



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

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, DECEMBER 19, 2023 6:00 P.M.

Welcome to your City Commission Study Session – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

Amended Agenda

Added Item No. 4 Fourth Street Downtown Project Update

Study Session:

1. Semi-Annual Report – Leavenworth County Development Corporation (pg. 02)
2. State Legislative Agenda for 2024 (pg. 15)
3. Review of Food Truck Ordinance (pg. 27)
4. Fourth Street Downtown Project Update (pg. 35)

**STUDY SESSION POLICY REPORT
SEMI-ANNUAL REVIEW
PRESENTATION BY
LEAVENWORTH COUNTY DEVELOPMENT CORPORATION**

DECEMBER 19, 2023

Lisa Haack, Executive Director with the Leavenworth County Development Corporation (LCDC) will provide an update to the City Commission.

Attachment:

- PowerPoint

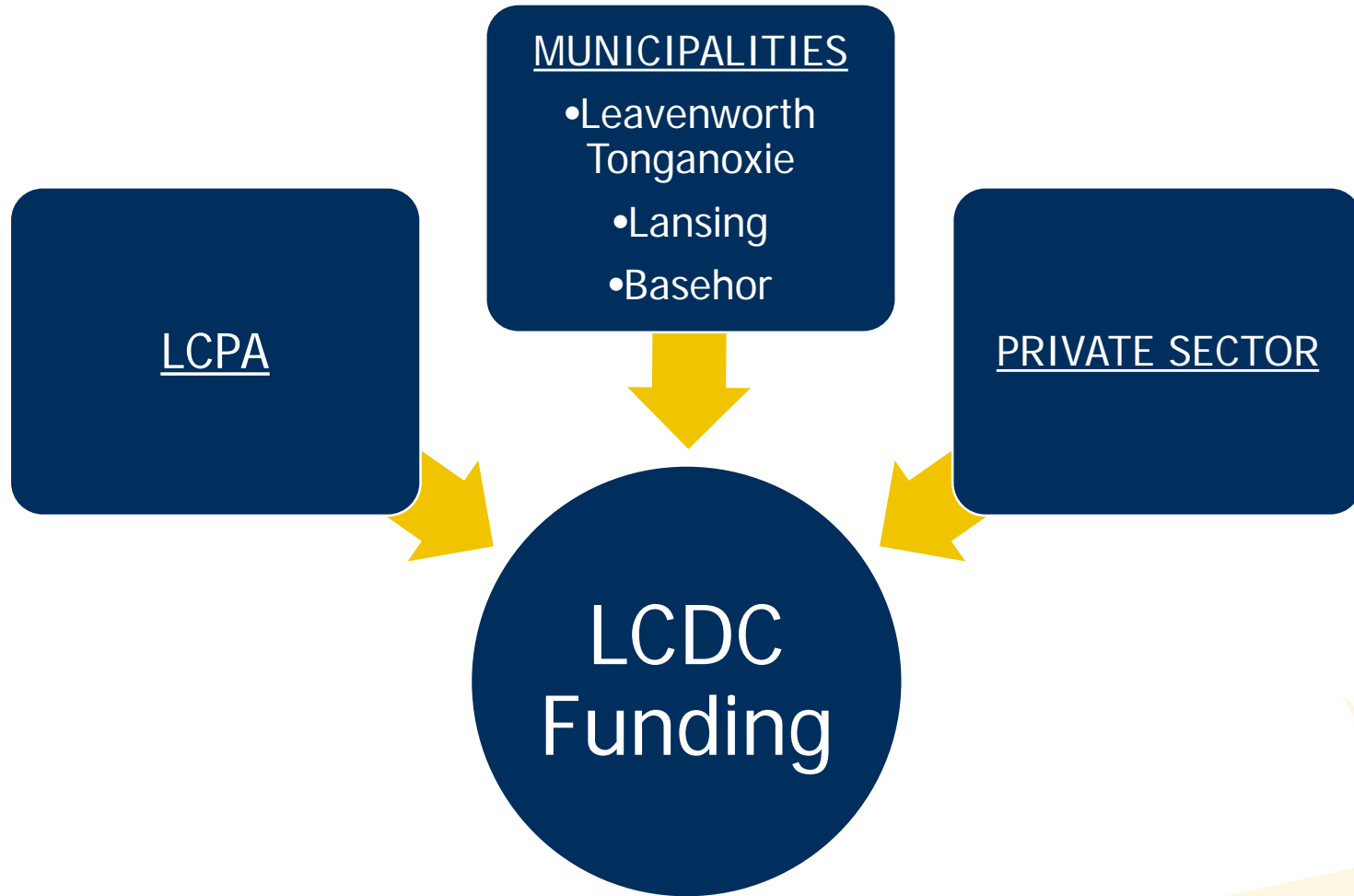
LCDC 2023 UPDATE

December 19, 2023



LEAVENWORTH COUNTY
DEVELOPMENT CORPORATION

Thank you, investors!





LCDC

- 23 Board of Directors (18-27)
 - 17 private sector
 - 6 public sector
- 5 Executive Committee Members
- 3 Staff Members

Business Attraction

Leavenworth Business & Tech Park



Gary Carlson Business Park





How we market the parks:

- [Website](#)
- Social Media
- Email blasts
- Mailers
- Networking events
- RFI Responses

Project Sources

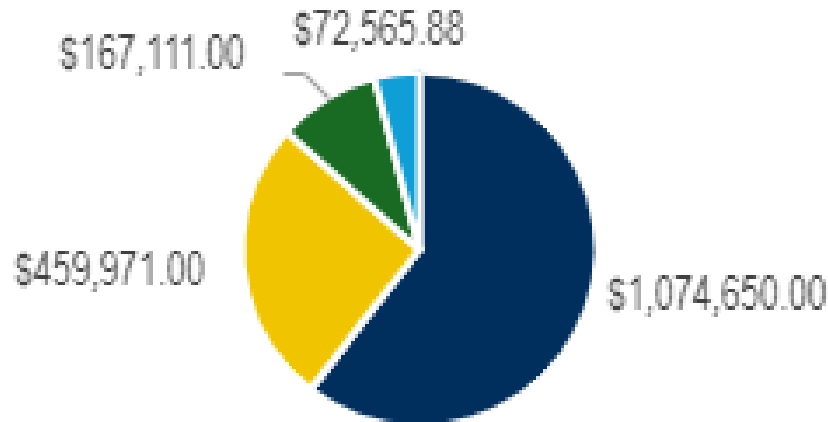
	2021	2022	2023	TOTAL	2023('22) LEAD SOURCE
Leads	64	55	52	171	Commerce-19(25)
Prospects	24	22	29	75	KCADC-13(9)
Visits	5	2	1	8	LCDC-20(19)
Locations	3	3	1	7	City/Chamber/Mainstreet-0(2)



Business Retention Expansion

- Annual visits
- Assistance with state programs
- Workforce solutions

BRE Impact 2023



- HPIP Income Tax Credits
- HPIP Sales Tax Exemption
- HPIP Training Tax Credit
- Other - PEAK, GLC, KIR, & Microgrants

Results from BRE Assistance

LCDC 3-YEAR IMPACT

	2021	2022	2023	TOTAL
New Jobs	112	62	90	264
Retained Jobs	7	16	15	38
Total Jobs	119	78	105	302
Grants, Loans, Tax Savings	\$961,838.00	\$149,151.00	\$1,774,397.00	\$2,885,386.00
BRE Capital Investment	\$8,412,019.00	\$578,734.00	\$9,780,000.00	\$18,770,753.00
New Capital Investment	\$453,200,000.00	\$7,036,000.00	\$58,433,900.00	\$518,669,900.00
TOTAL CAPITAL INVESTMENT	\$461,612,019.00	\$7,614,734.00	\$68,213,900.00	\$537,440,653.00



LCDC 2024 Events

- Annual Meeting- Jan 19th
- Quarterly in-person board meetings
- Golf Tournament- Sept 13th
- Job Fair-TBA
- VIP Event- Nov. 1st



LEAVENWORTH COUNTY PORT AUTHORITY

- LCDC's largest funder
 - Board of Directors
- LCDC does staff work for LCPA
- Industrial Land Search Committee



**LEAVENWORTH COUNTY
DEVELOPMENT CORPORATION**

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Policy Report
State Legislative Agenda for 2024
Dec. 19, 2023

Prepared by:



Paul Kramer
City Manager

Subject:

The Kansas Legislature begins the 2024 legislative session January 8. Prior to the session, the League of Kansas Municipalities (LKM) has released its Statement of Municipal Policy (SMP), which provides an overview of topics that could affect Kansas cities in 2024.

