

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Monday, March 18, 2019
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDERMayor Ronald E. Hutto
ROLL CALL.....Deputy City Clerk, Carina Anderson
MINUTES OF PRECEDING MEETING.....Monday, March 04, 2019

PROCLAMATION

-Spring Beautification Week - April 1st thru April 6th, 2019

BUSINESS FROM THE FLOOR

-Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 1916 - An Ordinance – Adopting an Ordinance regulating the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the City of Winfield, Kansas, by amending Division 1, and repealing Division 2 and Division 3, and adopting a new Division 2, Article II, Chapter 6 of the Code of the City of Winfield, Kansas.

Bill No. 1917 - A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project 18-BI875, a roof replacement project for the Recreation Center Building, between the City of Winfield, Kansas and Bloyer and Sons, Inc., Winfield, Kansas

Bill No. 1918 - A Resolution – Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Island Park Productions)

Bill No. 1919 - A Resolution – Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Beau Bailey)

OTHER BUSINESS

-Consider purchase of SCBA Air packs for Fire/EMS

ADJOURNMENT

-Next regular Work Session 4:00 p.m. Thursday March 28, 2019
-Next regular meeting 5:30 p.m. Monday, April 01, 2019.

CITY COMMISSION MEETING MINUTES

Winfield, Kansas

March 4, 2019

The Board of City Commissioners met in regular session, Monday, March 04, 2019 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Ronald E. Hutto presiding. Commissioners Phillip R. Jarvis and Gregory N. Thompson were also present. Also in attendance were, Brenda Peters Interim City Manager; Carina Anderson, Deputy City Clerk; and William E. Muret, City Attorney. Other staff members present were Gus Collins, Director of Utilities; Gary Mangus, Assistant to the City Manager; Patrick Steward, Director of Public Improvements; Jerred Schmidt, Director of Information Systems; Robbie DeLong, Interim Police Chief; Vincent Warren, Fire Chief; Chad Gordon, Interim Police Captain; and Bryan Root, Power Plant Operator I.

Commissioner Thompson moved that the minutes of the February 19, 2019 meeting be approved. Commissioner Jarvis seconded the motion. With all Commissioners voting aye, motion carried.

Interim City Manager Peters presented Gary Mangus, Assistant to the City Manager, with a 30 year pin, commemorating his thirty years of dedicated service to the City of Winfield.

NEW BUSINESS

Bill No. 1914 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for CCLIP Resurfacing Project, FY 2019, Project Number 18 U-2332-01 for Highway improvements to US-77 from 11th Ave. to 19th Ave., between the City of Winfield, Kansas and APAC- Kansas Inc., Shears Division, Wichita, Kansas. Director of Public Improvements Steward explains this Resolution would award a contract to APAC-Kansas, Inc for the 2019 CCLIP Resurfacing project on US-77 from 11th Ave to 19th Ave. KDOT will pay 90% up to a maximum of \$300,000 of the construction costs. The bids came in substantially lower than the estimate, and City staff recommends awarding the contract to APAC-Kansas, Inc, as they were the low bid of \$314,611.87. Upon motion by Commissioner Jarvis, seconded by Mayor Thompson, all Commissioners voting aye, Bill No. 1914 was adopted and numbered Resolution No. 1219.

Bill No. 1915 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute CCLIP (SP) Resurfacing Project Agreement No. 77-18 between the City and the Secretary of the Kansas Department of Transportation, relating to State Aid for the improvement of City connecting links on the State highway system. Director of Public Improvements Steward explains this agreement accepts KDOT's 90% of the cost, and outlines the parameters of which they would participate in the project. Upon motion by Commissioner Thompson, seconded by Commissioner Jarvis, all Commissioners voting aye, Bill No. 1915 was adopted and numbered Resolution No. 1319.

OTHER BUSINESS

-Consider Police Pursuit sedan quotes - Assistant to the City Manager Mangus explains that Winfield Motor Co. was the only one to submit a quote for a gasoline engine. Ford and Chevy no longer manufacture gasoline engine sedans, and are producing gasoline-electric hybrid sedans. Mangus explains that staff recommends that the Commission accept the quote from Winfield Motor Co. for three Dodge Chargers, in the amount of \$25,463.00 per unit for a total of \$76,389.00. Commissioner Jarvis moved to accept the quote from Winfield Motors for the purchase of 3 Dodge Chargers for a total of \$76,389.00. Motion was seconded by Commissioner Thompson. With all Commissioners voting aye, motion carried.

-Consider Pick-up quotes for Electric Distribution, Street, Purchasing/DOC, Cemetery, Natural Gas and Quail Ridge Maintenance - Assistant to the City Manager Mangus explains that there were multiple pickups budgeted for 2019. Electric Distribution had two 1T Crew Cab/Chassis, 4x4 budgeted at \$45,000, staff recommends accepting the low bid from Kline Motors for \$32,695.00 per unit. Street Department had a 1T Crew Cab/Chassis 4x2 budgeted at \$60,000, staff recommends accepting the low bid from Kline Motors for \$36,285.00. Purchasing/DOC had a 3/4T Crew Cab 4x4 budgeted at \$35,000, staff recommends accepting the low bid from Kline Motors for \$30,679.00. Cemetery had a 3/4T Cab/Chassis 4x2 budgeted for \$35,000, staff recommends accepting the low bid from Kline Motors for \$27,842.00. Natural Gas had a 3/4T Crew Cab, 4x4 budgeted at \$35,000, staff recommends accepting the low bid from Kline Motors for \$30,499.00. Quail Ridge Maintenance had a 1/2T Crew Cab 4x4 budgeted at \$30,000, staff recommends accepting the low bid from Winfield Motor Co. for \$23,597.00. Commissioner Thompson moved to accept the bids as presented. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried.

-Consider approving an additional \$6,000 for the Solar Array project- Power Plant Operator I Root explains that we are in the final stage of the solar array project, and the City will need an additional \$6,000.00. Commissioner Jarvis made a motion to approve the additional \$6,000.00 for the solar array project. Motion was seconded by Commissioner Thompson. With all Commissioners voting aye, motion carried.

-Consider amending substation technical support program with Southwest Electric Company - Director of Utilities Collins requests an amendment to original quote received from Southwest Electric Company for maintenance and testing of the substation equipment. Collins explains that in the original quote, Southwest Electric Company had left out one of the substations, and they advised staff that they could not provide that level of technical support at the quote submitted. Southwest Electric Company indicated they could perform the service for a total cost of \$44,960, an increase from the original quote of \$24,960. They are still the low quote and City staff recommends approving an amendment to the original quote for a total of \$45,000. Commissioner Thompson made a motion to approve the increase for a new total of \$45,000. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried.

ADJOURNMENT

Upon motion by Commissioner Jarvis, seconded by Commissioner Thompson, all Commissioners voting aye, the meeting adjourned at 5:42 p.m.

Signed and sealed this 15th day of March 2019.

Signed and approved this 18th day of March 2019.

Carina Anderson, Deputy City Clerk

Ronald E. Hutto, Mayor



Request for Commission Action

Date: March 8, 2019

Requestor: Gary Mangus, Assistant to the City Manager

A handwritten signature in dark ink, appearing to read "G Mangus".

Action Requested: 3/14/2019 Work Session-discussion, 3/18/2019 Commission Meeting-consideration. City Attorney Muret has provided a draft Ordinance for review and consideration by the Governing Body regulating the sale of cereal malt beverage.

