A) CALL TO ORDER

B) PLEDGE OF ALLEGIANCE AND INVOCATION

C) ROLL CALL & APPROVAL OF THE AGENDA

D) CITIZEN COMMENTS
   All comments are limited to a maximum of three minutes for each speaker. In accordance with the Open Meetings Act, City Council members may not discuss or take action on any item that is not on the Agenda.

E) CONSENT AGENDA
   These items are routine and enacted by one motion. There will be no separate discussion of these items unless a Council member so requests. Any consent agenda item can be removed and placed on the agenda as an item of business.
   1. Approval of Minutes
      a. Regular Meeting – September 5, 2017
   2. Appropriation Ordinance
      a. Ordinance #1108

F) ITEMS OF BUSINESS
   1. Audit Contract- Kennedy McKee & Company
   2. Annual Pool Review
   3. 3rd Quarter Transfers
   4. Land Bank
      Authorize sell of 603 S. Sycamore
   5. Street/Sidewalk Vendor Permit Discussion

G) CITY ATTORNEY’S REPORT

H) CITY ADMINISTRATOR’S REPORT

I) GOVERNING BODY COMMENTS

J) EXECUTIVE SESSION
   “Recess into executive session to conduct an annual review of the City Administrator’s performance pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The open meeting will resume in the city council chamber at (time).”

K) ADJOURNMENT

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 5:30 and 6:00 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

To be placed on future agendas please contact City Administrator Kyler Ludwig at administrator@greensburgks.org or call City Offices at 620-723-2751.
Greensburg City Council
September 5, 2017
City Hall

A) CALL TO ORDER
Mayor Robert Dixson called the meeting to order at 6:00 p.m. on September 5, 2017.

B) PLEDGE OF ALLEGIANCE AND INVOCATION
The Pledge of Allegiance was said and the invocation given by Pastor Terry Mayhew.

C) ROLL CALL & APPROVAL OF THE AGENDA
Council present: Mark Trummel, Sandy Jungemann, Matt Christenson, and Haley Kern. Rick Schaffer was absent. Kern made a motion to approve the agenda as presented. Christenson seconded. The motion passed 4-0.

D) CITIZEN COMMENTS
Mayor Dixson welcomed those in attendance and opened the floor for citizen comments. There were no comments from the floor.

E) CONSENT AGENDA
Jungemann made a motion to approve the Consent Agenda as presented. Kern seconded the motion, which passed 4-0.

F) ITEMS OF BUSINESS
1. Presentation of 2016 Audit – Kennedy McKee & Company
Jim Kennedy, Kennedy McKee & Company, presented the 2016 Audit report, walking Council through the prepared audit. Deficiencies noted were minimal and could primarily be corrected by policy and a software adjustment. Kennedy noted that 2017 is the final year that the City will need to transfer funds into the Sanitation Capital Reserve. No interest has been being deposited, but the fund will soon reach its required cap. Staff was made aware that bond payments must be remitted to the State at least 20 days prior to their due date, per statute. Kennedy commented that the Incubator Fund looks better than it has in the past. Council was encouraged to keep an eye on Utility Funds, to insure they remain in good financial condition.

Christenson asked if the water treatment plant bond was a G.O. Bond. Kennedy stated that is was, but that it is being paid with utility payments, rather than tax money. Christenson’s concern was over the length of the bond. Kennedy responded that Council could choose to pay additional funds in at some point but noted that the interest rate of 2.75% is very favorable.

Kennedy left an engagement letter for the 2017 audit for Council’s consideration. Trummel made a motion to accept the 2016 audit as presented. Christenson seconded. Motion passed 4-0.

2. 903 N. Sycamore – Abatement Discussion
City Administrator Kyler Ludwig opened discussion on the abatement process that was suspended on 903 N. Sycamore by stating that there was nothing new to add to the discussion had at the previous Council Meeting. Dixson opened the floor for discussion. Arrow Zanghi, owner of 903 N. Sycamore, was present, and Kern asked if there were any updates. Zanghi stated that the footing was on the ground Friday and that, with any luck, blocks would be set and the house set by October. Christenson asked Zanghi what his next steps were and for a timeframe on windows, doors and siding. Zanghi stated that he could only tell him what was on the written plan he submitted previously. He would like to see these items done before temperatures get too cold, but as stated at a previous meeting, siding and the roof are
geared around him building a porch. Zanghi stated that he could go ahead and put siding on before the porch is built.

Kern asked what was needed from Council. Ludwig stated the abatement of the property was postponed until today. He requested Council give Zanghi guarantees of an approved time frame for him to continue work or terminate the project. At the last Council meeting, a deadline of October 31st was discussed. Council reviewed the previously presented development plan and the motions made at the last meeting. Jungemann voiced that she understood the difficulty of doing the project himself and stated that Zanghi is working hard on the project now. Kern applauded Zanghi for his recent efforts at communicating with Council. She expressed concern over the project being at a stalemate for approximately 216 days. She does not want to see him and Council in the same situation two months down the road, after additional money has been invested. She stated that she wasn’t sure Council was helping Zanghi by giving him extensions. Zanghi recounted the financial burdens and physical setbacks he has experienced since taking on the project. Christenson stated that he had no problem with giving an extension, but wanted a definite timeframe, without an open ended final date. Zanghi stated that siding and the roof cannot be completed by October 31st, as previously suggested. Council can review the project October 31st, but Zanghi feels that the end of February is more realistic for roofing and siding.

Trummel voiced frustration with previous lack of progress and continual extensions. Dixson asked for clarification on what “dried in” on the development plan meant. Zanghi stated that it meant the house and roof would be wrapped, acknowledging that wrap must be maintained or it will come loose in the wind and become a problem. He stated that house wrap is good for 1 year without siding. Trummel stated that he wants to see Zanghi have a house in town, but that with extensions previously given, the ball is in Zanghi’s court. He wants to see progress, not have more discussion.

Kern stated that she would like to see a definite plan, in writing, with dates. Ludwig requested that a very clear motion be made so that all parties know what is expected. Zanghi expressed frustration that Council seemed to want a final date and that if everything wasn’t done by then abatement would proceed, regardless of what may happen. Jungemann voiced that she was not ready to proceed with abatement. She feels that Council has an obligation to work with Zanghi when he is motivated.

Jungemann made a motion to extend abatement until October 31st, with Zanghi to complete the plan presented. Council would hear back from him on siding and roofing at that time. She added that Zanghi is to start on siding and roofing and have as much done by December 31st as possible. The motion died due to lack of a second.

