



Notice of Study Session
ABILENE PUBLIC LIBRARY
209 NW FOURTH STREET
September 20, 2021 - 4:00 pm

VIEW THIS CITY COMMISSION STUDY SESSION VIRTUALLY AT

www.abilenecityhall.com/watchlive

PURPOSE

The City Commission's study sessions are for the purpose of providing the commission the opportunity to study items in more detail.

OPEN FORUM

This is an opportunity to bring up items to be informally addressed. The Mayor may impose a time limit on open forum.

STUDY ITEMS

1. Cereal Malt Beverage License – Family Dollar 1709 N. Buckeye
2. Abilene Public Library – consider establishing maximum Mill Levy





CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

8/23/2021

Originating Department

Administration

Prepared By:

Shayla Mohr, City Clerk

Approved For Agenda By:

(Office Use Only)

9/20/21 Study Session
9/27/21 Regular meeting

AGENDA ITEM HEADING:

Cereal Malt Beverage License – Family Dollar 1709 N. Buckeye Ave.

BACKGROUND:

We have received all required paperwork and inspections have now been completed for a Cereal Malt Beverage License for packaged sales at Family Dollar 1709 N. Buckeye.

FISCAL NOTE:

COMMISSION ACTION:

Approve Cereal Malt Beverage License - packaged sales for Family Dollar at 1709 N. Buckeye.

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

☒ City or ☐ County of ABILENE**SECTION 1 – LICENSE TYPE**Check One: ☒ New License ☐ Renew License ☐ Special Event Permit

Check One:

☐ License to sell cereal malt beverages for consumption on the premises.☒ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.**SECTION 2 – APPLICANT INFORMATION**

Kansas Sales Tax Registration Number (required): 004-562056614F-01

Name of Corporation FAMILY DOLLAR, INC.		Principal Place of Business SAME	
Corporation Street Address 500 VOLVO PARKWAY		Corporation City CHESAPEAKE	State VA Zip Code 23320
Date of Incorporation 11/17/1997		Articles of Incorporation are on file with the Secretary of State. ☒ Yes ☐ No	
Resident Agent Name CORPORATION SERVICE COMPANY		Phone No. 1-800-927-9800	
Residence Street Address 2900 SW WANAMAKER DR, STE 204		City TOPEKA	State KS Zip Code 66614

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name FAMILY DOLLAR STORE #32690	Name FAMILY DOLLAR, INC.
Business Location Address 1709 N BUCKEYE AVE	Address 500 VOLVO PARKWAY
City ABILENE State KS Zip 67410	City CHESAPEAKE State VA Zip 23320
Business Phone No.	☐ Applicant owns the proposed business location. ☒ Applicant does not own the proposed business location.
Business Location Owner Name(s) GUFFEY PROPERTIES, LLC	

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse, if applicable. Attach additional pages if necessary.

Name	Position	Date of Birth
PETER A. BARNETT	PRESIDENT	11/20/1962
Residence Street Address 329 CAVALIER DR	City VIRGINIA BEACH State VA Zip Code 23451	
Spouse Name YVONNE BARNETT	Position N/A	Date of Birth 07/24/1959
Residence Street Address 329 CAVALIER DR	City VIRGINIA BEACH State VA Zip Code 23451	
Name BRUCE WALTERS	Position CHIEF DEVELOPMENT OFFICER	Date of Birth 04/03/195
Residence Street Address 2693 NESTLEBROOK TRAIL	City VIRGINIA BEACH State VA Zip Code 23456	
Spouse Name JOYCE WALTERS	Position N/A	Age 01/08/1961
Residence Street Address 2693 NESTLEBROOK TRAIL	City VIRGINIA BEACH State VA Zip Code 23456	
Name WILLIAM A. OLD, JR.	Position SR. V.P., CLO, G.C. and SECRETARY	Date of Birth 08/14/1953
Residence Street Address 111 84TH STREET, #B	City VIRGINIA BEACH State VA Zip Code 23451	
Spouse Name ELIZABETH OLD	Position N/A	Age 01/07/1954
Residence Street Address 111 84TH STREET, #B	City VIRGINIA BEACH State VA Zip Code 23451	