Analysis: The Kansas Liquor Control Act and the Kansas Cereal Malt Beverage Act, pertaining to the sale of cereal malt beverage (CMB), beer, and other goods and services, was amended in SB13. The Bill was enacted by the Kansas Legislature and approved by the Governor. Starting April 1, 2019, persons, corporations, partnerships, trusts or associations, etc., such as convenience stores, grocery stores, and drug stores licensed to sell CMB may sell beer containing not more than 6.0 percent alcohol by volume.

This change in state law requires revision of the Winfield Municipal Code. The draft Ordinance, prepared by Mr. Muret, addresses the general changes of Chapter 6 per recommendations by Kansas League of Municipalities and Kansas Alcohol Beverage Control. **Note, two local amendments are found in Sec 6-76(c):**

- Verbiage amendment of Sec 7-76(c)(2) would allow all CMB license holders to sell original packages from 12:00 noon to 8:00 p.m. on Sundays. Current CMB license holders are not allowed to sell on Sunday, except for those who generate 30% of their gross receipts from food sales.
- Verbiage addition of Sec 7-76(c)(5) would allow Sunday sale and consumption at Quail Ridge Golf Course. Quail Ridge currently has a CMB license but is not allowed to sell or have consumption on Sundays.

The Ordinance, as drafted, would take effect and be in force April 1, 2019, with the exception of Section 6-76(c) which would not take effect until June 1, 2019, unless said it was vetoed by public vote, per K.S.A. 41-2911 (b)(1).

Attachments: Draft Ordinance regulating the sale of cereal malt beverage

(First published in the Cowley Courier Traveler on Tuesday, March 19, 2019)

BILL NO. 1916

ORDINANCE NO. 4105

AN ORDINANCE

REGULATING the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the City of Winfield, Kansas, by amending Division 1, and repealing Division 2 and Division 3, and adopting a new Division 2, Article II, Chapter 6 of the Code of the City of Winfield, Kansas.

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

Section 1. New definitions in Section 6-1 Definitions shall be adopted by striking the following definitions and adding new definitions as follows:

Strike Alcoholic Liquor definition and add:

Alcoholic liquor means alcohol, spirits, wine, beer and every liquor or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or enhanced cereal malt beverage containing not more than 6 percent alcohol by weight.

Strike Case Retailer definition and add:

Case retailer means a licensee who has a license to sell only at retail enhanced cereal malt beverages in original and unbroken case lots, and not for consumption on the premises.

Strike Cereal Malt Beverages definition and add:

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.

Strike Gross Revenues definition and add:

Gross revenues only includes that income derived from enhanced cereal malt beverages and other food consumables.

Strike Legal Age for Consumption of Cereal Malt Beverage definition and add:

Legal age for consumption of enhanced cereal malt beverage means 21 years of age.

Strike Place of Business definition and add:

Place of business means any place, except a tavern, at which enhanced cereal malt beverages are sold.

Strike Tavern definition and add:

Tavern means any establishment deriving, in any one month of the calendar year, 50 percent or more of its gross revenues from the sale of enhanced cereal malt beverages.

Strike Temporary Entertainment District definition and add:

Temporary entertainment district means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or enhanced cereal malt beverage for a specific period of time, during a community event which has been properly permitted under Chapter 8 of this Code.

Strike Wholesaler and Distributor definition and add:

Wholesaler and distributor means persons who sell or offer for sale any beverage referred to in this Chapter to persons authorized by this Chapter to sell enhanced cereal malt beverages at retail.

Section 2. A new Division 2, Article II, Chapter 6 of the Code of the City of Winfield, Kansas. Retail License and Operational Rules and Restrictions for Retail Establishments shall be adopted, striking the current Division 2 and Division 3, Article II, Chapter 6 of the Code of the City of Winfield, Kansas, and new Division 2 shall read as follows:

Division 2. Retail License and Operational Rules and Restrictions for Retail Establishments.

Section 1. Sections 6-31 through 6-37 shall be modified to strike the language “cereal malt beverage” and replace with “enhanced cereal malt beverage”.

Sections 6-38 through 60-60 reserved.

Sec. 6-61. REQUIRED. No person shall sell any enhanced cereal malt beverage at retail without first having secured a license for each tavern or place of business which such person desires to operate within the corporate limits of the City, as provided in this Division. A person having a license to sell enhanced cereal malt beverages at retail only, in original and unopened containers and not for consumption on the premises, shall not sell such beverage in any other manner.

Sec. 6-62. LICENSE ISSUED BY CITY. The “Cereal Malt Beverage License” issued by the City of Winfield, Kansas, 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.

Sec. 6-63. 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.

Sec. 6-64. 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 the 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;

(f) Each application for a general retailer's license shall be accompanied by a certificate from the Kansas Department of Health.

(g) Each application for a general retailer's license shall be accompanied by a certificate from the City fire chief certifying that he or she has inspected the premises to be licensed. The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the City with any information pertinent to the application. One copy of such application shall immediately be transmitted to the chief of police of the City for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this chapter. The Chief shall report to the City Manager not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

Sec. 6-65. 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 renewal 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.

Sec. 6-66. LICENSE GRANTED; DENIED.

(a) The minutes 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.

Sec. 6-67. LICENSE TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

Sec. 6-68. 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 Cowley 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, or 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 shall not apply in determining eligibility for a renewal license.

Sec. 6-69. RESTRICTION UPON LOCATION. No license shall be issued for a location that does not conform to the zoning ordinances of the City. No license shall be issued for the sale of enhanced cereal malt beverages for consumption on premises located within 300 feet of any church, public or parochial school, college, library, hospital or residential zoning district, the distance to be measured from the nearest property line of the designated zone or public buildings, to the nearest property line of the building in which enhanced cereal malt beverages are sold. Renewal of licenses may be made for all taverns and places of business presently licensed within 300 feet of any residential zoning district or such institutions, so long as the premises are used or held for use as a tavern or place of business; provided, however, that should a tavern or place of business located within 300 feet of the property line of any residential zoning district or such institution cease to be used as a tavern for a period of 90 days or more, or the premises be used for another type of business, then no new license shall be issued for the sale of enhanced cereal malt beverages for consumption on such premises. Periods of time during which taverns are being remodeled or are being repaired because of damage caused by fire or natural disasters such as floods or windstorms shall not be included in computing the 90-day period; provided, however, that any remodeling or repair must be commenced within 90 days after the closure of any given structure and completed within a reasonable time thereafter. Additionally, the City shall be notified within 30 days of closing whenever any tavern is closed for remodeling or repairs. Such notice shall state the date when remodeling will start and the date it will be completed. This subsection only applies to establishments in which at least 50 percent of the gross revenue in a calendar year is derived from the sale of enhanced cereal malt beverages.

Sec. 6-70. LICENSE FEE. The rules and regulations regarding license fees shall be as follows: The application for a license under this Division shall be accompanied by cash in the amount of the license fee specified in Section 34-6, and upon approval of the governing body, a license shall issue to the applicant. 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.

Sec. 6-71. 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.

Sec. 6-72. 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.

Sec. 6-73. SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the District Court of Cowley 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 or 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.

Sec. 6-74. 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 specified in Section 34-6. 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.

Sec. 6-75. 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.

Sec. 6-76. 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: (1) Between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 12:00 noon or after 8:00 p.m. on Sunday; (3) on Easter Sunday; (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises; or (5) sale and consumption at Quail Ridge Golf Course is allowed.