During the session, City staff will: 1) monitor bills and issues that move forward in the house and senate; 2) bring those bills that have a positive or negative impact on the City to the City Commission for support/opposition; 3) per the City Commission's goals, staff will make every effort to bring requests for letters of support or opposition to City Commission meetings as specific agenda items.

The 2024 Statement of Municipal Policy includes more than 100 issues in six (6) separate categories. The inclusion of so many areas of interest illustrates the complexity of the legislative process and the full scope of how actions at the state level can affect local governments. In the 2024 statement, the league does an excellent job of providing a condensed list of ten (10) "priority" items, which are selected based on potential impact as well as insight on issues that might see action during the session.

All ten (10) priority items are relevant to the City, but highlighted below are four (4) specific items, either because they are new or because they have could have a broad impact on local operations.

1. Home Rule

The elected City Commission of the City of Leavenworth is the most appropriate legislative body to determine what is the best way to represent the residents of Leavenworth. Every two years, a majority of the governing body is before the residents for election. This system provides the ultimate in terms of accountability and local control.

From the SMP: "Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communications, particularly local tax and revenue decisions."

2. Countywide Sales and Use Tax

The current formula (which has been in place for more than 40 years) to divide countywide sales and use tax is defined in KSA 12-192, and, in brief defines that distribution is determined by:

1. "In the proportion that the total tangible property tax levies made in such county in the preceding year..."
2. "In the proportion that the population of each city bears to the total population of the county..."

For the City of Leavenworth, as the sales tax generating engine of Leavenworth County, the more advantageous formula would relate to proportion of population and proportion of sales tax generated, however the existing formula is adequate and does provide a direct allocation to the cities.

The alternative to this that has been talked about at the state level would be for the funding to come to the County to determine allocation. Countywide sales tax funds and the votes needed to pass these initiatives are largely driven by commercial activity and population in cities. Therefore, cities should receive direct allocations. The City should oppose any change to the allocation formula or allocation process that ends required distributions to cities.

3. Property Taxes

All property taxing authorities, including cities, counties, the state, school districts, special districts and community colleges should be equally transparent, and have to abide by the same limitations, restrictions and requirements. Any additional transparency measures should not be burdensome or costly. The City of Leavenworth encourages the state and local governments to work on making government more efficient and recognize the need to work together on innovative approaches to reduce the reliance on property taxes.

4. Housing

The lack of quality housing across the state creates an impediment to growth and economic development. The City supports programs that encourage access to quality housing. Entities in the city have used state tax credit programs to bring in a diverse offering of housing options, and we support the use of those programs.

Additional item for consideration

In speaking with local representatives, it was made clear that tax legislation will be the first and primary item of the session. My message to the representative focus on two areas of taxation:

1) Local sales tax: Leavenworth has deliberately decreased its reliance on property tax over many years, relying more heavily on sales tax. Any state elimination of local sales tax authority would unfairly and dramatically affect the City's ability to provide core services. Any changes to sales tax collections made by the state legislature should be limited to state sales tax revenue.

2) Property tax: The City of Leavenworth is in favor of fair and equitable taxation, including safeguarding residents and businesses from extreme annual increases. Part of the overall fairness of sharing the tax burden is to ensure that select industries are not granted exemptions. Although these bills have yet to succeed in the legislature, they appear each year and certain proposals have added additional business categories to the exemption list.

Attachment – 2024 Statement of Municipal Policy



LEGISLATIVE PRIORITIES

The prosperity of Kansas is dependent upon the prosperity of its cities. More than 84% of Kansans live in an incorporated city. To promote healthy and sustainable communities, the elected and appointed city officials of Kansas establish the following as 2024 legislative priorities:

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters, we support local elected officials making decisions for their communities, particularly tax and revenue decisions.

GOVERNMENT COMPETITION. Local governments should retain local control over the services they provide to residents and businesses. Free markets are the best vehicle for allocating goods and services. However, there are circumstances where the free market does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service. In these instances, it falls to local government to respond to the needs of the people. In addition, local governments provide services for the sole benefit of their residents and should continue to receive tax benefits to provide those services at a low cost.

CITY ELECTIONS. We oppose any actions by the state government to impose partisan elections on cities. All cities have the authority to make this decision for their community, and each city, in consultation with its citizens, should make that determination.

SALES TAX & EXEMPTIONS. Cities should continue to retain voter-approved local sales tax allocations. The Legislature is granted authority to make decisions relating to statewide sales tax. Local voters vote on and are granted authority to make decisions regarding local sales taxes. Any sales tax exemptions considered by the Legislature should only apply to the state portion of sales tax and not eliminate voter-approved local sales taxes.

MENTAL HEALTH. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

HOUSING. A lack of quality housing across the state creates an impediment to growth and economic development. The League supports programs that encourage access to quality housing.

SALES TAX REVENUE IN STAR BOND DISTRICTS. The reduction and elimination of the state food sales tax threatens the viability of existing STAR Bond project districts that include groceries by eliminating a source of revenue pledged to repay the bonds. We support the creation of a long-term funding mechanism to ensure state reimbursement of lost funds caused by reduction and elimination of the state share of food sales tax in impacted STAR Bond districts.

WATER. Access to water is paramount for the growth and viability of communities. Government at all levels should pursue the conservation, protection, and development of current and future water supplies to ensure access to clean, safe, and affordable water for all Kansans. We support state action, in consultation with municipal providers, to address surface and groundwater resources.

LAVTR. The state legislature, as required by statutes, should fund the Local Ad Valorem Tax Reduction (LAVTR) program.

AMBULANCE ATTENDANTS. We support allowing non-certified attendants to drive ambulances for inter-facility patient transfers with one attendant providing patient care. These staff should be trained to operate emergency vehicles. We continue to support the use of certified attendants for emergency situations.



FINANCE & TAXATION

Each city is unique in services provided and ability to pay for such services; maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services. The League supports the long-established policies of balancing revenue from income, sales, and property taxes to assure the fiscal ability of the state and local governments to provide services citizens need.

TAX POLICY & SPENDING. Local spending and taxing decisions are best left to local officials representing the citizens that elected them. We oppose state-imposed limits on the taxing and spending authority of cities. Changes to tax policies should not be undertaken without a full understanding of the overall impact on all taxpayers, taxing entities, and the sources and amounts of revenues generated or eliminated by such policy changes.

PROPERTY TAXES. All property taxing authorities, including cities, counties, the state, school districts, special districts, and community colleges should be transparent, and abide by the same limitations, restrictions, and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to make government more efficient and recognize the need to work together on innovative approaches to reduce property taxes.

