

GREAT BEND CITY COUNCIL MEETING

February 19, 2019

6:30 p.m.

AGENDA

Members present:

___ Mayor Joe Andrasek	___ Councilmember Cory Urban
___ Councilmember Chad Somers	___ Councilmember Jessica Milsap
___ Councilmember Brock McPherson	___ Councilmember Andrew Erb
___ Councilmember Dan Heath	___ Councilmember Dana Dawson
___ Councilmember Jolene Biggs	___ Clerk/Finance Director Shawna Schafer
___ Administrator Kendal Francis	___ Attorney Robert Suelter

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on February 4, 2019.
- b) **Claim's Warrant Register #2-19-19:** Covering 2019 bills to date.
- c) **Payroll Register P/R 2-15-19:** Covering payroll ending February 9, 2019 in the amount of \$415,442.44.
- d) **Appointments:** Mayor Andrasek will make appointments as appropriate.
- e) **Speed Limit on Eighth Street:** Eighth Street is now open and speed limit from Grant to McKinley needs to be posted. It is recommended that it be posted at 30 miles per hour for vehicle traveling in both directions. Approval of Resolution Number 021919-A to post speed limit at 30 miles per hour.
- f) **Agenda:** Approval of agenda as submitted or amended.

B. OLD BUSINESS

C. RECOGNITION OF VISITORS AND ANNOUNCEMENTS

D. NEW BUSINESS

1. **Councilmember Reports:** Councilmembers will report on the boards and commissions that they serve on.

Recommendation: Informational item.

2. **Administrators Update:** City Administrator Kendal Francis will present an update on what is happening within the City organization.

Recommendation: Informational item.

- 3. CVB/Community Coordinator Report:** Community Coordinator Christina Hayes will present her monthly report

Recommendation: Informational item.

- 4. Job Fest Sponsor:** Scott Donovan would like to address council to request funding for the 2019 Job Fest event.

Recommendation: Take appropriate action.

- 5. Amend Cereal Malt Beverage (CMB) Regulations:** The State of Kansas has amended its statutes allowing enhanced beer with alcohol content up to 6% to be sold in businesses holding cereal malt beverage licenses effective April 1, 2019. The City's CMB Ordinance needs to be amended to come into line with the state statute. City Attorney Robert Suelter will report.

Recommendation: Motion to adopt Ordinance Number 4330.

ADJOURNMENT

City of Great Bend
February 4, 2019

REGULAR SESSION

The Governing Body met in Regular Session in the City Council Chambers. Mayor Joe Andrasek called the meeting to order at 6:30 p.m. with the following present: Councilmembers Andrew Erb, Jessica Milsap, Dana Dawson, Jolene Biggs, Chad Somers, Cory Urban, Dan Heath, and Brock McPherson. Also in attendance were City Administrator Kendal Francis, City Attorney Robert Suelter and City Clerk Shawna Schafer.

A. CONSENT AGENDA

- a) **Minutes:** Minutes of the Regular Session held on January 21, 2019.
- b) **Claim's Warrant Register #2-4-19:** Covering 2019 bills to date in the amount of \$547,553.23.
- c) **Payroll Register P/R 2-1-19:** Covering payroll ending January 26, 2019 in the amount of \$303,128.41.
- d) **Appointments:** Mayor Andrasek made the following appointments:
 - Planning Commission Board:
 - Steve Dobratz
 - LaDonna Moore
 - Economic Development Revolving Loan Fund Review Committee
 - Dana Dawson
 - Chad Somers
 - Barry Bowers
- e) **Township Fire Contracts:** Each year, the contracts with the four Townships, (Liberty, Great Bend, South Bend, and Buffalo) that we provide fire protection to are renewed. Attached is a memo from Fire Chief Luke McCormick regarding the fire contracts. Approval for Mayor Andrasek to sign the four 2019 Fire Township contracts.
- f) **No Parking - 8th Street from McKinley to Grant:** Eighth Street is now open and is a three-lane street. There is no need or room for parking on the street. Parking on the north side and south side of the street should be prohibited. Approval of Resolution Number 020419-B to prohibit parking on Eighth Street.
- f) **Agenda:** Mayor Andrasek amended the agenda to remove the Job Fest sponsor request as Scott Donovan was unable to make the meeting and the Network Infrastructure as the Mayor requested staff to compile additional information. He also added to the agenda the appointment of the Public Works Director. Councilmember Somers also requested to add a discussion on the financial management policy.

