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 – January 22, 2019
   2. Appropriation Ordinance
      a. Ordinance #1141

F) ITEMS OF BUSINESS
   1. 2018 Financial Report
   2. Ordinance #1085 Enhanced Cereal Malt Beverages
   3. Airport Naming

G) CITY STAFF REPORTS

H) GOVERNING BODY COMMENTS

I) EXECUTIVE SESSION
   Executive session in accordance with K.S.A 75-4319(b) for personnel matters of non-elected personnel. 15 minutes

J) 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 Stacy Barnes at administrator@greensburgks.org or call City Offices at 620-723-2751.
Greensburg City Council
January 22, 2019
City Hall

A) CALL TO ORDER
Mayor Matt Christenson called the January 22, 2019 meeting to order at 6:00 p.m.

B) PLEDGE OF ALLEGIANCE & INVOCATION
The Pledge of Allegiance was said. Pastor John Harrison gave the invocation.

C) ROLL CALL & APPROVAL OF THE AGENDA
Council Present: Mike McBeath, Mark Trummel, Sandy Jungemann, Pam Reves, and Haley Kern. (Staff present: Administrator Stacy Barnes, Clerk Christy Pyatt). Trummel made a motion, seconded by Jungemann, to approve the agenda as presented. Motion passed 5-0.

D) CITIZEN COMMENTS
There were no citizen comments offered.

E) CONSENT AGENDA
Jungemann made a motion to approve the Consent Agenda as presented. Kern seconded. The motion passed 5-0.

F) APPOINTMENTS & ELECTIONS
Barnes requested Brenda Adams, local Dillons Manager, be appointed to fill an unexpired term on the Tourism Board until December 31, 2019. Reves made a motion, seconded by McBeath, to appoint Adams to the Tourism Board for a term ending December 31, 2019. Motion passed 5-0.

G) ITEMS OF BUSINESS
1. Greensburg Fire Department Memorial Weekend BBQ Contest, Band & Dance. City property use request.
Devin Bundy and Kasey Gamble of the Greensburg/Kiowa County Fire Departments requested use of the property west of City Hall on the Saturday of Memorial Weekend for a BBQ Contest and potentially a dance and beer garden. Barnes has discussed the event with Jeannine at People’s Insurance. Insurance coverage for the full event would cost the City approximately $500. Jungemann asked if the event would conflict with anything that the Triangle Rodeo Club was hosting that same evening. Bundy and Gamble stated that the Rodeo Club does not intend on hosting a dance this year. They planned to coordinate this fundraising event for the fire departments with the Rodeo Club. Trummel made a motion to approve use of the property west of City Hall for a Memorial Weekend fundraiser for the fire departments. McBeath seconded, and the motion passed 5-0.

H) CITY STAFF REPORTS
Barnes reported on the following items:
- Haviland Telephone Fiber Network Update: Barnes, Christenson, and Utility Superintendent Mick Kendall will meet tomorrow with Haviland Telephone to review engineering plans for the installation of fiber internet within the city. Funds are in place to begin construction this year, though there are not currently funds to do the entire town. Work will begin around the downtown area and at the hospital. Residential areas will follow, beginning with the neighborhoods that show the most interest in fiber connectivity.
• BBC America: Three representatives from BBC America will be in town doing interviews for a piece on climate change. The Greensburg portion will focus on what communities are doing on a local level.
• Pawnee County Oklahoma Economic Development: Representatives of the Pawnee County Oklahoma Economic Development Board have contacted Staff about a possible visit to the community this spring
• Rural Leaders Retreat: Barnes recently attended a Rural Leaders Retreat. There were 35 participants in the retreat, representing various backgrounds. Barnes has identified potential opportunities for partnerships within the group.

I) GOVERNING BODY COMMENTS
Jungemann was recently asked if the City had a community service program for employees, similar to the one offered by Kiowa County Memorial Hospital. Kern volunteered that the hospital program allows employees up to 4 hours per month to serve in the community. Community service must be pre-approved by the Administrator and cannot put an employee into overtime. Christenson confirmed that Kiowa County has a similar program, offering 1 hour per week to employees. Jungemann explained that she had a citizen interested in utilizing City Employees in the community Kids For Christ program.