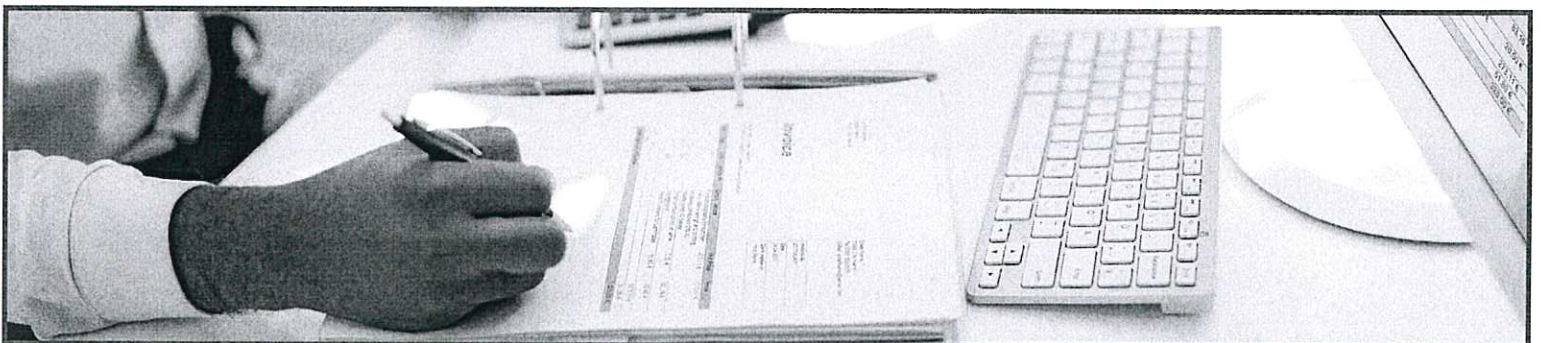
PROPERTY TAX EXEMPTIONS. We encourage the legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment, and the exemption should not be expanded. The Legislature should review existing exemptions to determine if they should continue or be repealed.

SALES TAX & EXEMPTIONS. Cities should continue to be able to determine voter-approved local sales tax allocations. The Legislature is granted authority to make decisions relating to statewide sales tax. Local voters vote on and are granted authority to make decisions regarding local sales taxes. Any sales tax exemptions considered by the Legislature should only apply to the state portion of sales tax and not eliminate voter-approved local sales taxes.

PROPERTY VALUATION. We support appraisals based on fair-market value as historically used in Kansas. We oppose caps in property valuations and limitations on valuation methods that shift the property tax burden, benefiting one category of property to the detriment of all others, as unconstitutional and inequitable.

LAVTR. The state legislature, as required by statutes, should fund the Local Ad Valorem Tax Reduction (LAVTR) program.

COUNTYWIDE SALES AND USE TAXES. Since 1977, Kansas has successfully used a city-county revenue sharing formula for the benefit of all. The existing formula benefits city and county taxpayers and ensures there is a fair method to distribute funds generated primarily in cities and approved by voters. The Legislature should fund existing city and county revenue sharing programs as required by statutes.



SALES TAX REVENUE IN STAR BOND DISTRICTS.

The reduction and elimination of the state food sales tax threatens the viability of existing STAR Bond project districts that include groceries by eliminating a source of revenue pledged to repay the bonds. We support the creation of a long-term funding mechanism to ensure state reimbursement of lost funds caused by reduction and elimination of the state share of food sales tax in impacted STAR Bond districts.

REVENUES & SPENDING. We oppose any law requiring a city to spend a certain threshold to receive and maintain state dollars. All spending decisions should remain at the local level. Cities should be authorized to approve alternative revenue sources to maintain appropriate levels of funding for the health, safety, and welfare of citizens. Cities should be allowed to set financial policies in-line with bond rating requirements and other generally accepted best practices for municipal management.

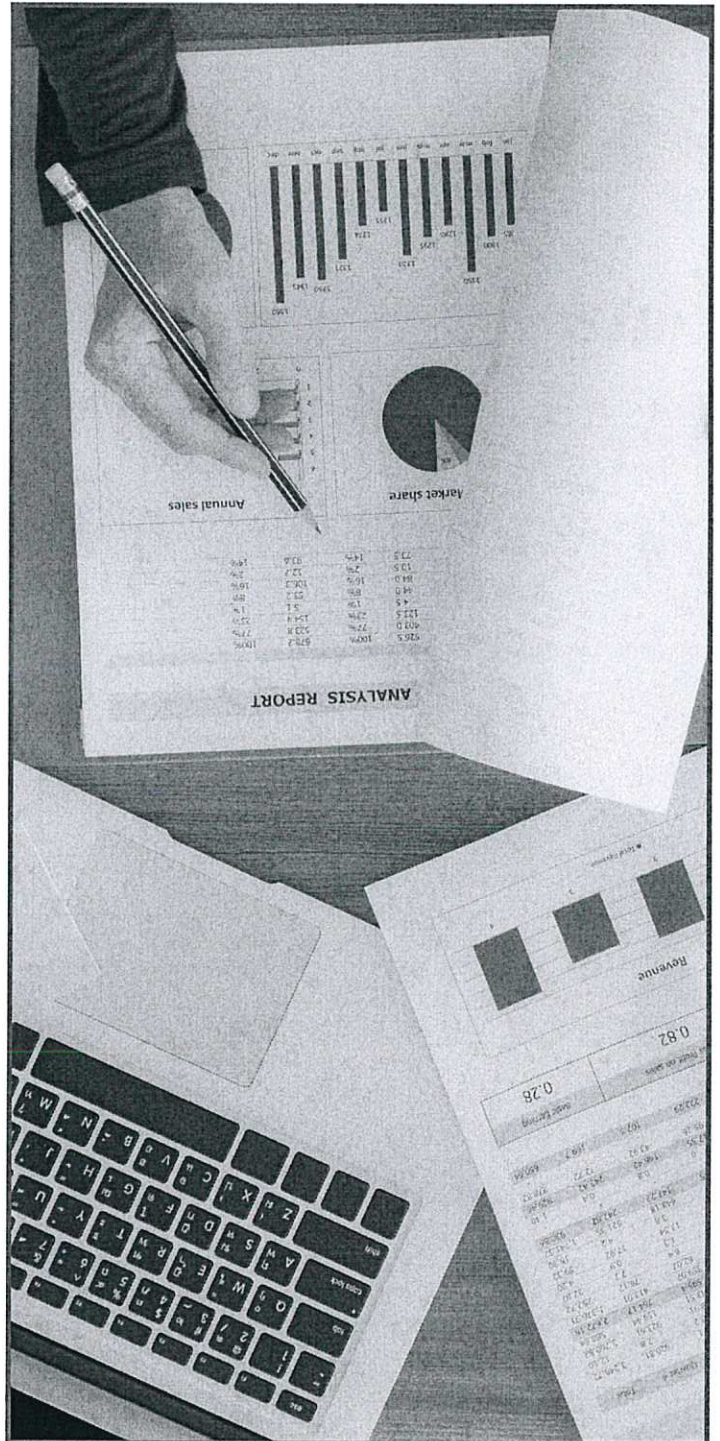
BUDGET TIMELINE. The current statutory framework for adoption of municipal budgets makes it difficult for cities to develop budgets that must be presented to governing bodies five months before the start of a fiscal year. We support legislation to allow the adoption of City budgets by November 30.

EMS/HOSPITAL FUNDING. We support expansion of Medicaid to allow hospitals and emergency medical services (EMS) access to federal funding, helping cities maintain and provide critical services for citizens. Absent Medicaid expansion, additional state funding needs to be made available to rural hospitals to retain businesses and employees and sustain the health and lives of Kansans.

UNFUNDED MANDATES & LOAN PROGRAMS.

We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates must be accompanied by an appropriate level of funding. We support changes to allow local governments to participate directly in federal loan programs.