(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. 410-2601 *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 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

(l) No private functions, parties or other similar gatherings shall be held in any tavern at any time. No private rooms or closed booths shall be operated in any tavern or place of business. The premises shall be open to public view at all times, and windows shall be of the minimum size of 24 inches in width by 24 inches in length, uncovered, and the entire room well lighted; provided that this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the Director.

Sec. 6-77. 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 male's/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 person 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 person's 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.

Sec. 6-78. PROMOTIONS AND CONTESTS.

(a) No retailer, or employee or agent of a retailer, licensed to sell enhanced cereal malt beverage for consumption on the premises, shall:

- (1) Offer to serve any free enhanced cereal malt beverage in any form to any person;
- (2) Offer to serve to any person a drink at a price that is less than the acquisition cost of the drink to the licensee or permit holder;
- (3) Sell, offer to sell or serve to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the general public;
- (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking enhanced cereal malt beverage or the awarding of drinks as prizes; or
- (5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (a)(4) of this Section.

(b) A retailer may:

- (1) Offer free food or entertainment at any time;
- (2) Sell, offer to sell, and serve individual drinks at different prices throughout any day; or
- (3) Sell or serve beer or enhanced cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces.

(c) Any person violating any provision of this Section shall be deemed guilty of a misdemeanor. Conviction of violating this Section shall also be grounds for suspension or revocation of the retailer's license as provided by Section 6-68.

(d) Every licensee subject to the provisions of this section shall make available at any time upon request a price list showing the licensee's current prices for all enhanced cereal malt beverages.

Sec. 6-79. 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.

Sec. 6-80. TEMPORARY ENHANCED CEREAL MALT BEVERAGE OR BEER LICENSE.

(a) A temporary license may be issued which shall allow the license holder to offer for sale, sell and serve enhanced cereal malt beverage or beer for consumption on otherwise unlicensed premises, which may be open to the public.

(b) A temporary license shall be issued for the duration of the temporary event, the dates of which shall be specified in the license, but in no event shall exceed three consecutive days.

(c) No more than four temporary licenses shall be issued to the same applicant in a calendar year.

(d) All requirements regarding and regulations relating to an annual license, including but not necessarily limited to, the ability to obtain and maintain an annual license, and hours of sale shall apply equally to a temporary license.

(e) *Fee.* There is hereby levied a temporary enhanced cereal malt beverage fee fixed in Section 34-6 for each group or individual holding such license which shall be paid prior to license issuance.

Section 3. This ordinance shall be published at least once each week for two consecutive weeks in the official City newspaper.

Section 4. This ordinance shall take effect and be in force from and after April 1, 2019, with the exception of Section 6-76(c) which will not take effect until June 1, 2019, unless said Section is vetoed by public vote, pursuant to K.S.A. 41-2911 (b)(l)

ADOPTED this 18th day of March, 2019.

CITY OF WINFIELD, KANSAS

By _____
Ronald E. Hutto, Mayor

ATTEST:

Carina Anderson, Deputy City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Brenda Peters, Interim City Manager



Request for Commission Action

Date: 3/12/19

Requestor: Patrick Steward, Director of Public Improvements

Action Requested:

Consideration of awarding a contract to Bloyer & Sons, Inc. for the replacement of the roof for the recreation building.

Analysis:

As some background, the City of Winfield and the Winfield Recreation Commission have an agreement for the use of the current recreation center. Maintenance of the building is the responsibility of the Recreation Commission by agreement but the City maintains ownership. The structure is insured by the City of Winfield with the Recreation Commission paying for the policy that covers the structure.

Through work by the staff of the recreation commission, an insurance claim was filed on the roof. Through working with an adjuster as well as a roofing company, the insurance company (MPR) paid out a depreciated amount of \$202,994.90 with a statement that an additional \$70,247.26 available once the work was completed. These funds were paid to the City of Winfield as the insured. Therefore, it was decided that the project would need to follow the City's purchasing policies. The project was bid as both a full replacement and as an overlay of the existing roof. No bids were received for the full replacement and two bids were received for the overlay with Bloyer and Sons submitting the apparent low bid at \$228,823.68.

As a side note, the other bid was submitted by Guardian Roofing. They were the contractor that worked with the insurance company and the recreation commission staff to submit the insurance claim. At the bid opening, they stated that in order to meet the hail warranty requirements, their manufacturer required the placing of a coverboard over the entire roof. They have since said that their manufacturer was in error and have requested that they amend their bid price. I will discuss further Thursday.

Fiscal Impact:

The bid price is below that of the insurance proceeds. After discussion with Troy Moree and the Recreation Commission, the intent would be to enter into an agreement that the City retains any remaining funds to offset future risk associated with the tear off of the existing roof since the current project is an overlay. An additional cost associated with a complete roof replacement would be the responsibility of the recreation commission by agreement.

Attachments: Bid Tab, Authority to Award

A RESOLUTION

AUTHORIZING and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project 18-BI875, a roof replacement project for the Recreation Center Building, between the City of Winfield, Kansas and Bloyer and Sons, Inc., Winfield, Kansas

WHEREAS, bids for the building improvements were requested, accepted and opened at 2:00 p.m. on March 5, 2019; and,

WHEREAS, Bloyer and Sons, Inc., submitted the apparent lowest bid;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas are hereby authorized and directed to execute a contract for the amount of two hundred twenty-eight thousand eight hundred twenty-three and sixty-eight cents (\$228,823.68) for a roof replacement project for the Recreation Center Building, Project Number 18-BI875 between the City of Winfield, Kansas and Bloyer and Sons, Inc., Winfield, Kansas.

Section 2. This resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 18th day of March, 2019.

(SEAL)

Ronald E. Hutto, Mayor

ATTEST:

Carina Anderson, Deputy City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Brenda Peters, Interim City Manager/ps

Rec Center Roof Bid

Bid Opening 3/5/19@ 10:00 am.

Item			Quantity	Unit	Adjuster Amount		Guardian		Bloyer	
					Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Remove & Replace	Roofing & Insulation Board in areas of Ponding & Deterioration to allow for proper TPO Installation	1	LS	\$ -	\$ -	\$ -	\$ 5,000.00	\$ -	\$ 4,000.00
2	Install	60 mil Fleeceback TPO Fully Adhered over Existing Roof	316.31	SQ	\$ -	\$ -	\$ 736.47	\$ 232,952.83	\$ 468.00	\$ 148,033.08
3	Replace	Ventilators, Mushroom type roof vents, 18", 2,000 CFM	9	EA	\$ -	\$ -	\$ 1,000.00	\$ 9,000.00	\$ 1,535.00	\$ 13,815.00
4	Replace	Flashing and sheet metal, Prefinished sheet metal fascia, Straight or simple	774	LF	\$ -	\$ -	\$ 10.35	\$ 8,010.90	\$ 21.00	\$ 16,254.00
5	Remove & Reset	Rain gutter, downspout conductor, high grade galvanized steel	16	EA	\$ -	\$ -	\$ 143.00	\$ 2,288.00	\$ 285.00	\$ 4,560.00
6	Remove	Remove existing roofing material on parapet walls.	1	LS	\$ -	\$ -	\$ -	\$ 3,718.00	\$ -	\$ 3,275.00
7	Install	Fully adhered 60 Mil Fleece back TPO over existing roofing.	57.2	SQ	\$ -	\$ -	\$ 840.11	\$ 48,054.29	\$ 553.00	\$ 31,631.60
8	Replace	Ventilators, Mushroom type roof vents, 18", 2,000 CFM	2	EA	\$ -	\$ -	\$ 1,000.00	\$ 2,000.00	\$ 1,535.00	\$ 3,070.00
9	Replace	Flashing and sheet metal, Aluminum flashing, Coping and wall cap, 16" girth	279	LF	\$ -	\$ -	\$ 3.50	\$ 976.50	\$ 15.00	\$ 4,185.00
Totals:						\$ 320,073.06		\$ 312,000.52		\$ 228,823.68
Cash Value						\$ 202,994.90				

Note: Adjuster amount based on tear-off of entire roof & insulation.