J) EXECUTIVE SESSION – In accordance with K.S.A. 75-4319 to discuss potential economic development at the Greensburg Business Park.
McBeath made a motion to go into executive session until 6:25 p.m. to discuss potential economic development at the Greensburg Business Park. Jungemann seconded, and the motion passed 5-0.

Council returned to open session at 6:25 p.m. with no action taken.

K) EXECUTIVE SESSION – In accordance with K.S.A. 75-4319(b) for personnel matters of non-elected personnel, regarding City Administrator performance goals.
Kern made a motion, seconded by McBeath, to go into executive session until 6:40 p.m. for matters of non-elected personnel, regarding City Administrator performance goals. Motion passed 5-0.

Council returned to open session at 6:40 p.m. with no action taken.

L) EXECUTIVE SESSION – In accordance with K.S.A. 75-4319(b) for personnel matters of non-elected personnel.
Trummel made a motion to go into executive session for matters of non-elected personnel until 6:50 p.m. Jungemann seconded. Motion passed 5-0.

Council returned to open session at 6:50 p.m. with no action taken.

M) ADJOURNMENT
Christenson declared the meeting adjourned at 6:50 p.m.

Matt Christenson, Mayor
Christy Pyatt, City Clerk
### APPROPRIATION ORD. 1141

**02.04.19**

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Agenda Item F. 1 2018 Ending Cash Balance Report
Attached in the packet is a 2010-2018 report of ending cash balances for each year. The general fund saw an increase of nearly $40,000 for the year. Expenditures from the Big Well fund slowed from about $34,000 deficit to about $12,000 for 2018. The electric fund lost approximately $172,000 due in part to power purchase costs higher than and income less than budgeted. The water rate increase that began in 2019 will help to stabilize the water fund and we will look at sewer rates this year to do the same.

Agenda Item F. 2 Ordinance #1085 Enhanced Cereal Malt Beverages
Due to a change in Kansas law, on April 1, 2019, all Cereal Malt Beverage licensed businesses will be able to sell beer containing not more than 6% alcohol by volume. Most city ordinances only reference the ability to sell CMB so, this ordinance authorizes the sale of “Enhanced Cereal Malt Beverage” which is defined as the combination of CMB and beer containing not more than 6% alcohol by volume.

Agenda Item F. 3 Airport Naming
KDOT and Lochner are working on applications for the opening of our airport this spring. The question has come up regarding the airport name. I would like to get feedback from the council if you would like to explore other name options or use Greensburg Municipal Airport as the name.
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To: Beer Distributors, Retail Liquor Stores and Cereal Malt Beverage (CMB) Retailers

From: Debbi Beavers, Director

Date: December 14, 2018

Re: Implementing SB 13

This memo authorizes certain one-time exceptions allowed to implement SB 13. It also provides clarification for distributors, retail liquor stores and CMB retailers.

Deliveries of beer 6% or less to CMB retailer licensees

- Beer distributors may deliver beer to CMB licensees beginning March 1, 2019.
- Beer may be placed:
  - on the shelf. Must have signage that clearly indicates it is not for sale until April 1, 2019. May be covered in shrink wrap or with other covering.
  - in the cooler. Must have signage that clearly indicates it is not for sale until April 1, 2019. May cover door, cover beer in shrink wrap or with other covering.
  - in another location on the licensed premises but must be secured so it cannot be sold until April 1, 2019.
- Cooler resets.
  - This memo authorizes a one-time exception to allow distributors to divide accounts among each other to reset a cooler that has an approved schematic. Once agreed upon, the distributor may reset all beer in the cooler per the approved schematic.