LOCAL AUTHORITY. We support cities' ability to impose and collect taxes and fees on telecommunications providers. All cities should have the same banking and investment authority the state grants itself. We support Kansas statutes being modernized to reflect revenue neutral rate requirements when determining a public library's eligibility for state funding.





PUBLIC SAFETY

Cities play a critical role in the protection of the health and safety of citizens. Government at all levels should cooperate in the development of health and safety programs.

ASSET FORFEITURE. All assets forfeited, or proceeds of the sale of the same, should remain with the local government that seizes the property.

MUNICIPAL COURT. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, should be retained by the local municipality. We support municipalities' ability to set appropriate fines and fees.

EMERGENCY 911 SERVICES. Cities and counties should maintain local control of the 911 system. The 911 tax should continue to include wireline and wireless communications. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services. 911 funds should not be diverted by the legislature for other uses.

EMERGENCY MANAGEMENT. Implementation strategies must promote cooperative efforts between federal, state, and local governments. Changes to the Emergency Management Act should consider the role of a city in responding to disasters.

MEDICAL CHARGES. The first person responsible for payment of medical costs should be the individual in custody. Clarification is needed that the entity charging for a crime is responsible in the event those costs cannot be recovered. We support the pooling of resources between state and local law enforcement agencies.

LAW ENFORCEMENT DISCRETION. We support local governments' discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

SERVICE ANIMAL FRAUD. We support strengthening and redefining the crime of service animal fraud to disincentivize individuals from asserting an animal is a service animal to avoid vicious animals, exotic, livestock, or breed-specific ordinances.

ALCOHOL & CMB REGULATION. We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

MEDICAL MARIJUANA. Medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and not allow residential grow operations.

HOMELAND SECURITY. Local first responders are the front-line defense in the prevention and response to terrorism and security risks. Local governments should be granted maximum flexibility over implementation of monies and strategies regarding homeland security.

CYBERSECURITY. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state to determine best practices and policies for municipal implementation.

AMBULANCE ATTENDANTS. We support allowing non-certified attendants to drive ambulances for inter-facility patient transfers with one attendant providing patient care. These staff should be trained to operate emergency vehicles. We continue to support the use of certified attendants for emergency situations.

MENTAL HEALTH. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

MEDICAL WORKFORCE INITIATIVE. Hospitals and Health Care Facilities are facing an alarming shortage of licensed medical and clinical staff who specialize in the medical and mental health treatment of individuals. We support additional state resources being put toward programs to recruit and retain Health Care Professionals. We support the development of a behavioral health tech certificate program at community or technical colleges. We also support the establishment of a rural psychiatric residency program.



INFRASTRUCTURE

Cities construct, manage, operate, and maintain numerous infrastructure components that provide a high quality of life. Infrastructure involving transportation, municipal utilities, energy services, and water and environmental structures are dependent on the ability of local officials to self-determine what's appropriate for their communities. This relies on cooperation from state government and full funding as required by law under statutory programs from the state and federal governments.

TRANSPORTATION

CONNECTING LINKS. The State should maintain KDOT's funding for connecting link programs at a minimum of the FY 2020 level for cities to provide for the maintenance of state highways within city limits. We support full funding of the City Connecting Link Improvement Program (CCLIP).

CITY-COUNTY HIGHWAY FUND. The City-County Highway Fund should be fully funded and not diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of-state commercial vehicles, as directed by K.S.A. 9-3425i. Proceeds from increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

COMPREHENSIVE TRANSPORTATION PROGRAM. We support a comprehensive transportation system that is safe, efficient, and accessible. The state should fully fund the Eisenhower Legacy Transportation Program (IKE) and cooperate with local governments to maintain and improve the state's transportation infrastructure. We support continued development of multimodal transportation networks and local transportation districts that enable cities to develop transportation initiatives to advance these objectives.

MODERN TRANSPORTATION DEVELOPMENT. We support a modern and sustainable transportation system that meets the needs of all Kansans. The state should invest in expanding electric charging station infrastructure, enhancing airport facilities and services, developing recreational trails, and improving passenger and freight rail service. We also support changes to state law that make it easier and more affordable to develop these projects.

ELECTRIC CHARGING STATIONS. Any fees or taxes imposed on charging stations remitted to the state should be put into the Special Highway Fund, not the general fund.

UNIFORM TRAFFIC CODE. We support a comprehensive review and recodification of the Uniform Traffic Code.

MATCHING FUNDS. We support allocating surplus state fund revenues to cities to maximize federal discretionary grant funds.

UTILITIES

BROADBAND. Access to reliable broadband service is essential to the economic health of cities. We support establishment of Broadband grants to facilitate expansion. Guidance for the grant program and broadband-related statutes must recognize the important role local governments play in such expansion and not remove planning and right of way authority from local governments.

SERVICE TERRITORY. Municipalities must retain authority to purchase, construct, or extend infrastructure necessary to supply cities and their inhabitants with public utilities, including electric services. Cities should have the freedom and flexibility to grow and expand service territories.

MUNICIPAL OPERATION. We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities.

RIGHT OF FIRST REFUSAL. We support municipal utilities having the ability to invest in new electric/transmission projects to provide reliable, affordable service to customers. We oppose efforts prohibiting competition for transmission projects.



FRANCHISE AUTHORITY. We oppose any legislation restricting the current franchise authority for cities, including limits on franchise fees.

MANDATES. Any mandates passed down to cities by the state or federal government on utility services should not be imposed without a cost-benefit analysis and accompanied by appropriate funding. Regulations should be reasonable in overall scope and timing of implementation.

RIGHT-OF-WAY. Cities must maintain the ability to regulate public right-of-way and recover reasonable compensation for use of the right-of-way. Kansas policy should not be dictated by federal mandates. We oppose efforts to codify at the state level federal directives limiting cities' powers.

ENERGY

ELECTRIC UTILITY DEREGULATION. Community-owned and operated municipal electric utilities make long-term power supply decisions and investments to benefit the overall community. We support continued local control over power supply decisions.

STATEWIDE ENERGY POLICY. We support development of a coordinated and comprehensive Energy Plan. Further, we support creative and cooperative implementation of renewable energy and energy efficient technologies that are environmentally sustainable and economically successful. We support public and private incentives to encourage energy efficiency and renewable energy.