Christenson made a motion to delay abatement action to allow time for repairs as scheduled (pour footing, lay block foundation and place home by October 7th; install windows, doors and house wrap by October 14th; remove shingles and cover the roof with wrap by October 31st; install porch before freeze) with the addition of siding and roofing to be completed no later than February 28th. Council will revisit the abatement if any milestones are not met. Jungemann seconded, and the motion passed 3-1 (Trummel voting “no”).

3. Council Meeting Live Streaming
In 2012 Council approved recording of City Council Meetings by the Kiowa County Media Center. The Media Center would set up a camera and sound prior to each meeting and edit the videos prior to putting them on YouTube. The practice was stopped because the set-up and editing became too time intensive. Ludwig has been discussing with the Media Center options for live broadcasting meetings. The options would require minimal set-up by staff and would integrate with Facebook to live stream discussion. Ludwig noticed increased community participation during the county budget hearing when a patron utilized Facebook Live to broadcast the proceedings. Many cities are utilizing this technology.
Kern asked if Council would be engaging viewers and answering their questions during meetings. Ludwig stated that this was an option. Staff could manage the questions if they were received in an appropriate moment. Dixson expressed that he felt citizens should be present at the meeting if they want to engage the Council, but stated he had no problem with live streaming. Kern expressed that she approves of any opportunity to be transparent and engage the community. Christenson agreed, stating that it allows for accountability. Trummel asked if the County had changed their stance on having their meetings broadcasted by the Media Center, having previously declined. Ludwig explained that anyone who wants to record an open public meeting can do so. Christenson discussed the County’s policy that recording/broadcasting equipment must be manned at all times. Discussion was had on the possibility of disallowing comments on a Facebook Live broadcast. Ludwig clarified that the City would purchase the camera, fairly inexpensively, and broadcast through the City’s Facebook page. The Media Center would be used as a consultant only. Upon Dixson’s request, Ludwig stated that a camera would cost less than $500. The sound in the council chambers is ready for broadcasting, but there would be a cost for some consultation time. Kern asked if the Media Center had some equipment that Staff could borrow, to see what response they would get, before purchasing their own? Trummel stated he did not want to see a meeting delayed because of technical difficulty and was not interested in live broadcasts. Christenson and Kern asked to see a full proposal before proceeding.

G) CITY ATTORNEY’S REPORT
City Attorney Clayton Kerbs was not present.

H) CITY ADMINISTRATOR’S REPORT
Ludwig discussed the following topics:

City Pool: The pool closed for the season on Monday September 5th. Staff will be working to drain the pool and winterize the pool-house. The roofing project was completed September 1st.

Airport: Lochner has supplied Staff with the final specs which include the date changes discussed at the last meeting. A pre-bid meeting will be held on September 19th at 11:00am here at City Hall. The bid opening is scheduled for September 28th at 2:00 pm.

Highway Gypsi Junk Market: Highway Gypsi Junk Market will again be held at Davis Park on September 23rd. The event will go from 9am-3pm.

Next Council Meeting: The approval of the land sale at 603 S. Sycamore is scheduled for the September 18th meeting. Quarterly Transfers and Vendor Permitting are also planned for that meeting.

KPP Annual Retreat: The KPP Annual Retreat is scheduled for September 29th and 30th. Ludwig will be attending the conference. Governing body members are invited to attend as well, but they must let Staff know as soon as possible if they are interested.

Projected Mill Levy: Ludwig provided a chart of the Greensburg Mill Levy History, including information from all taxing entities. The approved mill levy for residents of Greensburg is projected to be 198.858 mills. This is an increase of 6 mills over last year’s totals. The budget was submitted to the County prior to the August 25th Deadline.

I) GOVERNING BODY COMMENTS
Kern will be absent from the September 18th Council Meeting.

Dixson stated that there was an open house recently at the Meadowlark House. He said he was amazed at the interior work that was done. Others expressed hearing similar comments. This property and its previous owners were formerly part of an abatement process.
J) EXECUTIVE SESSION
Trummel made a motion to recess into executive session to discuss the City Administrator’s performance pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The open meeting will resume in the city council chamber at 7:30 p.m. Kern seconded. Motion passed 4-0.

K) ADJOURNMENT
With nothing further to discuss, Dixson declared the meeting adjourned at 7:30 p.m.

___________________________________   ________________________________
Robert A. Dixson, Mayor     Christy Pyatt, City Clerk
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**PAID TOTAL** $68,610.81

***** REPORT TOTAL *****

$68,610.81
TO: Mayor and City Council
SUBJECT: 2017 Audit Approval
INITIATED BY: City Administrator

Background:
The City is required to conduct an independent audit annually. This is in an effort to ensure that the City maintains the integrity and transparency of financial reports. The City of Greensburg has a long standing relationship with Kennedy McKee & Company LLP.

Analysis:
The independent audit will help fine errors made in the City’s financial records, fraudulent reporting, misappropriation of funds, and violation of laws or regulations. Management is committed to working with the auditors to ensure all financial information is accounted for. The audit will review internal control mechanisms to help protect the City against any fraud.

The proposed audit through Kennedy and McKee for the City will not exceed $15,650 plus expenses. Additional hourly charges will be paid for an audit of the Greensburg Housing Authority, preparation of the 2019 budget, or other work outside of the scope of the audit.

Financial:
The City budgets annually for an audit to take place, and funding is secured for this agreement.

Recommendations/Actions: It is recommended the City Council:
Accept the audit proposal from Kennedy McKee & Company to review the 2017 financial year.

Attachments: Exhibit A: Audit Proposal
August 24, 2017

Mayor and City Council
City of Greensburg, Kansas
300 S. Main
Greensburg, KS 67054

We are pleased to confirm our understanding of the services we are to provide the City of Greensburg, Kansas, a Municipal Financial Reporting Entity, for the year ended December 31, 2017. We will audit the financial statement as of and for the year ended December 31, 2017.