Deliveries of CMB to retail liquor stores

- Beer distributors may deliver CMB to retail liquor stores beginning March 1, 2019. CMB may be placed:
  - on the shelf. Must have signage that clearly indicates it is not for sale until April 1, 2019. May be covered in shrink wrap or with other covering.
  - in the cooler. Must have signage that clearly indicates it is not for sale until April 1, 2019. May cover door, cover beer in shrink wrap or with other covering.
  - in another location on the licensed premises but must be secured so it cannot be sold until April 1, 2019.
- Cooler resets.
  - This memo authorizes a one-time exception to allow distributors to divide accounts among each other to reset a cooler that has an approved schematic. Once agreed upon, the distributor may reset all beer in the cooler per the approved schematic.
Deliveries of non-alcoholic liquor goods and services to retail liquor stores

- Retail liquor stores may accept delivery and store other goods and services on their licensed premises beginning March 1, 2019.
- Other goods and services may be placed:
  - on the shelf. Must have signage that clearly indicates it is not for sale until April 1, 2019. May be covered in shrink wrap or with other covering.
  - in the cooler. Must have signage that clearly indicates it is not for sale until April 1, 2019. May cover door, cover beer in shrink wrap or with other covering.
  - in another location on the licensed premises but must be secured so it cannot be sold until April 1, 2019.
- Cigarette and tobacco does not include vape oils and accessories. Sales of these products will count toward the 20% other goods and services.

Distributor pricing

K.A.R. 14-14-11(f)(1) states that a distributor cannot discriminate in its pricing by selling alcoholic liquor or CMB to any “licensed retailer, club, drinking establishment or caterer…at a price different than the current price offered to all retailers, clubs, drinking establishments or caterers.” This has long been interpreted to mean that the prices offered to each “pair” of license types listed must be the same (i.e. the price offered to one retailer must be the same as that offered to all retailers, etc.).

Section 4, subsection (y)(1), of SB 13 states that on and after April 1, 2019, “retailer” will essentially mean retail liquor stores and CMB retailers. Combining this definition with the current interpretation of K.A.R. 14-14-11(f)(1) will mean that a distributor must offer products at the same price to all retail liquor stores and CMB retailers, since they will both be considered “retailers” under Kansas law. This applies to deliveries of beer beginning March 1, 2019.

Distributor invoices

- There is no requirement to place the ABV on an invoice.
- To obtain a listing of products with their ABV, visit our active brands database at: https://www.kdor.ks.gov/apps/liquorlicensee/

Trade practices

- In 2012, K.A.R. 14-10-17 was amended to adopt portions of the trade practice regulations of the TTB. 27 CFR Subpart D §6.99 Stocking, rotation, and pricing service.
  (a) General. Industry members may, at a retail establishment, stock, rotate and affix the price to distilled spirits, wine, or malt beverages which they sell, provided products of other industry members are not altered or disturbed. The rearranging or resetting of all or part of a store or liquor department is not hereby authorized.
    o Distributors may stock and rotate their own products whenever they want to.
    o Distributors may not utilize the retailer’s software/hardware. This would be providing a service.
- Can an industry member who sells non-alcoholic products giving a non-alcoholic liquor branded cooler (or other item) to a retailer? ABC reached out to the TTB and here is the response:
    o The Tied-house provisions of the FAA Act (27 U.S.C. 205(b)) provide that it is unlawful for an industry member (alcohol beverage producer, importer or wholesaler) to induce any retailer engaged in the sale of alcohol beverages to purchase such products from the industry member to the exclusion, in whole or in part, of alcohol beverage products sold or offered for sale by other persons in interstate or foreign commerce. Section 6.41 of TTB’s Tied–house regulations (27
CFR 6.41) provides that, subject to the Subpart D exceptions, the act by an industry member of furnishing, giving, renting, lending, or selling any equipment, fixtures, signs, supplies, money, services, or other things of value to a retailer constitutes a means to induce within the meaning of the FAA Act. There are no exceptions for providing coolers or other equipment to retailers free of charge. Accordingly, if an industry member provides a cooler to a retailer, for whatever reason and regardless of how it is branded, it would be considered an inducement.

**Taxation of products**
- CMB retailers will collect sales tax on beer, CMB and non-alcoholic beer.
- Retail liquor stores will collect liquor enforcement tax on products they currently sell. They will collect sales tax on CMB sales and other goods and services.