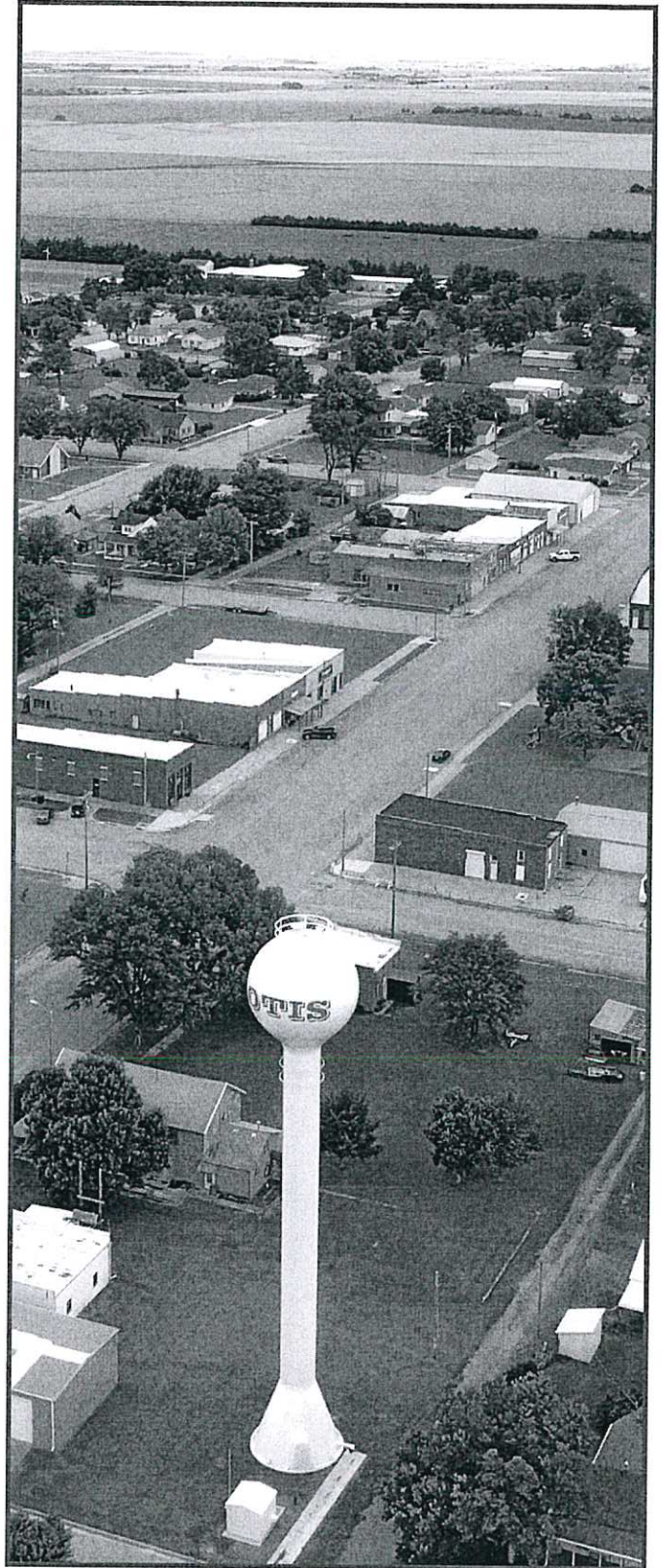
BUILDING CODES. Cities should continue to be allowed to shape local codes to incentivize net zero or net-zero ready building requirements.

PROPANE. We support cities' authority to protect public safety by regulating the capacity of propane units/facilities for residential or commercial purposes.

WATER AND ENVIRONMENT

WATER QUALITY. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.

WATER QUANTITY. We support efforts to extend the life of reservoirs and expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address surface and groundwater resources while respecting priority of water rights. Water rights management tools that have been developed in recent years should be modified or expanded so they provide the same type of flexibility and authority to any water rights holder regardless of class.



PUBLIC WATER SUPPLY SUPERVISION PROGRAM. We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal concerns while recognizing the state has a responsibility to contribute to these public health matters.

WATER PLANNING. We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.

INFRASTRUCTURE FUNDING. We support increased federal and state funding to assist local communities with water, wastewater, stormwater, levee and dam infrastructure and associated security needs. We call for loan terms of up to 40 years when the usable lifespan of an improvement will exceed the term of the loan.

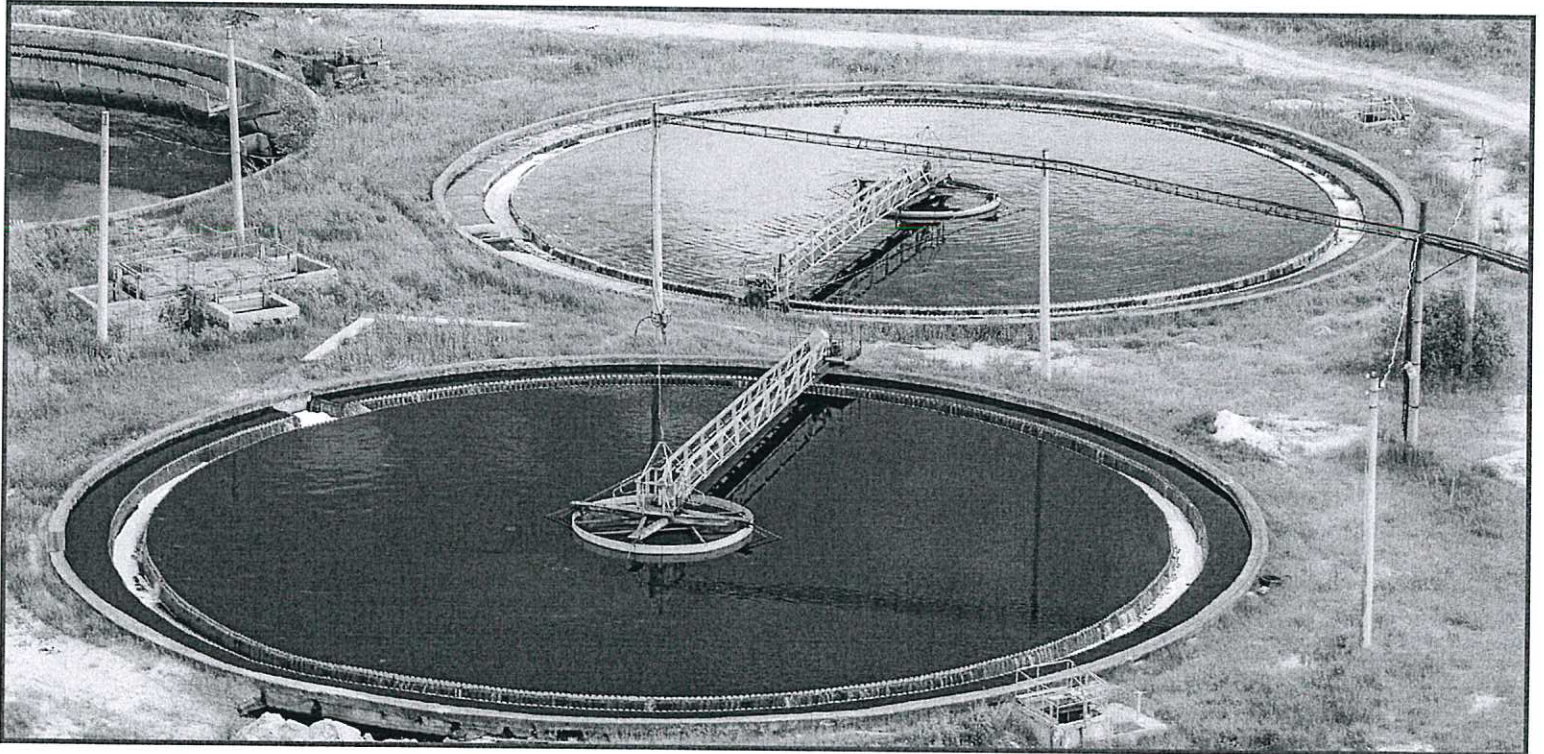
STORMWATER MANAGEMENT. We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state measures to incentivize and enable investment in green infrastructure to support sustainable communities.

SOLID WASTE. Home rule powers of cities to dispose of and manage municipal solid waste should not be restricted. This includes recycling, electronic waste and composting programs.

HAZARDOUS WASTE. We support a comprehensive state and local cooperative approach to provide assistance in identifying hazardous waste and to develop programs to monitor and dispose of such waste. Appropriate education and training should be provided prior to implementation of such programs.

CLEAN AIR. We support a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.

WATER AND WASTEWATER CERTIFICATION. We support improved certification programs that align necessary skillsets for real-world water and wastewater system operation with the content of the corresponding exams. We support review of water and wastewater certification to ensure validity and reliability. We encourage contracting and collaboration to help utilities acquire the knowledge, skills, abilities, and certifications needed to effectively serve rate payers.





HUMAN RESOURCES

City employees are the foundation of city government. City governing bodies must have authority to develop local personnel policies to attract and maintain a high-quality workforce.

