0772604208025000	\$963.85
WALTERS, KENNETH R JR	1028 POTTAWATOMIE STREET	EWING, ROELOFSON & CO., BLOCK 4, LT 29 & W18' LT 30	0772603107012000	\$195.63

Property Owner Name	Property Address	Legal Description	CAMA	Billed Amount
NANNEN, STEVEN F	714 NORTH 11TH STREET	EWING, ROELOFSON & CO., BLOCK 6, Lot 20 - 22	0772603103005000	\$397.70
SCHMIDT, DEBBIE J	1109 OTTAWA STREET	EWING, ROELOFSON & CO., BLOCK 7, Lot 13	0772603014004000	\$113.40
SALYERS, VICTORIA A	1117 POTTAWATOMIE STREET	EWING, ROELOFSON & CO., BLOCK 8, Lot 12	0772603015003000	\$325.00
KNOX, RICHARD K & ETHEL R	812 KICKAPOO STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, LT 36 & W1/2 LT 37	0772604205020000	\$120.57
THE ZENITH SHOP	829 KICKAPOO STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, LT 19 LESS TR BEG NE COR S63', W8.4', NE63', E1.2' TO POB	0772604208009000	\$2,955.07
NEW CHRISTY MINSTRELS FOUNDATION	617 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED)	0772604208001000	\$962.68
ENG, MARTY L & ELIZABETH J	1007 SOUTH 5TH STREET	FACKLERS ADD BLK 26, BLOCK 26, LOT 19 & S8' LOT 20 & W1/2 VAC ALLEY ADJ	0773603012002010	\$126.15
KENITZER, LARRY & GINA	1120 SOUTH 2ND STREET	FACKLERS ADDITION, BLOCK 13, Lot 16	0773603015008000	\$122.16
CHACE, BRIAN K & BARBARA J	1011 SOUTH 3RD STREET	FACKLERS ADDITION, BLOCK 14, SLY76' LTS 7 & 8	0773603014006000	\$123.29
BANDRU, KEVIN J JR & RESENDIZ, GILDA OLV	417 ELM STREET	FACKLERS ADDITION, BLOCK 23, Lot 6	0773603030006000	\$122.30
R & M INVESTMENT GROUP LLC	500 ELM STREET	FACKLERS ADDITION, BLOCK 28, Lot 13 - 16	0773603026009000	\$2,375.00
PRIDE PROPERTIES LLC	514 LINN STREET	FACKLERS ADDITION, BLOCK 29, Lot 12	0773603031011000	\$394.82
JOHNSTON, HAROLD J	510 LINN STREET	FACKLERS ADDITION, BLOCK 29, Lot 13	0773603031012000	\$121.69
OWENS, ROBERT BRADLEY	1929 CLEVELAND TERRACE	FENNS BROADWAY SUB, BLOCK 6, Lot 5 - 7	1010201022009000	\$200.00
ALMADA, MARIO	AVENUE	FENN'S FAIRGROUND SUB, BLOCK 8, Lot 29 - 31	0782701007006000	\$128.62
LEE FAMILY TRUST	1514 QUINCY STREET	FOOTE'S SUBDIVISION, S34, T08, R21E, ACRES 3.68, BEG SE COR LT 3; THENCE N494', SWLY330', S475', E TO POB	0783404003012000	\$134.99
H&P DEVELOPMENT LLC	1131 METROPOLITAN AVENUE	GIST SURVEY, S26, T08, R22E, PT GIST SURVEY IN NW1/4;BEG SE COR INTER METRO AVE & 12TH ST, E50.1', S154.1', W50', N152' TO POB	0772602004009000	\$329.30
PUCKETT, TAMMY L & WILLIAM B &	1231 KICKAPOO STREET	HERSHFIELD'S,R.N. SUB, BLOCK 1, Lot 25 - 27	0772603008006000	\$133.14
STEVENSON, KIMBERLY & MENZEL, NONA	1317 VILAS STREET	HOLMAN'S SUBDIVISION, BLOCK 4, LT 10 & E1.43' LT 11	1010203007004000	\$481.14
GENESIS ONE LLC	729 CHESTNUT STREET	LATTA'S ADDITION, BLOCK 27, Lot 3	0773501030002000	\$1,216.12