**CMB retailer license requirement**
A CMB retailer must be registered as an Alcohol Dealer with the TTB. If they have not done this, they must:
- complete and mail the form to the TTB, [https://www.ttb.gov/forms/f56305d.pdf](https://www.ttb.gov/forms/f56305d.pdf).
- keep a copy for their records as the TTB will not send any confirmation back.

**City/County CMB retailer license information**
- There is no change in CMB retailer licensing.
- There is no need for the city/county to issue a new license for these changes.
- City/county clerks must use the new application form with a diagram of the licensed premises. The form can be obtained at: [https://www.ksrevenue.org/abccmb.html](https://www.ksrevenue.org/abccmb.html)
- ABC relies on the city/county clerk to send the applications for CMB retailer licenses to us by the 25th of the month following issuance of the license. Our database is updated within two weeks of receipt. If the license is not on our website, it is the distributor’s responsibility to verify they have a valid CMB retailer’s license.
- City/county clerks can verify a CMB retailer has registered as an Alcohol Dealer with the TTB by asking the CMB retailer if they have registered or requesting a copy of the completed form.
ORDINANCE NO. 1085

AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF GREENSBURG, KANSAS AND REPEALING ORDINANCE NO. 1034

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

Section 1. DEFINITION. Enhanced Cereal Malt Beverage means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

Section 2. LICENSE ISSUED BY CITY. The “Cereal Malt Beverage License” issued by the city of Greensburg pursuant to this ordinance, authorizes the sale of enhanced cereal malt beverage as defined in section 1, by those retailers in compliance with this ordinance and other laws and regulations that may apply.

Section 3. LICENSE REQUIRED OF RETAILER.
(a) It shall be unlawful for any person to sell any enhanced cereal malt beverage at retail without a license for each place of business where enhanced cereal malt beverages are to be sold at retail.
(b) It shall be unlawful for any person, having a license to sell enhanced cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any enhanced cereal malt beverage in any other manner.

Section 4. APPLICATION. Any person desiring a license shall make an application to the governing body of the city 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 of Kansas, and shall contain:
(a) The name and residence of the applicant and how long he or she has resided within the State of Kansas;
(b) The particular place for which a license is desired;
(c) The name of the owner of the premises upon which the place of business is located;
(d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired.
(e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she 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;

Section 5. LICENSE APPLICATION PROCEDURES.
(a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the city clerk 10 days in advance of the governing body meeting at which they will be considered.
(b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.
(c) The clerk's office shall provide copies of all applications to the police department, to
the fire department, and to the city-county health department, when they are received. The police department will run a record check on all applicants and the fire department and health department will inspect the premises. The departments will then recommend approval, or disapproval, of applications within five working days of the department's receipt of the application.

(d) The governing body will not consider any application for a new or renewed license that has not been submitted 10 days in advance and been reviewed by the above city departments.

(e) An applicant who has not had an enhanced cereal malt beverage license in the city shall attend the governing body meeting when the application for a new license will be considered.

Section 6. LICENSE GRANTED; DENIED.
(a) The journal of the governing body shall show the action taken on the application.
(b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.
(c) No license shall be transferred to another licensee.
(d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

Section 7. LICENSE TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

Section 8. LICENSE, DISQUALIFICATION. No license shall be issued to:
(a) A person who has not been a resident in good faith of the state of Kansas for at least one year immediately preceding application and a resident of Kiowa county for at least six months prior to filing of such application.
(b) A person who is not a citizen of the United States.
(c) A person who is not of good character and reputation in the community in which he or she resides.
(d) 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.
(e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
(f) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than non-residence within the city or county.
(g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation 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.
(h) 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.
(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license.
Section 9. RESTRICTION UPON LOCATION.
(a) No license shall be issued for the sale at retail of any enhanced cereal malt beverage on premises which are located in areas not zoned for such purpose.
(b) It shall be unlawful to sell or dispense at retail any enhanced cereal malt beverage at any place within the city limits that is within a 200-foot radius of any church, school or library.
(c) Provisions shall not apply to any establishment holding a private club license issued by the State of Kansas.
(d) The distance limitation of subsection (b) above shall not apply to any establishment holding an enhanced cereal malt beverage license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation. The governing body shall grant such a waiver only following public notice and hearing.