WORKERS' COMPENSATION. We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the Workers' Compensation Act.

KPERS & KP&F. We support full funding of the Kansas Public Employees Retirement System (KPERS) and Kansas Police & Fire (KP&F) retirement systems and honoring all commitments made by KPERS and KP&F. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should support a city's ability to hire and retain qualified public employees, including any undue burden on hiring KPERS retirees, or reduce benefits promised to employees.

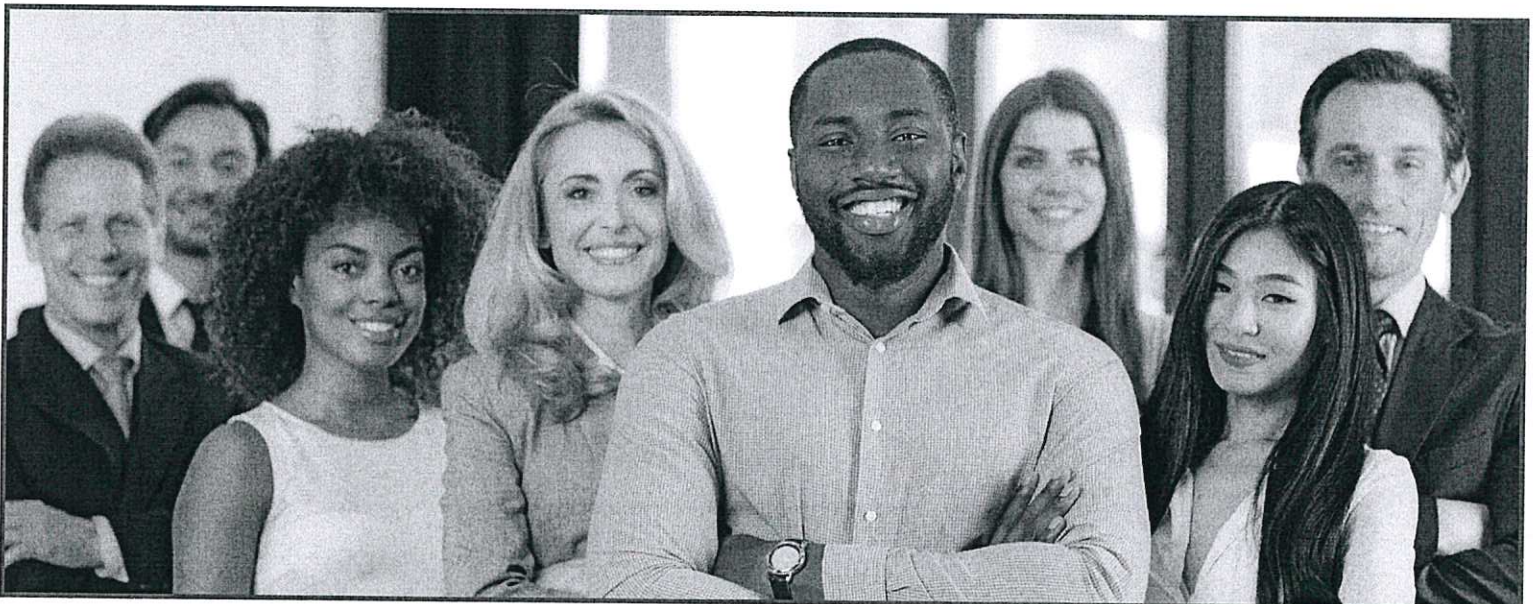
PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT (PEERA)/COLLECTIVE BARGAINING. We oppose any federal or state mandate requiring collective bargaining at the local level.

MANDATES. We oppose state and federal mandates involving public personnel. We oppose federal and state mandates requiring or prohibiting the payment of prevailing wages.

WEAPONS AND FIREARMS. We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while engaged in their work.

HEALTH CARE & OTHER BENEFITS. We support cooperation and study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

UNEMPLOYMENT. We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers, who are paid a nominal stipend, are considered qualified individuals. We support legislation to define "volunteer" in Kansas employment law that is consistent with federal law.





GOVERNMENT POLICIES & PROCEDURES

A biding by constitutional Home Rule, there is a need to ensure local governments maintain autonomy and the authority of self-governance to create a safe and sustainable quality of life for residents.

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters, we support local elected city officials making decisions for their communities, particularly tax and revenue decisions.

GOVERNMENT COMPETITION. Local governments should retain local control over the services they provide to their residents and businesses. Free markets are the best vehicle for allocating goods and services. However, there are circumstances where the free market does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service. In these instances, it falls to local government to respond to the needs of the people to provide the good or service. In addition, local governments provide services for the sole benefit of their residents and should continue to receive tax benefits to provide those services at a low cost.

PROTECTION OF THE FIRST AMENDMENT. The right of the people through democratically elected and appointed officials to petition and speak to government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals.

POLICE POWERS. We support the authority of cities to regulate to protect the health, safety, and welfare of the public.

NON-DISCRIMINATION. We oppose discrimination against any person by reason of their race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), age, national origin, ancestry, disability, military/veteran status, or genetic information.

CITY ELECTIONS. We oppose any actions by the state government to impose partisan elections on cities. All cities have the authority to make this decision for their community, and each city, in consultation with its citizens, should make that determination.

FILING FOR OFFICE. To encourage a higher number of candidates to file for office, we support the filing location for city elections being available in the city clerk's office. The state should evaluate remote filing options.

FILLING OF VACANCIES. Vacancy filling should remain the responsibility of local governing bodies made up of duly elected officials.

ANNEXATION. We support local jurisdictions' ability to make their own decisions regarding orderly growth through annexation.

SIGN REGULATION. We support the authority of local government to regulate signs in compliance with federal law.

PUBLIC PROPERTY & RIGHTS-OF-WAY. We support the right of cities to control and manage public property and rights-of-way and to impose franchise or use fees on entities that utilize rights-of-way.

EMINENT DOMAIN. We support flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

GOVERNMENTAL IMMUNITY. We support continued immunity for cities from tort liability and legislation strengthening the Kansas Torts Claims Act.

INTERLOCAL COOPERATION. We support the principle of voluntary cooperation among all levels of government.

CITY/COUNTY CONSOLIDATION. We support processes for local consolidation without undue statutory barriers. Voters should be allowed to determine whether consolidation with another unit of government occurs.

PRIVATE CEMETERY LIABILITY. We support removing the requirement for cities to care for and maintain formerly private cemeteries that have been dissolved.

COMMUNITY DEVELOPMENT

HOUSING. The League supports programs that encourage access to quality housing, including but not limited to, the Housing Investor Tax Credit Act, the Kansas Affordable Housing Tax Credit Act, the Kansas Rural Home Loan Guarantee Act, guaranteeing appraisals in rural counties, the Historic Kansas Act, and the Kansas Rural Housing Incentive District Act.

RURAL HOUSING INCENTIVE LOAN FUND. We support the creation of a State low interest revolving loan fund to finance development in Reinvestment Housing Incentive Districts.

ABANDONED AND BLIGHTED HOUSING. We support streamlining and expediting the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners. Cities should continue to retain the ability to manage vacant property registry programs to counter blight.

HOUSING-RENTAL INSPECTIONS. We support giving cities authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners.

REVITALIZATION TOOLS. We support continued use of the Neighborhood Revitalization Act, Downtown Redevelopment Act, Transportation Development District Act and Community Improvement District Act to promote local neighborhood development.

ECONOMIC DEVELOPMENT PARTNERSHIPS. State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.

TAX ABATEMENTS. We support the authority of cities to offer tax abatements to encourage business investment in communities.

TAX INCREMENT FINANCING (TIF). We support the continued use of TIF to promote economic development. TIF laws should allow maximum flexibility for efficient use by communities.