JEFFRIES, RICHARD L & JEFFRIES, MARY J	525 PAWNEE STREET	LEAVENWORTH,PLT ORIG, BLOCK 61, Lot 19 - 22	0772601407004000	\$475.80
GLZ SOLUTIONS LLC	625 KIOWA STREET	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 20	0772604103011000	\$2,042.12
BRUNGARDT, SANDIE	621 KIOWA STREET	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 22	0772604103009000	\$860.60
BRUNGARDT, SANDIE	619 KIOWA STREET	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 23	0772604103008000	\$635.16
PALLESEN, RANDALL D	119 SENECA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 17, Lot 15 - 16	0772503405004000	\$3,530.72
MEDARIS, CATHY ANN	201 OSAGE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, Lot 32	0772503107001000	\$3,434.72
DIAZ, GABRIELA MIRANDA	326 DAKOTA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 35, Lot 13 - 14	0772502013004000	\$112.13
SEED ENTERPRISES LLC	100 NORTH ESPLANADE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 4, LTS 1-11 & N1/2 VAC SHAWNEE ST ADJ	0772503406001000	\$613.43
MULLINS, BRIAN ALAN	317 POTTAWATOMIE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, E1/2 LT 25 & ALL LT 26	0772503212005000	\$3,475.79
SATURN HOLDINGS LLC	318 NORTH 4TH STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 17 - 18	0772503213011000	\$121.07
OLD CANAL FINANCIAL	323 OSAGE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 21	0772503213008000	\$3,432.46
WILLIAMS, RONALD C	410 MIAMI STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 52, Lot 6	0772503301002000	\$110.59

Property Owner Name	Property Address	Legal Description	CAMA	Billed Amount
INVERSE ASSET FUND LLC	420 OTTAWA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 55, Lot 11	0772503205013000	\$670.95
PAYNE, HARRY F	506 DAKOTA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 3 - 4	0772502011007000	\$1,838.76
RAMOS, VALERIE J	503 PAWNEE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 30 - 32	0772502011001000	\$350.00
MUHAMMAD, RAMON	504 MIAMI STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 67, W19'LT 3	0772503302002000	\$217.69
AGESEN PROPERTIES LLC	1240 SANDERS STREET	LINDA SUBDIVISION, Lot 1	0773502028002000	\$125.00
AGESEN, RALPH K(DEC'D); TR	1250 SANDERS STREET	LINDA SUBDIVISION, Lot 2	0773502028002010	\$125.00
BARDEN, PAMELA A	913 PAWNEE STREET	MACAULEY'S 1ST ADD, S26, T08, R22E, BLOCK 34, Lot 10 - 11	0772602012001000	\$923.38
RICHMOND, LANCE WILLIAM & SULLIVAN, TES	1517 9TH AVENUE	MARSHALL'S SUBDIVISION, BLOCK 1, N40' OF S180' OF BLK 1	1010201004006000	\$2,166.41
BARR, TYLER A	934 OSAGE STREET	MIX'S SUBDIVISION, BLOCK 2, Lot 17	0772603401006000	\$2,572.90