We have been engaged to report on the regulatory-required supplementary information (RRSI) that accompanies the City's financial statement. We will subject the following RRSI to the auditing procedures applied in our audit of the financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statement or to the financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statement as a whole:

1. Schedule 1, Summary of Regulatory Basis Expenditures – Actual and Budget
2. Schedule 2, Schedules of Regulatory Basis Receipts and Expenditures
3. Schedule 3, Schedule of Regulatory Basis Receipts and Disbursements – Agency Funds
4. Schedule 4, Schedule of Regulatory Basis Receipts and Expenditures – Related Municipal Entity

Audit Objective

The objective of our audit is the expression of an opinion as to whether your financial statement is fairly presented, in all material respects, in conformity with the Kansas Municipal Audit and Accounting Guide (KMAAG) and the accounting practices prescribed by the State of Kansas to demonstrate compliance with the cash basis and budget laws of the State of Kansas, which is a regulatory basis of accounting, the practices of which differ from accounting principles generally accepted in the United States of America (GAAP) and to report on the fairness of the RRSI referred to in the second paragraph when considered in relation to the financial statement as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the KMAAG, and will include tests of the accounting records and other procedures we consider necessary to enable us to express such an opinion. If our opinion on the financial statement is other than unqualified (unmodified), we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the financial statement and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee our assistance with the preparation of your financial statement and related notes and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities, for the selection and application of accounting principles; and for the fair presentation in the financial statement of the respective Summary Statement of Receipts, Expenditures and Unencumbered Cash of the City of Greensburg, Kansas in conformity with the KMAAG and the practices prescribed by the State of Kansas to demonstrate compliance with the cash basis and budget laws of the State of Kansas, which is a regulatory basis of accounting, the practices of which differ from GAAP.
Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statement, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statement to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statement taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statement. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

You are responsible for the preparation of the RRSI in conformity with the KMAAG and the accounting practices prescribed by the State of Kansas to demonstrate compliance with the cash basis and budget laws of the State of Kansas, which is a regulatory basis of accounting, the practices of which differ from GAAP. You agree to include our report on the RRSI in any document that contains and indicates that we have reported on the RRSI. You also agree to include the audited financial statement with any presentation of the RRSI that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the RRSI in accordance with the KMAAG, (2) that you believe the RRSI, including its form and content, is fairly presented in accordance with the KMAAG; (3) that the methods or measurement of presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the RRSI.

Management understands and acknowledges the following with regards to the financial statement:

- The purpose for using the KMAAG regulatory basis framework is to comply with the statutory provisions applicable to the entity for preparation of the financial statement on a basis of accounting other than GAAP;
- The financial statement is intended for general use;
- Management has taken appropriate steps to determine that the KMAAG regulatory basis framework is acceptable in the circumstances for meeting its annual financial statement reporting needs;
- Informative disclosures will be included in the financial statement that are appropriate to the KMAAG regulatory basis framework, including:
  - A description of the KMAAG regulatory basis framework, including a summary of significant accounting policies, and how the framework differs from GAAP;
  - Informativ disclosures similar to those required by GAAP for items contained in the financial statement that are the same as, or similar to, those in financial statements prepared in accordance with GAAP; and
  - Any additional disclosures beyond those specifically required by the KMAAG regulatory basis framework that may be considered necessary to achieve fair presentation of the financial statement.
- Management has chosen to include the financial information of the following related municipal entity in its financial statement:
  - Greensburg Housing Authority

**Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statement is free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.
Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statement. However, we will inform the appropriate level of management of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as an auditor is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors. We have advised you of the limitations of our audit regarding the detection of fraud and the possible effect on the financial statement (including misappropriation of cash or other assets).

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may request written representations from your attorney(s) as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statement and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statement and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statement is free of material misstatement, we will perform tests of the entity’s compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Auditor’s Responsibility

We will also be responsible for the following with regard to the audit of the financial statement:

- For complying with all auditing standards generally accepted in the United States of America as relevant to and adapted to the circumstances of the audit of the financial statement;
- For evaluating whether the financial statement is suitably titled, adequately refers to or describes the KMAAG regulatory basis framework; includes a summary of significant accounting policies, adequately describes how the KMAAG regulatory basis framework differs from GAAP in qualitative terms, and includes the appropriate informative disclosures as described in Management’s Responsibilities above;
- For evaluating whether the financial statement achieves fair presentation with regard to the KMAAG regulatory basis framework and forming the appropriate opinion on the financial statement taken as a whole; and
- Because the financial statement is intended for general use, we are responsible for expressing an opinion as to the fair presentation of the financial statement in accordance with GAAP, in addition to expressing an opinion about whether the financial statement is prepared in accordance with the KMAAG regulatory basis framework.
Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will also assist you in the preparation of the annual budget for 2019.

We will begin our audit on a mutually agreed-upon date. James W. Kennedy is the engagement partner and is responsible for supervising the engagement and signing the report. Our fee for these services will be at our standard hourly rates plus expenses, except that we agree that our gross fee will not exceed $15,850 plus expenses for the year ended December 31, 2017. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. The fee for the following will be at our standard hourly rates:

- Audit of the Greensburg Housing Authority
- Preparation of the 2019 budget
- Audit of Federal Financial Assistance in accordance with Government Audit Standards, if required
- Other work outside of the scope of the audit

We appreciate the opportunity to be of service to the City of Greensburg, Kansas, and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Kennedy McKee & Company LLP

James W. Kennedy
Partner

RESPONSE:

This letter correctly sets forth the understanding of the City of Greensburg, Kansas.

By: ________________________________

Title: ________________________________

Date: ________________________________
TO: Mayor and City Council
SUBJECT: Annual Pool Report
INITIATED BY: City Administrator, Kyler Ludwig

Analysis:
The 2017 pool season was a success with attendance up 3% over last year. The pool saw a 1% growth in revenues, and a 9% reduction in expenditures (which doesn’t include $5,000 of utility expenditures not shown in the pool fund for 2016. If the 2016 utilities are included there is a 16% reduction in expenditures).

There was a slight increase in salaries over last year, which is a result of more experienced guards, and increasing hours of operations on Sundays. The increased hours on Sundays did not result in increased attendance this year, and Sundays remain our slowest days at the pool. The graph below shows revenues by day and also shows revenue by hour.

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</tr>
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<td>Total Revenues</td>
<td>$14,820</td>
<td>$28,056</td>
<td>$28,344</td>
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<td>Pool Salaries</td>
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<td>$34,408</td>
<td>$36,065</td>
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<td>Contract/Commodities</td>
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<td>Total Expenditures</td>
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<td>$65,555</td>
<td>$59,400</td>
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<tr>
<td>Expenditures - Revenues</td>
<td>($20,968)</td>
<td>($37,499)</td>
<td>($31,056)</td>
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</table>
TO: Mayor and City Council
SUBJECT: Third Quarter Transfers
INITIATED BY: City Administrator, Kyler Ludwig

Background:
The City Council budgeted for transfers from the water, electric, and sanitation funds. These transfers have historically been performed on a quarterly basis.