Request for Commission Action

Date: March 8, 2019

Requestor: Gary Mangus, Assistant to the City Manager

A handwritten signature in dark ink, appearing to be "GM", is written next to the name Gary Mangus.

Action Requested: 03/14/2019 WS agenda-discussion, 03/18/2019 Commission Agenda-consider Resolution authorizing an Outdoor Community Event & Temporary Entertainment District Application from Island Park Productions.

Analysis: Island Park Productions (IPP), through an Outdoor Community Event & Temporary Entertainment District application, have requested authorization to allow possession and consumption of alcohol or enhanced cereal malt beverages in Island Park. Their request is to establish a drinking perimeter with signage from 5:00 pm to 9:00 pm around the performance stage, Lion's Pavilion, and Soroptomist Pavilions, on Saturday, April 13, 2019, in conjunction with the first of their 2019 Concert Series. John McCutcheon is the featured entertainer.

A separate temporary alcohol or enhanced CMB license is not required of IPP for possession and consumption only. The Governing Body will need to consider the proposed Resolution to authorize possession and consumption, however.

Two LE officers will be on site from 5:00 pm-9:00 pm. Should addition officers be needed, the Chief of Police will make that call at his discretion. IPP is limiting the size of carry in coolers to 10 quart. A device of an equivalent dimension (think confirming airline carry-on size) will be at the Island Park entrance for any coolers in question. Security is being finalized for approval by WPD.

Fiscal Impact: The concert series is provided free to the general public. The City is a member and represented on the IPP Board. No rental fees are being sought from IPP. Their requests are for benches, trash containers, access to electricity and restrooms which are all typically on site.

Attachments: Draft Resolution, Outdoor Community Event Application



Outdoor Community Event and Temporary Entertainment District Application

Applications and any applicable fees must be submitted to:
Winfield City Clerk | 200 E. 9th Avenue | Winfield, KS 67156
620-221-5500 or (Fax) 620-221-5593 or cityclerk@winfieldks.org

Complete Outdoor Community Event Applications must be submitted at least 30 days prior to the proposed date of the event

The City of Winfield defines an Outdoor Community Event as follows:

Outdoor event on public property organized for a particular and limited purpose and time. Such events shall include, but not be limited to: fun runs, roadway foot races, fundraising walks, bikeathons, motor vehicle events, bike races, carnivals, festivals, cookouts, block parties, community celebrations, shows, exhibitions, circuses, fairs and temporary entertainment districts. Such term shall also include parades when held in conjunction with a community event as defined by this section, which event is sponsored or conducted by the same applicant. Such term shall not include events occurring solely on sidewalks or public rights of way immediately adjacent to public streets that do not require the closing of the sidewalk or public way.

The City of Winfield defines a Temporary Entertainment District as follows:

A defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a Community Event which has been properly permitted.

General Information:

It is the purpose of this application to establish a process for permitting community events to use City streets, sidewalks, parks and alleys. It is unlawful for any person to conduct a community event without a community event permit. Any information required by the application must be complete upon submittal. Incomplete applications may be denied. The City of Winfield may refuse any application received less than 30 days before the event or lacking requested information. When received, an application is subject to approval of all departments involved and will be required to provide the following:

- The Winfield Police Department, the Winfield Fire Department and authorized representatives of such departments shall be responsible for the enforcement of all provisions of this application.
- No fee shall be charged for the application or permit for a Community Event itself.
- The issuance of a Community Event permit shall not negate the responsibility of the permit holder to acquire all other necessary and applicable licenses or permits which may be required for the event or pay any additional fees.
- Street closure request made to the City of Winfield.
- Certificate of Liability Insurance naming the City of Winfield as additionally insured, if applicable.
- Security requirements including hiring of certified law enforcement officers.
- All Food/Beverage/Concessionaire/Amusement vendors list including contact person, contact information, and permits/licenses, as necessary.
- Outdoor Community Events shall cease between the hours of 11:00 p.m. and 8:00 a.m., Sunday through Thursday and midnight to 8:00 a.m. on Friday and Saturday.
- A detailed Security Plan will be required and approved by Winfield Chief of Police. Extraordinary Police/Fire services will be billed directly to the permit holder and will be the permit holder's responsibility.

**Outdoor Community Event
and
Temporary Entertainment District Application**

Applicant information:

Application Date : Event Title:

Type of Event:
(drop down
box)

*Close Park 12:00 noon April 13th
Open for public 5:00 pm*

Event Date: Event Time:

Event Address
for Permit:

Public Property
needed:

Site Plan (required):

Site plan defines the placement of fencing, tables, water supply, toilet/lavatory facilities, lighting, stages, temporary power needs, parking plans, sound plan, temporary seating, tents or canopies, amusement or inflatable rides, barricade type/location, enter/exit locations, trash, signage, all streets being closed, etc.

Parade or motor events require a map or diagram of the route to be traveled w/ starting and ending points identified; use of all or a portion of the street; approximate number, type, and description of persons, animals, and vehicles, as well as information above;

Applicant Name:

Address:

Phone:

E-mail:

Contact Name:
(if different
than
Applicant)

Address:

Phone:

E-mail:

*- 6 barricades
- 1 load (≈ 22) park benches
- trash containers*

**Outdoor Community Event
and
Temporary Entertainment District Application**

**Will Alcoholic
Liquor or CMB
be sold and/or
served?**

☐ Yes, If so complete the following ☒ No

Requesting possession and consumption only (ie, BYOB)

**Onsite Alcohol
Supervisor
Name:**

Jill Long

Address:

1021 Main St, Winfield

Phone:

(620) 221-2750

E-mail:

jill@jplongcpa.com

5:00 pm - 9:00 pm
maximum 10ft cooler
or 10.5" x 13.4" x 9.14" x
2LE officers x \$36/hr
** 4 hrs*
- cooler measuring device

Sale and/or Consumption of Alcoholic Liquor or Cereal Malt Beverages (CMB): A Temporary CMB license (allowing sale and/or consumption of CMB) or a **Temporary Permit (allowing the sale and/or consumption of Alcoholic Liquor) **MUST** be approved by the City Commission. Regular City Commission meetings are held the 1st and 3rd Mondays of each month.