AILIN, RACHEL RS	836 MIAMI STREET	MIX'S SUBDIVISION, BLOCK 4, Lot 22 - 24	0772604305014000	\$1,228.95
US BANK TRUST NATIONAL ASSOCIATION	807 NORTH 12TH STREET	MORRIS METRO SUB BL 1-4, BLOCK 1, N1/2 LT 4 & ALL LT 5	0772603002018000	\$663.42
PROTON PROPERTIES LLC	1010 NORTH 13TH STREET	MORRIS METRO SUB BL 5-7, S26, T08, R22E, BLOCK 6, Lot 28 - 29	0772602008007000	\$120.07
OWENS, ROBERT BRADLEY	2311 GIRARD AVENUE	NEELY'S FOREST ADDITION, BLOCK 6, LT 4 & S14'LT 5 & W1/2 VAC ALLEY ADJ	1010204007009000	\$157.21
FORD, EDSSEL DALLAS;TRUST & FORD, LINDA	2501 GIRARD AVENUE	NEELY'S FOREST ADDITION, BLOCK 7, N1/2 LT 6 & ALL LT 7	1010204013002000	\$200.00
WHITE, STACY M	1229 SPRUCE STREET	NORTON,WILLIAMS&THOMAS ADD, BLOCK 3, Lot 17	0773503005002000	\$1,509.57
CARL, KRISITN	907 GATEWOOD STREET	PIN OAK ACRES, BLOCK 2, Lot 7	1011101004032000	\$136.46
BROWN, FLOSSIE	651 SOUTH STREET	REES' DONIPHANÞTON'S, BLOCK 14, LT 1 & VAC ALLEY ADJ	1010102019001000	\$2,945.03
BROWN, FLOSSIE	653 SOUTH STREET	REES' DONIPHANÞTON'S, BLOCK 14, LT2 & VAC ALLEY ADJ	1010102019001010	\$2,496.93
NEU, DOUGLAS LEE	1921 5TH AVENUE	REES' DONIPHANÞTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ	1010102023011000	\$449.22
OFFICER, ALVIN	1518 3RD AVENUE	REES' DONIPHANÞTON'S, BLOCK 2, Lot 13	1010102004007000	\$200.00
SOUTH HILLSIDE DEVELOPMENT LLC	2300 WILSON AVENUE	RUTTER'S REPLAT, S01, T09, R22E, Lot 4	1010104006001130	\$2,591.86
BATTISTA, LEAH N & ROBERT J	4600 LAKEVIEW DRIVE	S13, T09, R22E, ACRES 4.54, PT W1/2 NW1/4; BEG 30'S & 30'W NE COR, S575.8', W335.53', N575.8', E335.53' TO POB	1061300000003000	\$300.00
STEVENSON, KIMBERLY & MENZEL, NONA	1938 OTTAWA STREET	S27, T08, R22E, PT NE1/4SW1/4; BEG INTER N LI OTTAWA & E LI 20TH ST, N125', E120', S125', W120' TO POB LESS ROW	0782703001028010	\$174.99
COOK, SALLY JEAN	407 NORTH 20TH STREET	S27, T08, R22E, PT W1/2SW1/4; BEG 419'S INTER S LI OTTAWA & W LI 20TH ST, S109', W290.4', N109', E290.4' TO POB	0782703003042000	\$215.78
HARDWICK, DAVID AUSTIN	714 PROSPECT STREET	S35, T08, R22E, PT SE1/4 BEG AT SE COR LT 7 BLK 3 BUETTINGER'S 2ND, N107', E38',S107',W38' & ALSO TR BEG SE COR LT 24, SHOYER PL SUB, W44', N138.5', E44', S138.5' TO POB	0773504026015000	\$562.20
TURNER, TRACY J & JEFFREY L	1331 SPRUCE STREET	SCHEER'S SUBDIVISION, CORR., BLOCK 1, Lot 2	0783404001002000	\$399.98
GRIFFITHS, ZACHARY T	3321 IOWA STREET	SHAMROCK ACRES ADDITION, BLOCK 3, S54'LT 2 & N46' LT 3	1011202003068000	\$143.31

Property Owner Name	Property Address	Legal Description	CAMA	Billed Amount
HERNANDEZ, KETZY	50 LOGAN AVENUE	SOUTHSIDE PARK SUB, BLOCK 33, Lot 12	1010104013009000	\$2,083.44
MOWERY, MICHAEL J & MARY A	306 LIMIT STREET	SOUTHSIDE PARK SUB, BLOCK 38, LTS 12-16 & S1/2 VAC ALLEY ADJ	1010104017008000	\$450.00