Section 10. LICENSE FEE. The rules and regulations regarding license fees shall be as follows:
(a) General Retailer -- for each place of business selling enhanced cereal malt beverages at retail, $225.00 per calendar year (inclusive of a $25.00 application fee.)
(b) Limited Retailer -- for each place of business selling only at retail enhanced cereal malt beverages in original and unopened containers and not for consumption on the premises, $75.00 per calendar year (inclusive of a $25.00 application fee.)

Full amount of the license fee shall be required regardless of the time of the 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 11. SUSPENSION OF LICENSE. The chief of police, upon five days' written notice, shall have the authority to suspend such license for a period not to exceed 30 days, for any violation of the provisions of this ordinance or other laws pertaining to enhanced cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the governing body within seven days from the date of such order.

Section 12. LICENSE SUSPENSION/REVOCATION BY GOVERNING BODY. The governing body of the city, upon five days' written notice, to a person holding a license to sell enhanced cereal malt beverages shall permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:
(a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;
(b) If the licensee has violated any of the provisions of this section or has become ineligible to obtain a license under this section;
(c) Drunkenness of a person holding such license, drunkenness of a licensee's manager or employee while on duty and while on the premises for which the license is issued, or for a licensee, his or her manager or employee permitting any intoxicated person to remain in such place selling enhanced cereal malt beverages;
(d) The sale of enhanced cereal malt beverages to any person under 21 years of age;
(e) For permitting any gambling in or upon any premises licensed;
(f) For permitting any person to mix drinks with materials purchased in any premises licensed or brought into the premises for this purpose;
(g) For the employment of any person under the age established by the State of Kansas for employment involving dispensing enhanced cereal malt beverages;
(h) For the employment of persons adjudged guilty of a felony or of a violation of any
law relating to intoxicating liquor;
   (i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed;
   (j) The nonpayment of any license fees;
   (k) If the licensee has become ineligible to obtain a license;
   (l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club.

Section 13. SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Kiowa county and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter.

Section 14. CHANGE OF LOCATION. If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee of $50.00. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

Section 15. WHOLESALERS AND/OR DISTRIBUTORS. It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver enhanced cereal malt beverages within the city, to persons authorized to sell the same within this city unless such wholesaler and/or distributor has first secured a license from the director of revenue, state commission of revenue and taxation of the State of Kansas authorizing such sales.

Section 16. BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations.
   (a) The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business.
   (b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.
   (c) Except as provided by subsection (d), no enhanced cereal malt beverages may be sold or dispensed between the hours of 12:00 midnight and 6:00 a.m., or consumed between the hours of 12:30 a.m., and 6:00 a.m., or on Sunday, except in a place of business which is licensed to sell 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; closing hours for clubs shall conform to K.S.A. 41-2614 and amendments thereto.
   (d) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.
   (e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.
   (f) It shall be unlawful for any licensee or agent or employee of the licensee to become
intoxicated in the place of business for which such license has been issued.

(g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to any person under 21 years of age.

(i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(k) No licensee or agent or employee of the licensee shall employ any person under 21 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

Section 17. PROHIBITED CONDUCT ON PREMISES. The following conduct by an enhanced cereal malt beverage licensee, manager or employee of any licensed enhanced cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:

(a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/female's pubic hair, anus, buttocks or genitals;

(b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva or genitals of any other employee or any patron;

(c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;

(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:
   (1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or
   (2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.

(e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d).

(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:
   (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;
   (2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;
   (3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.

(g) The term premises means the premises licensed by the city as an enhanced cereal malt beverage establishment and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

Section 18. SANITARY CONDITIONS REQUIRED. All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lighted, and be
furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

**Section 19.** This ordinance shall be published one time in the official city newspaper.

**Section 20.** This ordinance shall take effect and be in force from and after April 1, 2019.

PASSED AND APPROVED this 4th day of February, 2019.

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Matt Christenson, Mayor

ATTEST:

____________________
Christy Pyatt, City Clerk

[SEAL]