Temporary Alcoholic Liquor or CMB License specifications include:

- No more than 3 consecutive days.
- No more than 4 events annually to the same applicant.
- No sales or consumption of Alcoholic Liquor or CMB upon public streets or rights-of-way unless approved by the City Commission pursuant to the establishment of a Temporary Entertainment District (TED). Streets must be closed to vehicular traffic.
- Specific area designated for point of sale of CMB or Alcoholic Liquor must be defined on a site plan.
- Applicant **MUST** comply with all provisions of the City Code for sale of BOTH Alcoholic Liquor or CMB

**** Sale of Alcoholic Liquor is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control (ABC) AND the City of Winfield. A copy of BOTH permits shall be posted along with the site plan at the event and shall be available for inspection upon request by any law enforcement officer or any officer or agent of the ABC Division Director. Sale and/or consumption of Alcoholic Liquor upon public streets and sidewalks is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control AND the City of Winfield, AND when a TEMPORARY ENTERTAINMENT DISTRICT (TED) designation has been approved by the City Commission.**

**Outdoor Community Event
and
Temporary Entertainment District Application**

**Will food be
sold and/or
served?**

☒ Yes, If so complete the following ☐ No

**Onsite Food
Supervisor
Name:**

Jill Long

Lion's Club

Address:

1021 Main St, Winfield

Phone:

(620) 221-2750

E-mail:

jill@jplongcpa.com

**Will admission
be charged?**

☐ Yes, If so the following will be required
☒ No

If admission is going to be charged at the proposed event the permit holder must obtain minimum insurance for the event. The permit holder shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of Kansas, which policy includes the City of Winfield, its officers and agents, as named insured's and which provides general liability coverage in an amount not less than \$500,000.00 per occurrence and a minimum of \$50,000.00 property damage coverage. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

**Is this event a
fundraiser?**

☐ Yes
☒ No

If yes, for what
organization?

**Estimated
Attendance:**

1,000

Number of participants in previous years:

New event

**Is Street
Closure
Requested?**

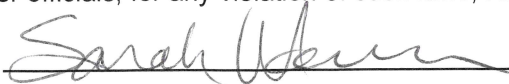
☒ Yes
☐ No

If yes, provide a map of event identifying any and all street closures and placement of barricades, with type of barricades to be used.

The Promoter must receive written approval from Kansas Department of Transportation authorities for the closure of any State Highway (Main Street or 9th Avenue). Attach copy of approval letter.

I, the above named applicant, have read the contents of this application and that all information and answers herein contained are completed and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Winfield. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Winfield and I have consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

Applicant Signature



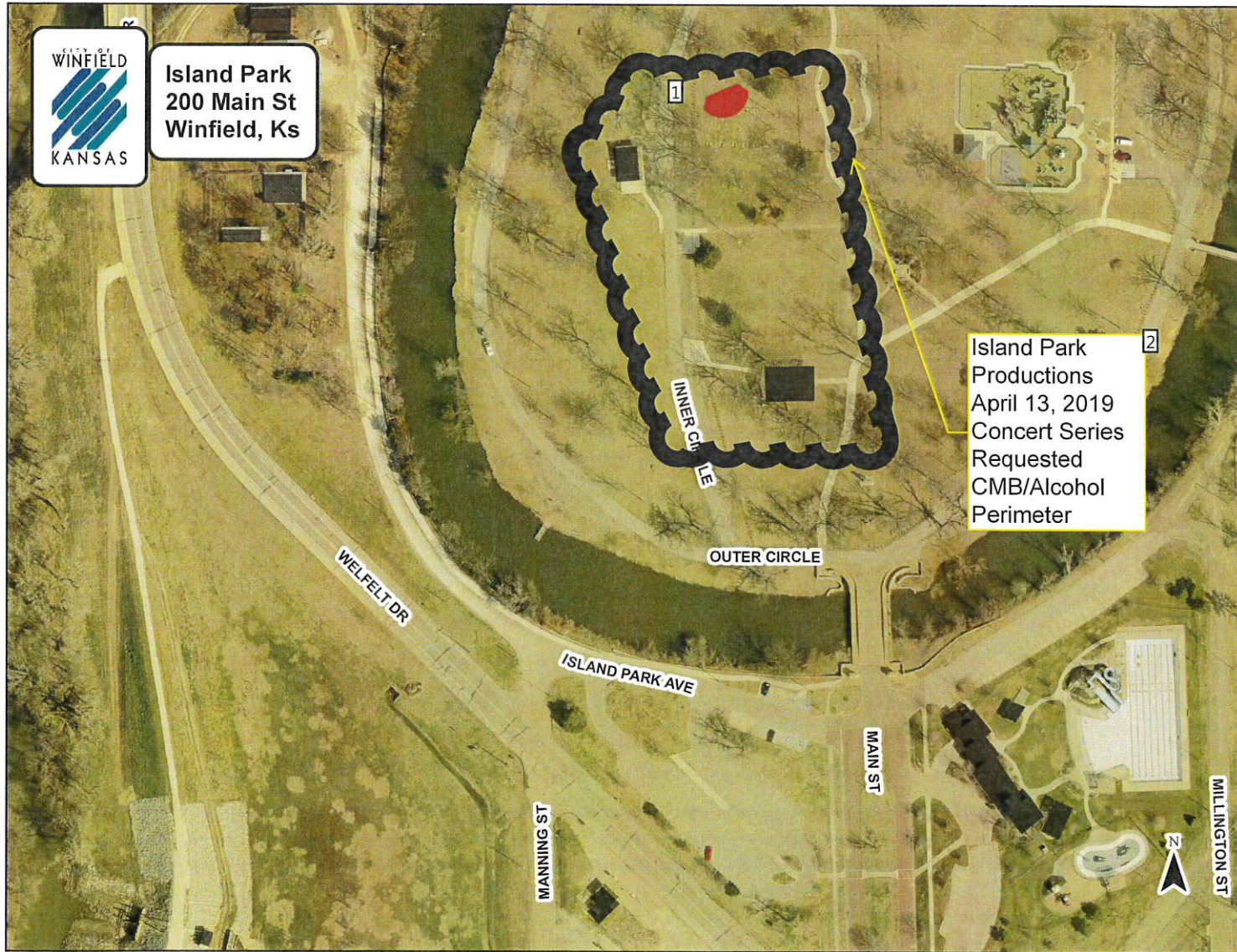
Date: _____

City Manager Signature

Date: _____



Island Park
200 Main St
Winfield, Ks





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/8/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Buterbaugh & Handlin Insurance PO Box 293 Winfield, KS 67156	CONTACT NAME: Kim Wasko		
	PHONE (A/C, No, Ext): (620) 221-1760	FAX (A/C, No):	
	E-MAIL ADDRESS: kwasko@buterbaughandhandlin.com		
INSURED Island Park Productions Inc PO Box 640 Winfield, KS 67156	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Capitol Specialty Insurance Corporation		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	X		CS-19000533-01	4/1/2019	4/1/2020	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	\$ INCLUDED
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	DED							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Certificate holder is listed as an additional insured.

CERTIFICATE HOLDERCity of Winfield
Attn: Gary Mangus
200 E 9th Ave
Winfield KS 67156**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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A RESOLUTION

AUTHORIZING an Outdoor Community Event and Temporary Entertainment District Application (Island Park Productions)

WHEREAS, Island Park Productions has made application for an Outdoor Community Event and Temporary Entertainment District; and

WHEREAS, Island Park Productions requests the possession and consumption of alcoholic liquor or cereal malt beverage in Island Park during an event from 5:00 pm to 9:00 pm, on April 13, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. Within Section 6-120 of Article IV of Section 6 of the Code of the City of Winfield, Kansas, "Temporary Entertainment District" means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or enhanced cereal malt beverage for a specified period of time, during a community event which has been properly permitted under Chapter 8 of this Code.

Section 2. Island Park Productions requests the possession and consumption of alcoholic liquor or cereal malt beverage in Island Park during an event from 5:00 pm to 9:00 pm, on April 13, 2019. A Temporary Alcohol or Cereal Malt Beverage Permit is not required of Island Park Productions for possession and consumption only.