MATZEDER, ROBERT A	51 LOGAN AVENUE	SOUTHSIDE PARK SUB, S01, T09, R22E, BLOCK 36, Lot 10 - 11	1010104019001000	\$1,796.16
CARR, STARLA L	1700 SOUTH 5TH STREET	STILLE'S 2ND SUB,NEW ADD, BLOCK 1, LT 33 & N1/2 LT 32	1010102011001000	\$300.00
ELLIOTT, BRADLEY	784 MIAMI STREET	STILLING'S BLKS 12-17, BLOCK 13, Lot 38	0772604306008000	\$110.65
GREEN, MICHAEL J	1314 GRAND AVENUE	STILLING'S BLKS 12-17, BLOCK 13, Lot 38	0773503022010000	\$1,695.30
JONES, SCOTT R	1226 10TH AVENUE	STILLING'S BLKS 12-17, BLOCK 15, LT 44 & N1/2 LT 45	0773503020014000	\$139.99
HOME RUN RENOVATIONS LLC	1222 10TH AVENUE	STILLING'S BLKS 12-17, BLOCK 15, S5'LT 41 & ALL LTS 42 & 43	0773503020015000	\$139.99
DUKES, CHRIS E	1317 GRAND AVENUE	STILLING'S BLKS 12-17, S35, T08, R22E, BLOCK 14, Lot 1 - 2	0773503021011000	\$130.00
MORITZ, TERRI J	1212 10TH AVENUE	STILLING'S BLKS 12-17, S35, T08, R22E, BLOCK 15, Lot 38 - 39	0773503020017000	\$139.99
H&P DEVELOPMENT LLC	1009 KENTON STREET	STILLING'S BLKS 4-8, S35, T08, R22E, BLOCK 6, N125.5' LTS 19 & 20	0773503010004000	\$1,958.05
HILL, KENNETH R	1128 QUINCY STREET	STILLING'S BLKS 7-11, S35, T08, R22E, BLOCK 11, Lot 34 - 35	0773503018016000	\$407.57
RUTHERFORD, KASSANDRA	1410 10TH AVENUE	STILLING'S REPLAT, BLOCK 16, Lot 12 - 14	0773503030017000	\$457.06
NEW CHRISTY MINSTRELS FOUNDATION	1405 KINGMAN STREET	STILLING'S REPLAT, BLOCK 16, Lot 18	0773503030003000	\$144.65
DSV SPV3 LLC	1028 KENTON STREET	STILLING'S, BLKS 1-3, BLOCK 1, Lot 26 - 29	0773503001013000	\$1,266.76
DONALD, PHELPS M & ROSE M	1118 KENTON STREET	STILLING'S, BLKS 1-3, BLOCK 2, Lot 16 - 18	0773503002009000	\$559.99
OWENS, ROBERT BRADLEY	912 GRAND AVENUE	STILLING'S, BLKS 1-3, BLOCK 2, LTS 19-20 & N75'LTS 21-26	0773503002011000	\$638.58
DONALD, PHELPS M & ROSE M	1122 KENTON STREET	STILLING'S, BLKS 1-3, S35, T08, R22E, BLOCK 2, Lot 14 - 15	0773503002008000	\$149.99
BARR, DANIAL	771 OTTAWA STREET	WESTERN ADDITION, BLOCK 112, Lot 21 - 22	0772604212004000	\$175.00
PROTON PROPERTIES LLC	789 POTTAWATOMIE STREET	WESTERN ADDITION, BLOCK 113, Lot 20 - 23	0772604301007000	\$138.99
LEWIS, REDIE; OBAMA, BARACK; BIDEN, JOSE	724 POTTAWATOMIE STREET	WESTERN ADDITION, BLOCK 98, Lot 12 - 13	0772604107019000	\$120.60
GORDON, BETTY	1529 10TH AVENUE	WOLLMAN'S SUB OF W1/2 BLK #4, S02, T09, R22E, Lot 13 - 15	1010201006005000	\$2,567.56
MOPPIN, KEVIN K SR	1209 SHAWNEE STREET	WOLMAN PARK REPLAT, BLOCK 41, LTS 4 & 5 & E1/2 LT 6 LESS S 6'	0773502004004000	\$998.71
WOODS ON MUNCIE ASSOC	1150 MUNCIE ROAD	WOODS ON MUNCIE, S11, T09, R22E, BLOCK 1, Lot TRACT A, ACRES 3.45	1011103004026000	\$125.00
			Grand Total	\$102,146.20