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name ROGER DEAN	Position V. PRESIDENT & TREASURER		Date of Birth 10/17/1971
Residence Street Address 2904 RYAN COURT	City VIRGINIA BEACH	State VA	Zip Code 23454
Spouse Name DEANNA DEAN	Position N/A		Date of Birth
Residence Street Address 2904 RYAN COURT	City VIRGINIA BEACH	State VA	Zip Code 23454
Name JONATHAN ELDER	Position VICE PRESIDENT - TAX		Date of Birth 07/14/1964
Residence Street Address 808 FOREST GLADE DRIVE	City CHESAPEAKE	State VA	Zip Code 23322
Spouse Name N/A	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name KEVIN S. WAMPLER	Position DIRECTOR		Date of Birth 12/26/1962
Residence Street Address 3131 MANSFIELD LANE	City VIRGINIA BEACH	State VA	Zip Code 23457
Spouse Name RENEE WAMPLER	Position N/A		Date of Birth
Residence Street Address 3131 MANSFIELD LANE	City VIRGINIA BEACH	State VA	Zip Code 23457
Name DEBORAH MILLER	Position VICE PRESIDENT		Date of Birth 11/28/1957
Residence Street Address 428 58TH STREET	City VIRGINIA BEACH	State VA	Zip Code 23451
Spouse Name N/A	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name CHRISTOPHER WILLIAMS	Position SR. VICE PRESIDENT		Date of Birth 09/14/1970
Residence Street Address 2400 KESTREL LANE	City VIRGINIA BEACH	State VA	Zip Code 23456
Spouse Name HEATHER WILLIAMS	Position N/A		Date of Birth
Residence Street Address 2400 KESTREL LANE	City VIRGINIA BEACH	State VA	Zip Code 23456
Name TODD LITTLER	Position SR. VICE PRESIDENT		Date of Birth 11/11/1970
Residence Street Address 3609 TRADING PLACE	City VIRGINIA BEACH	State VA	Zip Code 23452
Spouse Name KRISTIN LITTLER	Position N/A		Date of Birth
Residence Street Address 3609 TRADING PLACE	City VIRGINIA BEACH	State VA	Zip Code 23452
Name SHAWNITA TOTTEN-MEDLEY	Position V. PRESIDENT, ASST. SECRETARY		Date of Birth 02/28/1974
Residence Street Address 1214 COPPER KNOLL LANE	City CHESAPEAKE	State VA	Zip Code 23320
Spouse Name DARRELL S MEDLEY	Position N/A		Date of Birth 01/03/1974
Residence Street Address 1214 COPPER KNOLL LANE	City CHESAPEAKE	State VA	Zip Code 23320
Name SANDRA L. BOSCIA	Position ASSISTANT SECRETARY		Date of Birth 09/20/1970
Residence Street Address 127 MEADOWBROOK ROAD	City CHARLOTTE	State NC	Zip Code 26211
Spouse Name RALPH BOSCIA	Position N/A		Date of Birth
Residence Street Address 127 MEADOWBROOK ROAD	City CHARLOTTE	State NC	Zip Code 26211

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name DANA H. HAY	Position ASSISTANT SECRETARY	Date of Birth 12/05/1963
Residence Street Address 319 VESPASIAN CIRCLE	City CHESAPEAKE	State VA
	Zip Code 23322	
Spouse Name PAUL S. WINTON	Position N/A	Date of Birth
Residence Street Address 319 VESPASIAN CIRCLE	City CHESAPEAKE	State VA
	Zip Code 23322	
Name	Position	Date of Birth
Residence Street Address	City	State
	Zip Code	
Spouse Name	Position	Date of Birth
Residence Street Address	City	State
	Zip Code	
Name	Position	Date of Birth
Residence Street Address	City	State
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Spouse Name	Position	Date of Birth
Residence Street Address	City	State
	Zip Code	
Name	Position	Date of Birth
Residence Street Address	City	State
	Zip Code	
Spouse Name	Position	Date of Birth
Residence Street Address	City	State
	Zip Code	

SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business or special event will be conducted by a manager or agent. ☒ Yes ☐ No

If yes, provide the following:

Manager/Agent Name MARGARET D. JONES (GARRETSON)	Phone No. 620-870-8419	Date of Birth 01/30/1974
Residence Street Address 308 POPLAR PLACE	City COFFEYVILLE	Zip Code 67337

Manager or Agent Spousal Information*

Spouse Name N/A	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Within 2 years immediately preceding the date of this application, have any of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*:
(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.

☐ Yes ☒ No

Have any of the individuals identified in Sections 4 and 5 been managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:
(1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.

☐ Yes ☒ No

All of the individuals identified in Sections 4 & 5 are at least 21 years of age*.

☒ Yes ☐ No

SECTION 7 – DURATION OF SPECIAL EVENT

Start Date N/A	Time	☐ AM ☐ PM
End Date	Time	☐ AM ☐ PM

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☐ 8 1/2" by 11" drawing attached.



I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE

Peter A. Barnett

DATE 5/25/21

FOR CITY/COUNTY OFFICE USE ONLY: PETER A. BARNETT

☒ License Fee Received Amount \$ 50.00 Date 6-7-21
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)

☒ \$25 CMB Stamp Fee Received Date 6-7-21

☒ Background Investigation

☒ Completed Date 9-2-2021

☒ Qualified ☐ Disqualified

☐ Verified applicant has registered with the TTB as an Alcohol Dealer

☐ New License Approved

Valid From Date _____ to _____ By: _____

☐ License Renewed

Valid From Date _____ to _____ By: _____

☐ Special Event Permit Approved

Valid From Date _____ to _____ By: _____

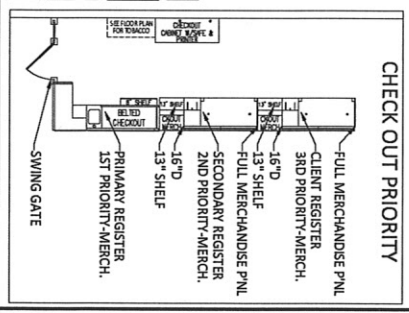
A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 109 SW 9TH ST, 5TH FLOOR, PO BOX 3506, TOPEKA, KS 66601.

* Applicant's spouse is not required to meet citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

NO KNEE WALL

SWING GATE







CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

9/20/2021
9/27/2021

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Ron Marsh

AGENDA ITEM HEADING:

Establish Maximum Annual Mill Levy for Abilene Public Library

BACKGROUND:

K.S.A. 12-1220 allows the Governing Body to establish a maximum annual mill levy to limit the taxes levied for the maintenance of the Abilene Public Library. This must be done by ordinance, and it sets the "not to exceed" mill levy amount.

Establishing a maximum mill levy allows the city staff to better anticipate the overall budget each year and makes the budget process more efficient.

The library can budget more efficiently by knowing up front how much they have to budget for every year.

The tax levy for the library in 2021 is 8.22 and for 2022 will be 8.034. While the mill levy decreased by 0.186, the overall budget increase slightly from \$521,061 to \$521,980 due to increased valuation.

Staff proposes setting the maximum mill levy for maintenance of the library at 8.22 mills.

FISCAL NOTE:

N/A

COMMISSION ACTION:

Overview of Library Tax Issues

Aaron O. Martin, City Attorney

Organization & Governance

- K.S.A. 12-1218 et seq. – The governing body of any city to initiate a vote on the question of establishing a public library.
- If approve at election, the library is established as a separate corporate body.
- Board is governed by 7 or 10 members appointed by the governing body.