Analysis:

Electric Transfer to General Fund – (Electric Fund: $1,006,693)
Transfer Amount- $32,500 ($130,000 annual)
  Fund 200-
  KSA 12-825d

Electric Transfer to Electric Reserve Fund – (Electric Fund: $1,006,693)
Transfer Amount- $12,500 ($50,000 annual)
  Fund 200-
  KSA 12-825d

Water Transfer to General Fund – (Water Fund: $320,502)
Transfer Amount- $2,500 ($10,000 annual)
  Fund 210-
  KSA 12-825d

Water Transfer to Water Reserve - (Water Fund: $320,502)
Transfer Amount- $2,500 ($10,000 annual)
  Fund 210-
  KSA 12-825d

Water Debt Transfer - (Water Fund: $320,502)
Transfer Amount- $22,717.75 ($90,871 annual)
  Fund 210-
  KSA 10-1204

Sanitation to Sanitation Capital Reserve – (Sanitation Fund: 155,782)
Transfer Amount $957.78 – (Brings reserve to $100,000)
  Fund 230-
  KSA 12-2908

Financial:
All funds are sufficient for the proposed Transfers.

Recommendations/Actions: It is recommended the City Council:
Authorize the proposed quarterly transfers.
TO: Mayor and City Council
SUBJECT: Land Bank Purchase
INITIATED BY: City Administrator, Kyler Ludwig

Background:
On August 7th the Land Bank approved the advertisement to sell the properties at 603 S. Sycamore. The sale was published in the Kiowa County Signal. Staff has not received any other proposals for the properties.

Analysis:
The property at 603 S. Sycamore will be purchased at the $10/frontage foot price ($1,120). The applicant’s intent is to build a home on the property, but they will not be able to complete the project in a year.

Recommendations/Actions: It is recommended the City Council:
Authorize staff to sell the property at 603 S. Sycamore.

Attachments: Land Bank Policies
Section 1: Personal Information.

1. Applicant’s Name: PATRICIA CHISUE
   Spouse (if applicable): STEPHEN CHISUE
2. Name of Corporation (if applicable): N/A
3. Street Address: 18 BELUGA PLACE
4. City, State, Zip: SACRAMENTO CALIFORNIA 95835
5. Home Phone #: 916-260-3867 Work Phone #: 
6. E Mail Address: 2. sauman@gmail.com
7. List Properties you own in the City of Greensburg: NONE

8. Do you (or your spouse) have any Code Enforcement violations?
   Yes ___ No X
9. Are you (or your spouse) delinquent on any licenses or taxes in Kiowa County?
   Yes ___ No X

Section 2: Proposed Land Bank Purchase.

1. Address(s) of Property: 603 S. SYCAMORE ST.
   Vacant Land 
   Structure
2. Proposed Use of Property:
   Yard Extension. Go to section 4.
   Parking. (Must comply with City regulations) Go to section 4.
   Home Addition. Requires building permit. Go to section 3.
   Rehabilitation of existing structure. Requires building permit. Go to section 3.
   Other: SEE BELOW

PURCHASE LAND WITHOUT ANY REQUIREMENT TO BEGIN OR COMPLETE CONSTRUCTION WITHIN 12 MONTHS.
Section 3: Construction Project Information.

1. Does the project comply with current zoning? Yes No  
   (Call City Clerk’s office 620-723-2751)  
   NONE AT THIS TIME

2. Type of Ownership:  
   ☒ Individual  
   ☐ Corporation  
   ☐ Nonprofit  
   ☐ Other: _______________________  

3. Must attach a letter of credit or pre-approval letter from your bank.  

4. Must attach drawings for your proposed project.  
   NONE AT THIS TIME

5. Proposed use of property:  
   ☒ Home Ownership  
   ☐ Rental Home  
   ☐ Business/Commercial Use  
   ☐ Apartments  
   ☐ Other, Specify: _______________________  

Will you seek Tax Increment Financing or other public tax exemptions?  

Will you seek Neighborhood Revitalization Tax Rebates? YES WHEN WE ARE READY TO BUILD  

Starting Project Date: ___________ Completion Date: ___________  

Comments: _______________________  

Section 4: Additional Comments & Terms of Proposal.  

Incomplete applications will not be considered and will be returned to the sender. As the applicant I attest that the information in this proposal is accurate. I attest that I have read the City of Greensburg Land Bank policy and agree to the terms and conditions of it. I understand that the Land Bank and the City of Greensburg reserve the rights to reject any proposal without cause.  

Applicant’s Signature  

Print Your Name PATRICIA CHINSUE  

Date 8-2-17  

Return Completed Application to:  Land Bank, City Hall, 300 S. Main, Greensburg, KS 67054  
   Fax 620-723-2644 Phone 620-723-2751
Land Bank Policy

Mission Statement:

The Goal of the Greensburg Land Bank is to return tax delinquent property to productive use that benefits the community. When considering proposals to the Land Bank, preference will be given to projects that support home ownership, improve neighborhoods and otherwise advance the economic and social interests of the City of Greensburg, Kansas, and its residents.

Conditions set on Land Bank Properties

The Governing Body of the City of Greensburg serves in the capacity of the Land Bank Board of Trustees and makes all final decisions on Land Bank property conveyances.

The Land Bank Board of Trustees will annually, and as needed, identify development areas which are actively being developed. Any Land Bank properties in these particular geographical areas will be held for the developer(s) for that area. Any Land Bank parcels in actively developed areas will be marked as “not available for purchase” in the Land Bank published inventory list.

Land is conveyed with no guarantee as to quality or content, subject to covenants stated in the Land Bank Deed. Any parcel failing to meet requirements listed in the Deed may be subject to reversion to the Land Bank. Applicants will forfeit any funds spent on the property.

The Land Bank Board of Trustees may set a different minimum price on any Land Bank Property and may set a minimum price on commercial/industrial zoned properties and those containing structures.