Section 3. The Governing Body of the City of Winfield, Kansas hereby authorizes an Outdoor Community Event and Temporary Entertainment District Application in accordance with the rules and procedures set forth by Article IV of Section 6 of the Code of the City of Winfield, Kansas, regarding the possession or consumption of alcoholic liquor or enhanced cereal malt beverage as presented by the Island Park Productions for an event from 5:00 pm to 9:00 pm, on April 13, 2019, in Island Park, Winfield Kansas as identified in the Outdoor Community Event and Temporary Entertainment District Application; a copy of which is attached hereto and made a part hereof.

Section 4. This resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 18th day of March, 2019.

(SEAL)

Ronald E Hutto, Mayor

ATTEST:

Carina Anderson, Deputy City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission Action: _____
Brenda Peters, Interim City Manager



Request for Commission Action

Date: March 13, 2019

Requestor: Gary Mangus, Assistant to the City Manager

A handwritten signature in dark ink, appearing to be "GM", is written next to the name Gary Mangus.

Action Requested: 03/14/2019 WS Agenda-discussion, 03/18/2019 Commission Agenda-Resolution-consideration: authorizing an Outdoor Community Event & Temporary Entertainment District Application (Beau Bailey: Bryan Bailey Benefit Dinner)

Analysis: Beau Bailey has made application for an Outdoor Community Event and Temporary Entertainment District for a Bryan Bailey Benefit Dinner. Mr. Bailey requests the sale of alcoholic liquor on city streets, alleys, parking lots, and public sidewalks during an event from 5:00 pm to 11:30 pm, on April 20, 2019, in Building #7, with possession and consumption in Buildings #6, #7, #8, and #10 at the Winfield Fairgrounds from 5:00 pm to 12:00 midnight.

Mr. Bailey has contracted with Bottle Service LLC, a local Caterer licensed by the KS Alcohol Beverage Control Division and City of Winfield. With adoption of this Resolution, identifying the Brian Bailey Benefit Dinner as a special event, Bottle Service will notify the ABC by Electronic notification of its intent to sell and serve alcoholic liquor by individual drink at least 48 hours prior to the event. A separate Temporary Alcohol Permit is not required by Mr. Bailey or Bottle Service LLC.

Fiscal Impact: Mr. Bailey has rented the buildings at the Fairgrounds for April 19-21, 2019.

Attachments: Draft Resolution, Outdoor Community Event Application



Outdoor Community Event and Temporary Entertainment District Application

Applications and any applicable fees must be submitted to:
Winfield City Clerk | 200 E. 9th Avenue | Winfield, KS 67156
620-221-5500 or (Fax) 620-221-5593 or cityclerk@winfieldks.org

Complete Outdoor Community Event Applications must be submitted at least 30 days prior to the proposed date of the event

The City of Winfield defines an Outdoor Community Event as follows:

Outdoor event on public property organized for a particular and limited purpose and time. Such events shall include, but not be limited to: fun runs, roadway foot races, fundraising walks, bikeathons, motor vehicle events, bike races, carnivals, festivals, cookouts, block parties, community celebrations, shows, exhibitions, circuses, fairs and temporary entertainment districts. Such term shall also include parades when held in conjunction with a community event as defined by this section, which event is sponsored or conducted by the same applicant. Such term shall not include events occurring solely on sidewalks or public rights of way immediately adjacent to public streets that do not require the closing of the sidewalk or public way.

The City of Winfield defines a Temporary Entertainment District as follows:

A defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a Community Event which has been properly permitted.

General Information:

It is the purpose of this application to establish a process for permitting community events to use City streets, sidewalks, parks and alleys. It is unlawful for any person to conduct a community event without a community event permit. Any information required by the application must be complete upon submittal. Incomplete applications may be denied. The City of Winfield may refuse any application received less than 30 days before the event or lacking requested information. When received, an application is subject to approval of all departments involved and will be required to provide the following:

- The Winfield Police Department, the Winfield Fire Department and authorized representatives of such departments shall be responsible for the enforcement of all provisions of this application.
- No fee shall be charged for the application or permit for a Community Event itself.
- The issuance of a Community Event permit shall not negate the responsibility of the permit holder to acquire all other necessary and applicable licenses or permits which may be required for the event or pay any additional fees.
- Street closure request made to the City of Winfield.
- Certificate of Liability Insurance naming the City of Winfield as additionally insured, if applicable.
- Security requirements including hiring of certified law enforcement officers.
- All Food/Beverage/Concessionaire/Amusement vendors list including contact person, contact information, and permits/licenses, as necessary.
- Outdoor Community Events shall cease between the hours of 11:00 p.m. and 8:00 a.m., Sunday through Thursday and midnight to 8:00 a.m. on Friday and Saturday.
- A detailed Security Plan will be required and approved by Winfield Chief of Police. Extraordinary Police/Fire services will be billed directly to the permit holder and will be the permit holder's responsibility.

**Outdoor Community Event
and
Temporary Entertainment District Application**

Applicant information:

Application Date : 2/21/19 Event Title: Bryan Bailey - Benefit Dinner

Type of Event:
(drop down box) Fundraiser/Benefit

Event Date: April 20, 2019 Event Time: 5:00^{pm} - 12:00a

Event Address for Permit: Winfield Fairgrounds

Public Property needed: Burns 6, 8, 10 + 7

Site Plan (required):

Site plan defines the placement of fencing, tables, water supply, toilet/lavatory facilities, lighting, stages, temporary power needs, parking plans, sound plan, temporary seating, tents or canopies, amusement or inflatable rides, barricade type/location, enter/exit locations, trash, signage, all streets being closed, etc.

Parade or motor events require a map or diagram of the route to be traveled w/ starting and ending points identified; use of all or a portion of the street; approximate number, type, and description of persons, animals, and vehicles, as well as information above;

Applicant Name: Beau Bailey

Address: 15756 181st Rd - Winfield

Phone: 620-222-1689

E-mail: bbailey@winfieldks.org

Contact Name:
(if different than Applicant) Beau Bailey

Address:

Phone:

E-mail:

Outdoor Community Event
and
Temporary Entertainment District Application

Will Alcoholic
Liquor or CMB
be sold and/or
served?

☒ Yes, If so complete the following ☐ No

Onsite Alcohol
Supervisor
Name:

Bottle Service

Address:

1421 Millington St

Phone:

918-671-2397

E-mail:

brant@letsgetbottle-service.com

Sales
5:00 pm - 11:30 pm

Consumption
5:00 pm - 12:00 am

10 PD Security
2 officers x \$36/hr x 7 hrs =
\$504.00

Sale and/or Consumption of Alcoholic Liquor or Cereal Malt Beverages (CMB): A Temporary CMB license (allowing sale and/or consumption of CMB) or a **Temporary Permit (allowing the sale and/or consumption of Alcoholic Liquor) **MUST** be approved by the City Commission. Regular City Commission meetings are held the 1st and 3rd Mondays of each month.