STAR BONDS. We support the ability of cities to utilize STAR bonds to promote economic development in communities.

LAND USE AND ZONING. We support the ability of local officials to make land use and zoning decisions within their community, including decisions about location, placement, size, appearance, and siting of transmission and receiving facilities and any other communications facilities.

BUILDING CODES. We oppose any measures to preempt local building codes.

TOURISM. We support cooperative ventures between state and local government to promote tourism as an industry vital to growth and development.

TAX CREDITS. We support the continued availability of tax credits as a tool for economic development.

TRANSPARENCY IN GOVERNMENT

OPEN MEETINGS. All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

OPEN RECORDS. All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access, with the necessity of protecting the privacy of individual citizens, and the ability of public agencies to conduct essential business functions. We support a city's ability to recoup reasonable costs associated with requests.

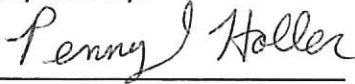
INTERGOVERNMENTAL DIALOGUE. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.

BODY CAMERAS. We support the ability of local governments to determine when and how body cameras will be used by law enforcement officers, including the regulations concerning public access to those recordings, balancing the needs of law enforcement and the individuals whose images are captured in the recordings.



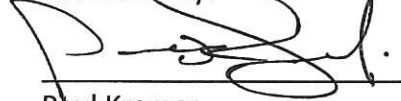
STAFF REPORT
Review Food Truck Ordinances
December 19, 2023

Prepared By:



Penny Holler
Assistant City Manager

Reviewed By:



Paul Kramer
City Manager

ISSUE:

Receive presentation on current food truck ordinances and procedures.

BACKGROUND:

Chapter 22 of the Leavenworth City Code (Health and Sanitation) includes language to regulate mobile food vendors, including food trucks. Staff will provide a presentation on current ordinances in light of recent requests to consider changes.

ATTACHMENTS:

Chapter 22 Health and Sanitation, Article II Food, Division 4 Mobile Food Vending
Leavenworth Mobile Food Vendor Application
Willcott Brewing Request for Ordinance Change

DIVISION 4. - MOBILE FOOD VENDING

Sec. 22-105. - Definitions.

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

City-approved event means any event approved or sponsored by the city, any event such as a community celebration, parade, run, walk, or festival approved by the city by filing a special event application with the city clerk, paying applicable fees, and approved by city staff or the city commission of the city.

Mobile food unit or *unit* means any self-contained vehicle, trailer, cart or other type of conveyance from which food or beverage is offered for sale, but does not include ice cream trucks/ice cream vendors. (See division 5 of this article.)

Mobile food vending means to conduct, hold, carry on, pursue or operate a business of vending, peddling, hawking or selling any food or beverage from a mobile food unit or push cart.

Mobile food vendor or *vendor* means any person, corporation, association, or other entity, however organized, that offers food or beverage for sale from a mobile food unit.

Mobile packaged food delivery truck means an enclosed vehicle licensed to operate on public roads in which a person travels from place to place to deliver packaged food that has been previously ordered.

Public property means and includes all city streets, alleys, rights-of-way, parking lots, and parking spaces, city parks or recreational areas.

Push cart means a non-self-propelled vehicle used from which food or beverage is offered for sale, but does not include ice cream trucks. (See division 5 of this article.)

(Code 1994, § 54-165; Ord. No. 8058, § 1, 9-26-2017)

Sec. 22-106. - Registration required.

It is unlawful for any person to conduct mobile food vending within the corporate limits of the city without first obtaining required license or permits in accordance with this article.

- (1) *Mobile food vending license*. All vendors shall make application with the city clerk. All applications shall be accompanied by a nonrefundable registration fee. The amount of the fee shall be set out in the city fee schedule.
- (2) *Health permit*. All vendors shall make application and pay a fee to the city clerk in the amount as set out in the city fee schedule.
- (3)

Food handler permit. Each employee or person engaged in the handling or preparation of food or beverage shall obtain a food handler permit.

(Code 1994, § 54-166; Ord. No. 8058, § 1, 9-26-2017)

Sec. 22-107. - Registration application.

- (a) All applications for new or renewal license for mobile food vending shall be made upon a form prescribed by the city and submitted and filed with the city clerk. All mobile food vending licenses are for a period of May 1—April 30. License fees are not prorated. All applications shall be reviewed and approved by the city health officer prior to issuance of the license.
- (b) License or permit is non-transferable. Such form shall include the following:
 - (1) Name and permanent address of the applicant and the business, showing proof of identification, if the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
 - (2) The name of the owner and the type, make and registration number and description of the vehicle to be used;
 - (3) Valid state sales tax ID number;
 - (4) A statement as to whether or not the applicant has ever had a mobile food vending registration or other similar license or permit revoked or suspended by the city or any other city. Such a revocation or suspension may result in the city's refusal to process the application;
 - (5) A statement that the applicant understands and agrees that registration will not be used or represented in any way as an endorsement of the applicant by the city or by a department, officer, or elected or appointed official of the city;
 - (6) Proof of a valid driver license for operation of the class of vehicle identified in the application for the applicant and any agent or employees of the applicant who will be involved in driving the identified vehicle;
 - (7) Proof that the applicant has secured commercial general liability insurance for the mobile vending operation to be maintained for the entire length of the registration, written by an insurance carrier licensed to do business in the state, with minimum limits of \$1,000,000.00 combined, single limit for bodily and property damage, each occurrence and \$2,000,000.00 in the general aggregate. In the description of operations section shall include the following: "Mobile Food Vending" and "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and noncontributory basis." Evidence of compliance with

these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with application. Such insurance certificate shall not be cancelled without prior written notice to the city; and

- (8) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for mobile food vending certifying that all of the information provided in the application is true and correct.

(Code 1994, § 54-167; Ord. No. 8058, § 1, 9-26-2017; Ord. No. 8198, § 2, 10-25-2022)

Sec. 22-108. - Operating conditions.

All mobile food vending registration certificates shall be subject to compliance with the following conditions:

(1) Location.

- a. Mobile food vendors may not be located on property where the unit or a line of customers would:
 - 1. Hinder the flow of traffic on any street;
 - 2. Hinder the flow of bicycles within any bike lane or route;
 - 3. Hinder the flow of pedestrians along any sidewalks;
 - 4. Block or reduce to less than five feet in width any accessible route to persons with disabilities;
 - 5. Block, hinder, or obstruct the vehicular flow within any parking lot; or
 - 6. Block or obstruct access to any driveway or access point to any property.

A police officer may order the vehicle moved by the operator to comply with these provisions or have the vehicle towed at owner's expense to alleviate the problem.

- b. No more than three mobile food units may locate on any zoning lot at any given time except as part of a city-approved event;
- c. Mobile food vendors shall not operate within 100 feet of a permanent brick and mortar restaurant during posted hours of operations, without written permission from the restaurant owner;
- d. Mobile food vendors shall not operate within residential zoning districts, unless at an approved block party event with an authorized temporary street closure, or other private event and parked on a private driveway;
- e. Mobile food vendors shall not operate in a public right-of-way along parade routes on the day of the parade;
- f.