Except as herein provided, donations of real property to the Land Bank will only be accepted if the donors own 100% of the property and have marketable title. Assurance of ownership and title shall be done through title insurance, attorney title opinion or such other means approved by the Land Bank upon recommendation of the City Administrator after consultation with the City Attorney. The donor shall pay all costs of the proof of title and any title clearance cost unless waived by the Land Bank on recommendation of City Staff. Less than 100% ownership or defection...
marketable title may be accepted by the Land Bank if the Land Bank, in its sole discretion, determines doing so is in the best interest of the Land Bank and the City.

Persons gifting property to the Land Bank may request confirmation or receipt from the Land Bank as to the property value for tax deductible contribution purposes. Such value statement shall use the County Fair Market Value Appraisal. If desired, a third party, independent appraisal can be obtained at the applicant’s expense subject to Land Bank approval.

All Land Bank fees may be waived for Community Development Corporations (CDC) or Community Housing Development Organizations (CHDO).

The Land Bank Board of Trustees reserves the right to accept or reject any or all proposals without cause.

The Land Bank may aggregate and sell land for use as community parking. If an applicant wishes to purchase property for mixed uses business parking, it must state that intent on the application. Only parking that is for the benefit of community improvement will be considered by the Land Bank. Once the Land Bank parcel is conveyed for community parking, the owner will be responsible for the upkeep of the improved paved surface.

When completed proposals are accepted by the Land Bank, a review and recommendations of the proposal is completed by City staff.

Applicant’s proposals are forwarded with recommendations to the Land Bank Board of Trustees.

The City staff, 30 days prior to the sale or transfer of any property owned by the Land Bank, will publish in the official City newspaper a notice announcing such sale. At the time of publishing such notice, the Land Bank staff will notify adjacent property owners of the pending property available for sale.

**CDC/CHDO Emergency Economic Recovery Program**

1. Land Bank accepts the return of properties from CDC/CHDO per their written request.
2. At CDC/CHDO discretion, Land Bank and CDC/CHDO execute a written contract whereby CDC/CHDO has the exclusive option to repurchase the property for expenses incurred by Land Bank.
   a) Option is for a one year period, subject to two additional, mutually agreed, one year renewals.
   b) Whether the Land Bank will renew the option will be considered as part of the annual review of areas of actively developed properties.
   c) Consideration for the option is that the CDC/CHDO maintain the property, at its expense, in compliance with all codes and ordinances.
d) CDC/CHDO has 10 days after written notice from Land Bank to cure any code or ordinance violations. Failure to timely do so terminates the option.

3. CDC/CHDO may exercise the option to repurchase at any time during an option period.
4. All other Land Bank Policies apply to these properties.

**Conditions for Applicants Prior to Purchase of Land Bank Property:**

Applicant must not be delinquent on any licenses or taxes in Kiowa County. (For these purposes, participation with the City of Greensburg or Kiowa County Payment Plan(s) constitutes delinquency).

Applicant must not have a history of code enforcement violations at properties they own or not have any outstanding violations. A history of 3 notices to appear in court for code violations in the previous calendar year or 5 notices to appear in court for code violations in the past 3 calendar years will make an individual ineligible to apply.

**Conditions for Applicants After Purchase of Land Bank Property:**

All applicants’ property must be properly maintained with no notices to appear in court for code violations.

Applicant must not be delinquent on any licenses or taxes in Kiowa County.

Failure to comply with the above requirements will render the land owner ineligible for future Land Bank opportunities or Economic Incentives from the City of Greensburg.

**Land Bank Procedures**

- Non-buildable lots will generally be sold for $100.
- Buildable lots/parcels will be generally sold for $300. Buildable residential properties are generally those with over 70 foot frontage.
- Buildable lots for non-buildable purposes (yard expansion, parking, play ground area etc...) are sold for $10.00 per front footage. For example, 70 foot frontage lots will cost $700.
- The City staff will notify the Land Bank Trustees of Non-buildable and Buildable lots that contain razing assessments. Non-buildable and Buildable lots razing assessments will be abated. Commercial/Industrial lots are subject to special assessments.
- The Land Bank may set a minimum price on commercial/industrial zoned properties and those containing structures.
- A confirmation letter will be mailed to applicants that submit applications to the City staff within 30 days of receipt. Please contact the City staff if you do not receive a confirmation letter for your application.
Process for Purchasing Non-Buildable Land Bank Properties.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Non-buildable are lots with a frontage that is generally less than 25 foot frontage.
- The adjacent land owner will have priority for right of first refusal. Adjacent is defined as immediately touching the applicant’s property on the right or left.
- Applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price proposals will also be evaluated on their ability to finance the project.
- If the adjacent land owner wants to purchase the Land Bank Lot for parking or for building a garage, they understand that the City of Greensburg has certain requirements and minimum standards for both the parking area and for the garage. If your proposal identifies the use as for parking or a garage, the City staff will send contact information to the applicant. Transferal of lot does not guarantee a building permit or use for parking.
- The City Administrator will have the authority to transfer non-buildable lots to qualified adjacent land owners only (if not located in an identified development area). The items that the City Administrator has the authority to transfer will be reported to the Land Bank Trustees. All other proposals will require further review.
- If no qualified adjacent owner shows interest in the vacant property, consideration may be given for community development efforts such as community gardens, neighborhood play areas, and community green areas.

Process for Purchasing Buildable Residential Land Bank Properties.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Buildable residential properties are generally those with over 70 foot frontage.
- The priority is for homeownership.
- If only one property is under consideration and is not in a targeted development area, the applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will
be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.

- If the zoning is not appropriate, the applicant will need to get approval of zoning changes prior to any building.
- If the property under consideration is not in a targeted development area, the applicant must exhibit the financial ability of completing the project by submitting a letter of credit or a pre-approval letter from his/her bank.
- If the property under consideration is not in a targeted development area, the applicant must attach drawings of the proposed structure for City staff to review. At a minimum, the drawings should consist of the following: (1) The location of the building or structure; (2) The building work proposed; (3) The outside dimensions of the building by floors and dimensions of the basement (if any); (4) Building Plans for New Construction of Buildings; (5) Such other information as may be pertinent to the issuance of the application. The structure should be compatible with the existing neighborhood.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, individual experiences with building, and if the proposal is for homeownership.
- Proposals that are accepted will need to submit all their plans to the City staff prior to the building commencement. City Staff can send this information to successful applicants.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. In the event that construction is not completed within 12 months, the successful applicant must notify the City Administrator in writing to request an extension.
- Community Development Corporations/Community Housing Development Organizations applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. In the event that construction is not completed within 24 months, the successful CDC/CHDO must notify the City Administrator in writing to request an extension.