Temporary Alcoholic Liquor or CMB License specifications include:

- No more than 3 consecutive days.
- No more than 4 events annually to the same applicant.
- No sales or consumption of Alcoholic Liquor or CMB upon public streets or rights-of-way unless approved by the City Commission pursuant to the establishment of a Temporary Entertainment District (TED). Streets must be closed to vehicular traffic.
- Specific area designated for point of sale of CMB or Alcoholic Liquor must be defined on a site plan.
- Applicant **MUST** comply with all provisions of the City Code for sale of BOTH Alcoholic Liquor or CMB

**** Sale of Alcoholic Liquor is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control (ABC) AND the City of Winfield. A copy of BOTH permits shall be posted along with the site plan at the event and shall be available for inspection upon request by any law enforcement officer or any officer or agent of the ABC Division Director. Sale and/or consumption of Alcoholic Liquor upon public streets and sidewalks is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control AND the City of Winfield, AND when a TEMPORARY ENTERTAINMENT DISTRICT (TED) designation has been approved by the City Commission.**

**Outdoor Community Event
and
Temporary Entertainment District Application**

Will food be sold and/or served? ☒ Yes, If so complete the following ☐ No

Onsite Food Supervisor Name: Beau Bailey

Address: 15756 181st Rd - Winfield

Phone: 620-222-1689

E-mail: bbailey@WinfieldKS.org

Will admission be charged? ☒ Yes, If so the following will be required ☐ No

If admission is going to be charged at the proposed event the permit holder must obtain minimum insurance for the event. The permit holder shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of Kansas, which policy includes the City of Winfield, its officers and agents, as named insured's and which provides general liability coverage in an amount not less than \$500,000.00 per occurrence and a minimum of \$50,000.00 property damage coverage. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

Is this event a fundraiser? ☒ Yes ☐ No **If yes, for what organization?** Benefit for individual

Estimated Attendance: unknown **Number of participants in previous years:**

Is Street Closure Requested? ☐ Yes ☒ No **If yes, provide a map of event identifying any and all street closures and placement of barricades, with type of barricades to be used.**

The Promoter must receive written approval from Kansas Department of Transportation authorities for the closure of any State Highway (Main Street or 9th Avenue). Attach copy of approval letter.

I, the above named applicant, have read the contents of this application and that all information and answers herein contained are completed and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Winfield. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Winfield and I have consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

Applicant Signature Beau Bailey

Date: 2/21/19

City Manager Signature _____

Date: _____

Winfield Fairgrounds Building Complex



Bryan Bailey Benefit ¹
April 20, 2019
Bldgs #6, #7, #8, #10



Bldg # 4

Alcohol Sales/Consumption Area ²

- Sales in Bldg #7 only
- Consumption Bldgs #6, #7, #8, #10 and adjacent area

Bldg. # 5

4-H

Bldg. # 7

Bldg. # 6

Bldg. # 10

Bldg # 8

Bldg. # 1

Bldg. # 2

GRANDSTAND

Bldg. # 9

**Kansas Alcoholic Beverage Control Division
Liquor License**

Caterer

OWNER NAME: **Bottle Service LLC**
DBA: **Bottle Service**
ADDRESS: **1421 Millington Street**
Winfield, KS 67156

LICENSE NO: 4760

The licensee named above has been granted a liquor license by the Kansas Department of Revenue, Alcoholic Beverage Control Division. This license is neither transferable nor assignable and is subject to suspension or revocation.

PRIVILEGES:

Allows the licensee to sell and serve alcoholic liquor for consumption on unlicensed premises and other activities as authorized by K.S.A. 41-2643.

AGREEMENT:

By accepting this license, the licensee agrees to conduct business in compliance with all applicable federal, state, county and city statutes and regulations.

Debbi Beavers

Debbi Beavers
Director, Alcoholic Beverage Control

Kansas
Department of Revenue
Alcoholic Beverage Control

Samuel M. Williams

Samuel M. Williams
Secretary of Revenue

EFFECTIVE: 01/27/2018

EXPIRES: 01/26/2020

THIS LICENSE MUST BE FRAMED AND POSTED ON THE PREMISES IN A CONSPICUOUS PLACE

IMPORTANT INFORMATION

Contact the ABC Licensing Unit at 785-296-7015 or email Kdor_abc.licensing@ks.gov if you have any:

- questions regarding this license
- changes to your business name, location, ownership or officers
- questions about filing gallonage tax; if applicable

Contact your local ABC Enforcement Agent at 785-296-7015 or visit our website at <http://www.ksrevenue.org/abcccontact.html>

Contact the Miscellaneous Tax Segment at 785-368-8222 or email Kdor_miscellaneous.tax@ks.gov if you:

- need assistance with liquor drink or liquor enforcement taxes
- have questions about liquor drink tax bonds, bond relief or bond release

CLOSING YOUR BUSINESS

If you are closing your business, you must surrender your liquor license and complete the information on the back of the license

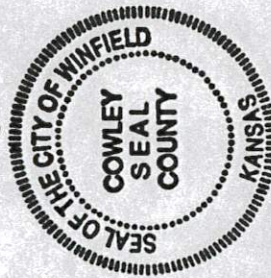
KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

CITY OF WINFIELD, KANSAS CATERING LICENSE

License is hereby granted for the applicant named below to operate a Catering Business in the City of Winfield, County of Cowley, Kansas. This license is neither transferable nor assignable, nor will any refund of the fee be allowed thereon, and is valid from 12:01 a.m. March 7, 2019 until 12:00 midnight March 6, 2020, unless surrendered or revoked.

Bottle Service, LLC
Matthew L. Miers
1421 Millington St.
Winfield, Kansas 67156

Witness my hand and the Corporate Seal of said City this 7th day of March, 2019.



Brenda Peters
Brenda Peters, City Clerk



AMERICAN FAMILY BROKERAGE, INC. (GATEWAY
UNDERWRITERS AGENCY, INC.)
MAIL STOP Q17U, 6000 AMERICAN PARKWAY
MADISON, WI 53783
Phone: (608) 242-4100
Fax: (866) 254-2164

To: Jonathan Leeper Agency

*** BINDER ***

03/11/2019

Attn: Jamie Harrod
jharrod@amfam.com/(608) 242-4100

From: Kansas Region
ba_ks@amfam.com

Renewal Of: NEW

Insured: **BEAU BAILEY**

Thank you for your order to bind. We appreciate your business! We have bound the below coverage. Policy to Follow Shortly

POLICY INFORMATION

COMMERCIAL LIABILITY POLICY		
Policy Number:	CL 1920040	
Policy Period:	04/19/2019 to 04/22/2019	
Carrier:	United States Liability Insurance Company	
Status:	Admitted	
A.M. Best Rating:	A++ (Superior) - X	
COVERAGE PART		PREMIUM
Commercial Liability		\$294.00
Each Occurrence Limit	\$1,000,000	
Personal & Advertising Injury Limit (Any One Person/Organization)	\$1,000,000	
Medical Expense Limit (Any One Person)	\$1,000	
Damages To Premises Rented To You (Any One Premises)	\$100,000	
Products/Completed Operations Aggregate Limit	See L-535	
General Aggregate Limit	\$1,000,000	
Liquor Liability		\$44.00
Each Common Cause Limit	\$1,000,000	
Aggregate Limit	\$1,000,000	
POLICY PREMIUM		\$338.00

Location of All Covered Special Event(s)