Mobile food vendors shall not locate on any public property or park without first obtaining permission from the city. Requests shall be filed with the city clerk for consideration and may be granted by the city manager; and

- g. Every unit shall be stationary while vending.
- (2) *Written permission of property owner.* All mobile food vendors operating on private property shall acquire and maintain the written permission of the property owner for the use of and location of the unit on the property. Written permission of the property owner shall be kept in the unit and produced upon request by the police chief or designee or other public officer changed by the city manager with enforcement of this article.
 - (3) *Prohibited sales.* Mobile food vendors are prohibited at all times from selling or offering for sale alcoholic beverages, cereal malt beverages, or tobacco products.
 - (4) *Lights.* No flashing lights or attention attracting devices are permitted on or in association with the use of the mobile food unit. No direct light from a mobile food unit may be shined on adjacent property or cause glare or distraction for vehicles, bicycles, or pedestrians.
 - (5) *Sound devices.* Amplified music or chimes from a mobile food unit is not allowed.
 - (6) *Signs.* No sign on a mobile food unit may be illuminated. A maximum of one detached A-frame/sandwich board sign may be permitted as per section 8.10 of Appendix A, Development Regulations. A-frame/sandwich board sign must be located within 15 feet of the associated unit and may not interfere with vehicle access, pedestrian movement, or handicap-accessible routes to and around the unit.
 - (7) *Trash and site cleanup.* All mobile food vendors shall ensure that a trash receptacle shall be provided with each mobile food unit. Such receptacle must be attached to the unit or located within 15 feet of the unit and cannot interfere with vehicle access, pedestrian movement or handicap-accessible routes to and around the unit. Immediately upon the cessation of vending, the mobile food vendor shall remove and properly dispose of all trash and litter accumulated at the vending site.
 - (8) *License and permits.* All mobile food vendors shall acquire and maintain all required licenses and permits applicable to the use and operation of mobile food units from all applicable jurisdictions. Evidence of such license or permits shall be kept in the unit and produced upon request by the police chief or designee, city food health officer or other public official charged by the city manager with enforcement of this chapter.

(Code 1994, § 54-168; Ord. No. 8058, § 1, 9-26-2017)

Sec. 22-109. - Exclusions.

The provisions of this section (mobile food vending) shall not apply to the following:

- (1) Vendors selling as part of a city-approved event;

- (2) Vendors selling at the Leavenworth Farmers Market;
- (3) Ice cream vendors licensed under division 5 of this article;
- (4) Vendors selling on public or private school property with the permission of any such school;
- (5) The sale of farm or garden products or fruit grown by the seller or his employer;
- (6) Individuals providing catering services to a private event and not open for the sale of food or beverage to the general public;
- (7) Mobile packaged food delivery trucks; or
- (8) Neighborhood refreshment stands and other similar products.

(Code 1994, § 54-169; Ord. No. 8058, § 1, 9-26-2017)

Secs. 22-110—22-131. - Reserved.



Mobile Food Vendor Application

The undersigned hereby makes application for a Mobile Food Vendor License in the City of Leavenworth, Kansas under the provisions of the Code of Ordinances, Chapter 22 Health and Sanitation, Article II, Division 4

New \$60.00 Renewal \$60.00

BUSINESS INFORMATION:

Business Name: _____ Kansas Sales Tax ID: _____
Business Address: _____ City: _____ State: _____ Zip: _____
Business Phone: _____ Email: _____

OWNER/APPLICANT INFORMATION:

Owner/Applicant Name: _____ Owner or Applicant?: _____
Owner/Applicant Address: _____ City: _____ State: _____ Zip: _____
Owner/Applicant Phone: _____ Email: _____

VEHICLE INFORMATION:

Vehicle Description: _____ Make: _____ License Plate #: _____
Location of Business Operation: _____

MAILING ADDRESS:

Business Owner/Applicant Other: _____

PUBLIC INFORMATION RELEASE:

I give my permission to the City of Leavenworth to release the following information:

Business name Business City & State Business Phone Business Email Website: _____

Have you ever had a mobile food vending or other similar license or permit revoked or suspended by the City of Leavenworth or any other city?

Yes or No

APPLICATION MUST INCLUDE THE FOLLOWING:

1. Driver's License of any employee operating a mobile vehicle, specific to class of vehicle
2. Copy of valid food establishment license issued by Kansas Department of Agriculture
3. Commercial general liability insurance for the mobile vending operations with minimum limits of \$1,000,000 combined, single limit for bodily and property damage, each occurrence and \$2,000,000 in the general aggregate. In the description of operations section shall include the following: "Mobile Food Vending" and "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis. Such insurance certificate shall not be cancelled without prior written notice to the City.
4. Copy of written permission signed by property owner for location of mobile food vending

Office Use Only

_____ Date
 _____ Received By
 _____ Kansas Sales Tax ID
 _____ Copy of Driver's License(s)
(specific to class)
 _____ Copy of State Food License
 _____ Certificate of Insurance
 _____ Health Permit
 _____ Business ID
 _____ License ID
 _____ Bill ID
 _____ Health Inspector Approval Annually

By signing, I agree to comply with the City of Leavenworth Ordinances, Rules, or Regulations that govern the license and that all information provided is true and correct. I understand each person engaged in handling or preparation of food or beverage shall obtain a food handler permit. I additionally acknowledge that registration will not be used or represented in any way as an endorsement of the applicant by the city or by any department, officer, or elected or appointed official of the city.

Owner/Applicant Signature: _____ Date: _____

MOBILE FOOD VENDOR LICENSES EXPIRE APRIL 30th OF EACH YEAR

Fees paid are not prorated, refundable or transferable

Office of the City Clerk • City of Leavenworth • 913-682-9201 • 100 N. 5th Street • Leavenworth, Kansas 66048

Penny Holler

From: Sean Willcott <sean.willcott@willcottbrewing.com>
Sent: Friday, November 3, 2023 3:26 PM
To: Penny Holler
Cc: Jen Anders; ddeere; Jennifer Willcott
Subject: Food Truck ordinance change request
Attachments: Language proposal Rev 1.pdf; DIVISION_4.___MOBILE_FOOD_VENDING.pdf

Penny,

My wife Jennifer and I would like to formally request a City of Leavenworth ordinance change regarding the operation of food trucks in the downtown district. Over the last number of months we have met and worked with City officials, discussed the change with multiple businesses, and met with the Leavenworth-Lansing Chamber of Commerce and The Leavenworth Main Street organizations. Utilizing feedback from multiple parties, the change we would like to request is limited in scope, but we feel adds new flexibility that would bring value to the downtown district while protecting existing brick and mortar restaurants. Though our desire to request this change was born through our own business experiences, we have worked to incorporate many inputs that we feel allow a new opportunity to draw business activity to our Central Business District that ultimately would benefit many. I've attached the existing food truck ordinance that was previously provided to me by Sarah Bodensteiner some months back. I've also attached a document that represents one way an ordinance change could be written that would incorporate our objective while maintaining most of the current regulations. The formal request we propose would include the following items:

- Collaborating food trucks would be allowed to operate on city street parking in the Leavenworth Central Business District with written permission from a collaborating sponsor brick-and-mortar business that possesses a Food Establishment License from the Kansas Department of Agriculture, and a Health Permit from the City of Leavenworth.
- Collaborating food trucks can only utilize city parking spaces located directly adjacent to the sponsor business, and can only operate during the business hours of the collaborating sponsor business
- Collaborating mobile vendors shall not operate in a public right of way along parade routes on the day of the parade.

From our last phone conversation I understand that this formal request will not be submitted to the City Commission for introduction until the December 19 Study Session. I plan to be in attendance of that meeting to help answer any questions that may arise. If you have any questions, or would like any additional information, please don't hesitate to reach out. If you would like to have a meeting prior to the study session to make sure I have communicated the details correctly, please let me know. We have been including both the Chamber and Main Street with our activity, so I would request any meeting that we hold on this topic include an invitation to both parties to be present as well.

Thank you for your continued guidance on this matter.

Sincerely,

Sean Willcott

*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.

Policy Report
Fourth Street downtown project update
December 19, 2023

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.

Paul Kramer
City Manager

Issue:

Discuss bid opening and next steps on the Fourth Street downtown project.