**Process for Purchasing Buildable Commercial/Industrial Land Bank Properties.**

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- A minimum price will be established for each commercial/industrial parcel. The Land Bank Board of Trustees reserves the right to set an alternative price.
- If only one property is under consideration and is not in a targeted development area, the applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However,
incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.

- If the zoning is not appropriate, the applicant will need to get approval of zoning changes prior to any building.
- If the property under consideration is not in a targeted development area, the applicant must exhibit the financial ability of completing the project by submitting a letter of credit or a pre-approval letter from his/her bank.
- If the property under consideration is not in a targeted development area, the applicant must attach drawings of the proposed structure for City staff to review. At a minimum, the drawings should consist of the following: (1) The location of the building or structure; (2) The building work proposed; (3) The outside dimensions of the building by floors and dimensions of the basement (if any); (4) Building Plans for New Construction of Buildings; (5) Such other information as may be pertinent to the issuance of the application. The structure should be compatible with the existing neighborhood.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, and individual experiences with building.
- Proposals that are accepted will need to submit all their plans to the City staff prior to construction. City staff can send this information to successful applicants.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. In the event that construction is not completed within 12 months, the successful applicant must notify the City Administrator in writing to request an extension.
- Community Development Corporations/Community Housing Development Organizations applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. In the event that construction is not completed within 24 months, the successful CDC/CHDO must notify the Land Bank staff in writing to request an extension.

Process for Purchasing Land Bank Properties with Structures.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Existing structures must be brought up to minimum prevailing building codes.
- A minimum bid will be placed on each land bank property with a structure on it. The Land Bank Board of Trustees reserves the right to set an alternative price.
- If only one property is under consideration and is not in a targeted
development area, the applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.

- If the zoning is not appropriate, the applicant will need to get approval of zoning changes prior to any building.
- If the property under consideration is not in a targeted development area, the applicant must exhibit the financial ability of completing the project by submitting a letter of credit or a pre-approval letter from their bank.
- If the property under consideration is not in a targeted development area, the applicant must attach a comprehensive scope of work proposed for the rehabilitation of the proposed structure for the City staff review. The structure should be compatible with the existing neighborhood.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, individual experiences with building, and homeownership if residential.
- Proposals that are accepted will need to submit all their plans to the City staff to the commencement of construction or demolition. The City staff can send this information to successful applicants.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. In the event that construction is not completed within 12 months, the successful applicant must notify the City Administrator in writing to request an extension.
- Community Development Corporations/Community Housing Development Organizations applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. In the event that construction is not completed within 24 months, the successful CDC/CHDO must notify the Land Bank staff in writing to request an extension.
TO: Mayor and City Council
SUBJECT: Mobile Food Vendor - Discussion
PREPARED BY: City Administrator, Kyler Ludwig

Background:
On August 1st of 2016 staff presented on city regulations restricting door-to-door sales and street vendors. Staff explained that the code is enforced for door to door sales, but has not been applied to mobile food vendors or salesman with regular routes. The consensus of the Council was that there was no need to address the code or its enforcement.

Following citizen complaints about the Pizza Hut mobile food truck at the May 15th council meeting staff was directed by Mayor Dixson to initiate a discussion about street and sidewalk vendors. Discussion was held at the June 5, 2017 meeting; staff was asked to provide information on how other communities regulate mobile food vendors. Information about mobile vendors was collected from 10 Cities, and presented at the June 19th meeting. Council discussed regulations, but there was no consensus. Some council members expressed interest in changing the City’s current fee structure, and in limiting the number of days vendors are allowed to sell within the city limits, but the discussion was delayed to give council more time to review presented information.

Since June 19th staff has not received any additional comments from the public or from the governing body on the topic of street/sidewalk vendors.

Analysis:
Greensburg’s current code:

- Background Check for non-Kiowa County residents ($10 fee).
- Name, address, photo I.D., photo taken within the last 90 days, information about business, and a Kansas sales tax number.
- $10/day fee (up to $50/ 6-month period). – no set limit on number of days.
- $25 annual fee for salesperson with a regular route (ie Schwan’s)
- Sales can only take place from 8am-9pm.

*Regulations have only been applied to door-to-door sales. Rules restricting sales with a regular route and mobile food vendors have not been enforced.

Codes regulating mobile food vendors in other Cities:

Haviland (684) – No fees or permit required for food trucks.
Minneola (724) – No fees, ask that the vendor has proof of sales tax available.
Spearville (806) – No fees, ask that the vendor has proof of sales tax available.
Coldwater (855) - $35/year fee. No limit on the number of days to sell.
Jetmore (864) – No fees or permit required for food trucks. ($35/day door to door sales).
Kinsley (1451) – No fees or permit required for food trucks.
Cimarron (2,240) – $10/day, $100/month, $300/year permit with application.
Kingman (3,094) – No fees or permit required for food trucks.
Larned (4,023) - $25/day, $125/month, $1,500/year permit with application
Pratt (6,963) – No fees or permit required for food trucks.

**Recommendations/Actions:** It is recommended the City Council:

Discuss Street/Sidewalk Vendor regulations, and determine if changes are needed in the code or in how it is being enforced.

**Attachments:**

Exhibit A: Greensburg Solicitors Code, Exhibit B: Canvassers Permit, Exhibit C: Excerpt of Minutes
C) ROLL CALL & APPROVAL OF THE AGENDA
Council present: Mark Trummel, Sandy Jungemann, and Haley Kern. Rick Schaffer was absent. Matt Christenson arrived at 6:12 pm.

2. Street and Sidewalk Vendor Permit Discussion
Staff was asked by a member of the governing body to initiate a discussion about vendors operating in City limits. Chapter V Article 2 of the City Code regulates solicitors, canvassers, and peddlers; however, the policy has not been heavily enforced. A copy of the current license application and code were provided in the meeting packet. Ludwig explained that the code requires individuals or business’ conducting door-to-door sales or collecting orders, as well as vendors using mobile or temporary locations, to obtain a city license to do so. The code does allow for exemptions (City supported events, non-profits, and those who sell produce that they grew themselves). The code does not apply to residents holding a yard sale or hosting a sales party from their homes.