1 - 1105 West 9th Avenue, Winfield, KS 67156

APPLICABLE FORMS & ENDORSEMENTS

The following forms apply to multiple coverage parts

CG2173 01/08	Exclusion Of Certified Acts Of Terrorism	IL0017 11/98	Common Policy Conditions
IL0021 09/08	Nuclear Energy Liability Exclusion Endorsement	IL0261 09/07	Kansas Changes - Cancellation And Nonrenewal
L-206 02/11	Fully Earned Premium Endorsement	L-224 10/10	Punitive Or Exemplary Damages Exclusion
L-607 02/11	Exclusion For Climbing, Rebounding And Interactive Games And Devices	L-608 02/11	Exclusion For Firearms, Fireworks And Other Pyrotechnic Devices
L-609 02/11	Animal Exclusion	L-610 11/04	Expanded Definition Of Bodily Injury
L-616 11/09	Host/Special Event Coverage Form Change Endorsement	L-656 02/06	Extension Of Coverage - Committee Members
L-820 12/18	Special Events Blanket Additional Insured Endorsement	LLQ 102 02/15	Event Vendor, Exhibitor And Contractor Exclusion
LLQ101 08/06	Expanded Definition Of Employee	LLQ368 08/10	Separation Of Insureds Clarification Endorsement
SPE 312 03/15	Who Is An Insured	TRIADN 02/15	Policyholder Disclosure Notice of Terrorism Insurance Coverage
ME Jacket 09/10	The Main Event Special Event Commercial Liability Policy Jacket		

The following forms apply to the Commercial Liability coverage part

CG0001 12/07	Commercial General Liability Coverage Form	CG0068 05/09	Recording And Distribution Of Material Or Information In Violation Of Law Exclusion
CG0109 11/85	Kansas And Oklahoma Changes - Transfer Of Rights	CG2107 05/14	Exclusion - Access Or Disclosure Of Confidential Or Personal Information And Data-Related Liability - Limited Bodily Injury Exception Not Included
CG2109 06/15	Exclusion - Unmanned Aircraft	CG2136 03/05	Exclusion - New Entities
CG2139 10/93	Contractual Liability Limitation	CG2144 07/98	Limitation Of Coverage To Designated Premises Or Project
CG2147 12/07	Employment-Related Practices Exclusion	L 535 03/15	Exclusion - Products-Completed Operations Hazard Other Than Food Or Beverage Products
L-387 03/06	Exclusion - Mechanical Rides	L-423 02/11	Exclusion For Structure Collapse
L-472 07/08	Exclusion - Injury To Performers Or Entertainers	L-526 01/15	Absolute War Or Terrorism Exclusion
L-536 09/09	Exclusion - Participation In Athletic Activity, Physical Activity Or Sports	L-563 07/03	Set-Up And/Or Take-Down Coverage For Special Events
L-599 10/12	Absolute Exclusion for Pollution, Organic Pathogen, Silica, Asbestos and Lead with a Hostile Fire Exception	L-686 10/12	Absolute Exclusion for Liquor and Other Related Liability
L-820 12/18	Special Events Blanket Additional Insured Endorsement	LLQ 102 02/15	Event Vendor, Exhibitor And Contractor Exclusion
SPE 300 05/09	Special Events Property Damage Amendment	SPE 312 03/15	Who Is An Insured

The following forms apply to the Liquor Liability coverage part

CG0033 12/07	Liquor Liability Coverage Form	CG2406 04/13	Liquor Liability - Bring Your Own Alcohol Establishments
L-657 01/11	Absolute Pollution Exclusion - Liability	L-820 12/18	Special Events Blanket Additional Insured Endorsement
LLQ 102 02/15	Event Vendor, Exhibitor And Contractor Exclusion	LQ-202 12/11	Assault Or Battery Exclusion
LQ-352 09/08	Event Vendor - Other Insurance	LQ-354 10/09	Limitation Of Coverage To Insured Premises
SPE 312 03/15	Who Is An Insured		

Benefit Concert, Silent Auction, BBQ, Raffle, 50/50 Drawing

BRYAN BAILEY

Benefit dinner & concert featuring

Classic Rock Band

Ageless

SATURDAY, APRIL 20TH

WINFIELD FAIRGROUNDS

BARN 8 (BEEF) & 10 (SHEEP/GOAT)

EVENT BEGINS AT 5:30 PM

BAND BEGINS AT 8:00 PM

ALL proceeds benefit Bryan

Bryan Bailey, a lifelong Winfield and Cowley County resident was in an accident in the fall of 2018 that has left him paraplegic. Bryan is the husband of Gail Bailey, father of Brice and his wife Shelby Bailey. Bryan serves as the Environmental Services Director at Presbyterian Manor in Arkansas City, Kansas. Bryan has undergone several surgeries and extensive therapy in Lincoln, Nebraska since the accident. Bryan and Gail's home will require alterations as well as other changes that will need to be made to accommodate Bryan's needs.

FOLLOW OUR EVENT PAGE ON FACEBOOK
"BRYAN BAILEY- BENEFIT CONCERT, BIDDING AND BBQ"

\$15 TICKETS FOR MEAL AND CONCERT- AVAILABLE AT
COWLEY COUNTY EXTENSION OFFICE, BOB'S LIQUOR, CATES SUPPLY, COMMUNITY
NATIONAL BANK OR CONTACT BEAU BAILEY AND FAMILY (620) 222-1689

A RESOLUTION

AUTHORIZING an Outdoor Community Event and Temporary Entertainment District Application (Beau Bailey)

WHEREAS, Beau Bailey has made application for an Outdoor Community Event and Temporary Entertainment District for a Bryan Bailey Benefit Dinner; and

WHEREAS, Beau Bailey requests the sale of alcoholic liquor on city streets, alleys, parking lots, and public sidewalks during an event from 5:00 pm to 11:30 pm, on April 20, 2019, in Building #7, with possession and consumption in Buildings #6, #7, #8, and #10 at the Winfield Fairgrounds from 5:00 pm to 12:00 midnight.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. Within Section 6-120 of Article IV of Section 6 of the Code of the City of Winfield, Kansas, "Temporary Entertainment District" means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a community event which has been properly permitted under Chapter 8 of this Code.

Section 2. A Special Event is defined by K.S.A. 41.719(a)(2). Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645 for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

Section 3. Beau Bailey has contracted with Bottle Service LLC, 1421 Millington Street, Winfield KS, a Caterer licensed by the Kansas Department of Revenue, Alcoholic Beverage Control Division (License #4760, attached) and the City of Winfield (attached). A "caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related thereto, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit. [Subsection (c) of K.S.A. 41-2601]. Bottle Service LLC will notify the Alcoholic Beverage Control Division Director by electronic notification of its intent to sell and serve alcoholic liquor by individual drink at least 48 hours prior to the event. A separate Temporary Alcohol Permit is not required of Beau Bailey or Bottle Service LLC.

Section 4. The Governing Body of the City of Winfield Kansas hereby authorizes Outdoor Community Event and Temporary Entertainment District Application in accordance with the rules and procedures set forth by Article IV of Section 6 of the Code of the City of Winfield, Kansas, regarding the sale of alcoholic liquor as presented by the Beau Bailey for an event from 5:00 pm to 11:30 pm, on April 20, 2019, in Building #7 with possession and consumption in Buildings #6, #7, #8, and #10 at the Winfield Fairgrounds from 5:00 pm to 12:00 midnight, Winfield Kansas as identified in the Outdoor Community Event and Temporary Entertainment District Application; a copy of which is attached hereto and made a part hereof.

Section 5. This resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 18th day of March, 2019.

(SEAL)

Ronald E Hutto, Mayor

ATTEST:

Carina Anderson, Deputy City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission Action: _____
Brenda Peters, Interim City Manager