Library Board Powers

- Under statutes, the library board may:
 - enter into contracts;
 - sue and be sued;
 - acquire, hold and convey real and personal property (the acquisition or disposition of real property is subject to the approval of the governing body);
 - make and adopt rules and regulations for administration of the library;
 - to employ a librarian and such other employees as the board deems necessary and to remove them and to fix their compensation;
 - to receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof;
 - as to money received from sources other than a tax levy for library purposes, in its discretion, to place such money in a separate fund.

Annual Tax Levy

The library board “shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law (K.S.A. 12-1220)

The 1999 Legislature suspended all mill levy limitations on taxing subdivisions, including libraries.

Annual Tax Levy, cont.

Currently, there is no statutory mill levy limit.

Since nothing in state law limits the levy, it is best practice to fix a limitation by ordinance – otherwise there is no cap.

The mill levy is included in the equation for the city's RNR.

Kansas attorney general opinions have concluded that, under the statutes, it is the library board, and not the city's governing body, that determines the amount of the tax levied to maintain the library.

Potential Options

1. Adopt ordinance establishing a mill levy limitation.
2. Adopt charter ordinance allowing the library board to make a recommendation regarding the mill levy rate, but leaving final decision to the City Commission.
3. Adopt charter ordinance establishing different or new system.

Option #1

(Adopt ordinance establishing a mill levy limitation)

- Under statute, the library board's levy is subject to "limitations fixed by law."
- No statutory limitations currently exist.
- City may legislate via ordinance and duly adopted ordinances have full force and effect of law under home rule authority.
- Example ordinance: "The library mill levy is hereby limited to _____ mills on each dollar of assessed valuation of the city."

Options #2 & #3 (Utilize Charter Ordinance)

- Charter ordinance may be used to exempt the city from all or part of any non-uniform legislative enactment.
- K.S.A. 12-1220 was originally part of a non-uniform enactment.
 - At least 9 different types of library are part of state law
- Various statutes governing local libraries are non-uniform and may be subject to charter ordinance.
- A charter ordinance could be used to modify any portion of the library organization as deemed necessary.

Questions/Discussion

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 9 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY AMENDING SECTION 1-909 TO ESTABLISH A MAXIMUM MILL LEVY FOR THE MAINTENANCE OF THE ABILENE PUBLIC LIBRARY.

WHEREAS, the Abilene Public Library was created under K.S.A. 12-1218, et seq.; and

WHEREAS, K.S.A. 12-1220 provides that the Governing Body shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law;

WHEREAS, the Governing Body desires to establish a maximum mill levy for purposes of limiting the taxes that can be levied for the maintenance of the Abilene Public Library.

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

SECTION ONE. Section 1-909 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

1-909. Library board.

The Library Board shall consist of eight (8) members, seven (7) of whom shall be appointed by the Governing Body for four (4) year terms commencing on the first day of May, and a member of the City Commission, who shall serve as an ex officio member, as provided by K.S.A. 12-1222. The Library Board shall be organized in the manner and have the powers and duties provided by K.S.A. 12-1215 et seq.; provided, however, that in accordance with K.S.A. 12-1220, and for purposes of establishing a limitation on the tax levy fixed by law, the maximum annual tax levy for the maintenance of the library shall be limited to 8.22 mills on each dollar of assessed valuation of the city.

SECTION TWO. Existing Section 1-909 of the City Code of the City of Abilene, Kansas is hereby repealed.

SECTION THREE. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. _____ Summary

On _____, 2019, the City Commission passed Ordinance No. _____. The ordinance amends Chapter 1, Article 9 of the City Code of the City of Abilene, Kansas, by amending section 1-909 to establish a maximum mill levy rate for the maintenance of the Abilene Public Library. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified

by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this
____ day of _____, 2019.

_____, Mayor

Attest:

Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this ____ day of _____, 2019.

Aaron O. Martin, City Attorney