Ludwig reviewed the current licensing requirements which include: a background check for non-Kiowa County residents ($10 fee); a photo I.D.; a photo measuring 2”x2” taken within the last 90 days; a Kansas sales tax number; $10/day fee (up to $50/6month period); and a $25 annual fee for salesperson with a regular route. Sales can only take place from 8am-9pm. Discussion was had on possibly simplifying the requirement and

Staff has been asked by the Department of Revenue to assist them in educating vendors about the requirement of submitting sales tax to the state. Staff has been given packets to provide to vendors, requesting the tax ID so that Department of Revenue can follow up with them.

Discussion was had on possibly simplifying the requirements and whether there was a need for additional enforcement at this time. The consensus of the Council was that there is not a need to address the code or its enforcement at this time.

Greensburg City Council
May 15, 2017
City Hall

C) ROLL CALL & APPROVAL OF THE AGENDA
Council present: Matt Christenson, Mark Trummel, Rick Schaffer, Haley Kern, and Sandra Jungemann. Kern made a motion to approve the agenda as presented. Schaffer seconded. The motion passed 5-0.

D) CITIZEN COMMENTS
Mayor Dixson opened the floor for citizen comments.
Michael Wilson, owner of Reggie’s Pizza, stated that a week ago (last Tuesday) he received multiple phone calls regarding a Pizza Hut food trailer on Main Street. Wilson acknowledged that, when it comes to business, competition is good, but wanted to make sure that all businesses are going through the correct process to be permitted in town. Wilson spoke of small businesses that have come back to town, committed, and lead by example to create a sustainable community. Wilson himself has found the community to be very accepting of his coming to town. Wilson spoke of his personal commitment to the community: property taxes on the purchase of a building and home in the last year and sales tax revenue for the town in excess of $35,000 over the past 2 years. Wilson stated that he hopes that food trailers are responsible to get the proper permits and to pay the required sales tax. Wilson stated that upon visiting the Pizza Hut trailer he noted that they did not accept credit cards, cash only. He spoke of the difficulty of tracking sales tax on a cash only basis.

J) GOVERNING BODY COMMENTS

… Dixson asked that Council review the code on vendors and peddlers on their next meeting agenda. Ludwig reminded them that the code was sent out to Council in their August 20th meeting packet, but Ludwig will resend that information.

Greensburg City Council
June 5, 2017
City Hall

C) ROLL CALL & APPROVAL OF THE AGENDA
Council present: Mark Trummel, Haley Kern, and Sandra Jungemann. Matt Christenson and Rick Schaffer were absent. Trummel made a motion to approve the agenda as presented. Jungemann seconded. The motion passed 3-0.

1. Vendor Permit Discussion
Staff was asked by Dixson at the May 15th meeting to initiate a discussion about street and sidewalk vendors. Chapter V Article 2 of the City Code regulates these vendors, but the policies have not been regularly enforced. Staff had requested a discussion on this code August 1, 2016. At that time the consensus of the Council was there were no changes in the code or enforcement that needed to be made. During the last Council meeting, citizens expressed concern over out-of-town vendors not being required to obtain a license from the City, not investing in the community as local businesses do, and potentially not reporting appropriate sales tax to the State. The current code regulates door-to-door sales and mobile sales vehicles (i.e. knife sharpening, Schwan’s, food wagons, Bolen Office Supply, Dirks,). The code gives exception to sales associated with a non-profit, the sale of homegrown produce, and vendors for special events (such as the Arts and Crafts Fair). Ludwig stated that door-to-door sales have been regulated, but the code has not been enforced on mobile food trucks. Council was provided with a letter from a local business owner, voicing concern. Ludwig explained that Staff cannot deny a vendor license based on whether or not a similar business exists within city limits. Applications are approved or denied based on the background check that is done.

Trummel voiced concern over vendors appropriately reporting sales tax. Staff advised that there is no way for them to enforce the sales tax requirement the way the current code is written. The reporting of sales tax is based on integrity; however, Staff has the capability of looking up who has paid sales tax to
the City. Discussion was had on whether or not vendors realized they needed a permit. Jungemann voiced that some cities require a lot more of vendors, in order for them to be permitted.

Georgina Rodriguez voiced her concern in allowing mobile vendors and encouraged Council to increase the fee charged for a permit. Police Chief Paul Alvarez asked Council for direction on how they would like the current code enforced.

Kern voiced interest in making changes to the current code and educating vendors on those regulations. Trummel requested staff look into what local towns do (Coldwater, Kinsley, etc.) Rodriguez advised that most of them do not require permits for vendors, but also have a higher ratio of local businesses to citizens.

Greensburg City Council
June 19, 2017
City Hall

C) ROLL CALL & APPROVAL OF THE AGENDA
Council present: Mark Trummel, Rick Schaffer, Haley Kern, and Sandra Jungemann. Matt Christenson was absent. Trummel made a motion to approve the agenda as presented. Jungemann seconded. The motion passed 4-0. Christenson arrived after the vote.

7. Mobile Food Vendor Discussion
Mobile food vendor trucks were discussed at the June 5th meeting. Staff was asked to look into how other communities in the area regulate mobile food vendors. A list of 10 area towns was provided in the meeting packet.

Kern stated that she would like to look through the packet provided by Rodriguez during public comments. She believes that the difference between Greensburg and other area communities is that Greensburg has 6 legitimate restaurants to support and keep in town, whereas other communities do not have as many or have a larger population base by which to support those businesses. Trummel asked if the mobile knife sharpening business that was in town over the weekend had obtained a peddler’s permit. They did not. Staff is asking for direction on if Council would like to see a change of direction in how the code is being enforced. Schaffer stated that he had brought the topic of in August 2016 with a concern of vendors who come to town, do not spend money for fuel in town, take money for their product and leave. Christenson asked if Council would like to stick with the current code or have a different set of regulations for mobile food vendors. Trummel, Kern and Christenson voiced that a blanket code would be easier for Staff to enforce. Jungemann and Schaffer voiced that they do not believe the current permit fees are sufficient.

Ludwig asked if there was a change in the consensus on enforcement of the current code. A brief discussion was had on the cost of enforcement in general and after hours. Christenson would like to see a change in enforcement and the fee structure, as well as a requirement for verification that the business is paying the required sales tax. Ludwig asked if Council would like to push enforcement now or after changes to the fee structure have been made. Kern and Christenson would prefer to wait on a change in enforcement so as not to confuse vendors. Also mentioned was the need to clarify whether the intent of
the code is to limit the number of days a vendor can peddle or if they could peddle an unlimited number of days per year for a specific fee. Council was asked if they would prefer to simplify the code and set an annual fee, rather than attempting to count the number of days they are in town. Jungemann would like to see the number of days limited. Christenson would prefer an annual fee.
ARTICLE 2. SOLICITORS, CANVASSERS, PEDDLERS

5-201. Definitions.

For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Soliciting - shall mean and include any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(b) Residence - shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(c) Canvasser or Solicitor - shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(d) Peddler - shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler.

(e) Transient merchant, itinerant merchant or itinerant vendor - are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(f) Street salesman - shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city.
5-202. **License required.**

(a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without then having an unrevoked and unexpired license therefor in his or her possession and issued by the city clerk.

(b) The governing body may waive the license requirements of this section for any person, firm or corporation exempt from the payment of a license fee under section 5-207(d).

5-203. **Same; application required.**

Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information:

(a) Name and description of applicant;

(b) Permanent home address and full local address of applicant;

(c) Identification of applicant including driver’s license number, date of birth, expiration date of license and description of applicant;

(d) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business;

(e) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;

(f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;

(g) The length of time which business is proposed to be carried on;

(h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(i) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;

(j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.

(k) The applicant’s Kansas Sales Tax number.

5-204. **Issuance; county residents.**

(a) Except as provided in section 5-209, if the applicant is a current resident of Kiowa County, Kansas, upon receipt of an application for a license and payment of the license fee, the city clerk shall issue the license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall
The licensee shall carry the license certificate at all times.

(b) If the applicant is not a current resident of Kiowa County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in sections 5-205:206.

(Code 2007)

5-205. Same; investigation and issuance; non-county resident.

(a) Upon receipt of the above application from an applicant who is not a current resident of Kiowa County, Kansas, the city clerk shall refer the same to the chief of police who shall cause an investigation of the facts stated therein to be made within not to exceed five days.

(b) If as a result of the investigation, the applicant’s character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the city clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.

(c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval on the application and return the same to the city clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

(Code 2007)

5-206. Same; investigation fee.

At the time of filing the application, a fee of $10.00 shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application.

(Code 2007)

5-207. License fee; time limits; exemptions.

(a) Except as provided in subsection (c), the fee for the license required pursuant to section 5-202 shall be in the amount of $10.00 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of $50.00 be collected from a licensee during any six-month period of time.

(b) Any such license granted upon application as required hereinafore shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.

(c) Persons and firms not having a permanently established place of business in the city, but having a permanently established house-to-house or wholesale business shall receive a license as required by section 5-202 upon the payment of $25.00 for any year, and may make solicitations or sales only between the hours of 8:00 a.m. and 9:00 p.m., or upon invitation at any hour.

(d) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state; and (3) any not-for-profit or charitable organization as determined by the governing body.
5-208. Renewal.

All licenses issued shall be subject to renewal upon a showing of compliance with sections 5-202:203 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5-203 or an additional investigation and investigation fee under sections 5-205:206 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license.

(Code 2007)

5-209. Denial, revocation or suspension of license; notice.

(a) The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on the business.

(3) Any violation of this article.

(4) Conducting a business as defined in section 5-201 in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the city. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.

(5) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.

(Code 2007)

5-210. Appeal to governing body.

(a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.

(b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant’s last known address and setting forth the grounds for appeal.

(c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.

(d) The decision and order of the governing body on such appeal shall be final and conclusive.

(Code 2007)

5-211. Regulations.

(a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality of nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.

(b) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their
goods, wares and merchandise or take orders for future delivery of the same.  

(Code 2007)

5-212. Use of streets and sidewalks.

Except when authorized in writing by the city clerk, no peddler, solicitor or canvasser or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public.  

(Code 2007)

5-213. Disturbing the peace.

Except when authorized in writing by the city clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.  

(Code 2007)
APPLICATION FOR
SOLICITORS, CANVASSERS, & PEDDLERS LICENSE

In accordance with Section IV, Article 2 of the Code of the city of Greensburg, this application must be completed in full before the City Clerk can issue a Solicitors/Canvassers/Peddlers License. An investigation period not to exceed 5 days may be required.

Date of Application ______________________

Full Name of Applicant ____________________________________________________________

Date of Birth _______________  Sex _____  Height _____  WT _____  Eye Color ______

Permanent Home Address
___________________________________________    Local Address
___________________________________________

Drivers License # ____________________________  State Issued _________  Expiration Date _____________

Description, Make, Year of Vehicle Being Used To Conduct Business
_____________________________________________________________________________________________

Vehicle Tag Number ________________________  Tag Expiration Date __________

Business Name ________________________________________________________________________________

Kansas Retailers Tax Registration Certificate Number _____________________________________________

Description of Business and/or Goods ___________________________________________________________

Length of Time Applicant Has Been In Business___________________________________________________

If Employed, Name and Address of Employer _____________________________________________________

________________________________________________________

Authorization From Employer To Apply ____________________________________________________________

Proposed Length Of Time For License _____________________________________________________________

If Appropriate, Dates Of Previous Applications in The City of Greensburg ___________________________________________________________

Location Where Services Are To Be Performed _____________________________________________________
Current Location Of Such Goods

Method Of Delivery

Have you or your employer been convicted of any crime, misdemeanor (other than minor traffic violations or violation of any municipal law regulating peddlers, solicitors, or canvassers in within two years prior to the date of this application? Yes No

If yes, what was the nature of the offenses, the punishment assessed, and the city and state where the conviction occurred?

**Attach a photograph, taken within 90 days prior to the date of this application. Photograph must be at least 2 inches x 2 inches showing the head and shoulders in a clear and distinguishing manner. In lieu of a photograph, the applicant may submit fingerprints taken by the Chief of Police.

I, _________________________________(print), do hereby swear that the answers to the above questions were answered truthfully and are correct.

___________________________________________
Signature of Applicant

Office use Only:

☐ Complete application

☐ Photograph or fingerprints (obtained by Chief of Police)

☐ $10 Fee per day (Max. 5 days in a 6 month period) or $25 annually for permanently established house-to-house or wholesale business

☐ $10 Investigation Fee (Non Kiowa Co. Residents)

☐ Background check by Chief of Police (Non Kiowa Co. Residents)

Recommendation:__________________________________________________________

_________________________               _____________
Chief of Police       Date

Application ☐ Approved ☐ Denied

_________________________               _____________
City Clerk       Date