Mr. Erb made a motion to approve the consent agenda as amended. The motion was seconded by Mr. Dawson and passed with all voting in favor.

B. OLD BUSINESS: There was no old business.

C. RECOGNITION OF VISITORS AND ANNOUNCEMENTS: There were no visitors or announcements.

D. NEW BUSINESS

1. **Councilmember Reports:** Councilmember Somers reported on the first Chamber Board meeting he attended.
2. **Administrators Update:** City Administrator Kendal Francis distributed his report regarding activities of various city departments.
3. **Economic Development Report:** Chamber President/CEO Jan Peters presented her monthly report
4. **Abatement Requests:** Property Maintenance Enforcement Manager Austin LaViolette presented the following abatement to the Governing Body:
 - a. **1600 Baker Street:** Trash and refuse including, but not limited to; metals, wood construction materials, plastics, mower parts, vehicle parts, and other general trash that needs to be removed located at 1600 Baker Street constituting an unlawful accumulation. This real estate is subject of Resolution Number 020419-A.

Mr. Dawson made a motion to approve Resolution Numbers 020419-A. The motion was seconded by Mr. Urban and passed with all voting in favor.

5. **Change of Date for the Next Regular Council Meeting:** The next regular council meeting falls on Presidents Day which is a Holiday observed by the City. It is suggested that the meeting be held on Tuesday, February 19, 2019 at 6:30 p.m. Ms. Biggs made a motion to hold the next regular city council meeting on Tuesday February 19, 2019 at 6:30 p.m. Mr. Erb seconded this motion and passed with all voting in favor.
6. **Stryker Cot and Power Load System:** Fire Chief Luke McCormick reported that approximately four years ago we installed the first power load system in an ambulance. Since then we have determined the value of having a power load system along with a power cot in our ambulances. In 2018 approximately 85% of our current calls were EMS based. The power load system reduces the risk of back injuries from loading the cot into the ambulance by 100%, as it removes the Firefighter from lifting the cot. Currently three of the four ambulances are equipped with the power load system and our goal is to outfit all four ambulances the same. The cost for the Stryker Cot and Power Load System from Stryker Medical is \$39,843.00. Mr. Urban made a motion to

approve the Stryker Cot and Power Load System for from Stryker Medical for \$39,843.00. Mr. Dawson seconded this motion and passed with all voting in favor.

- 7. Washington DC Trip:** City Administrator Kendal Francis reported that The City of Great Bend is part of a contingency of cities/counties and economic development organizations in western Kansas who make an annual trip to Washington D.C. to visit with legislative staff and lobby for Federal assistance for projects here in our area. Traditionally both the City and Chamber/Eco Devo groups, from all cities/counties involved, send representatives. I think it is highly important for us to continue to participate. It is a long-term investment that will help us to strengthen our legislative connections, and promote the continuation of Federal funding for our local and regional projects. The estimated cost per person is around \$1500 per person. Mr. McPherson expressed his opinion stating that he has gone on this trip before with a different organization and thought it was worthless. Other members expressed that the cost is minimal to the amount of federal funding the City has received and thought it was good for City representatives to be there to advocate for our City. Mr. McPherson made a motion to not send any council representatives. This motion died to a lack of second. Mr. Urban then made a motion to send up to 3 council representatives with the City Administrator. Ms. Biggs seconded this motion and passed by a vote of 6-2 with Mr. McPherson and Mr. Heath voting no.
- 8. Waterline Change Order #4:** On-call City Engineer Josh Golka reported that the current remaining budget available for additional waterline improvements total \$516,468.89. There were some emergency repairs at 24th and Washington and 3rd and Hubbard that totaled \$72,335.00. Staff identified additional work at 24th and Adams and 18th and Baker that totaled \$27,711.04. Staff also identified some modifications that totaled \$14,160.62. The total for change order #4 would be not to exceed \$114,206.66. Mr. Urban made a motion to approve change order #4 for the Waterline Improvement project not to exceed \$114,206.66. Ms. Biggs seconded this motion and passed with all voting in favor.
- 9. Appointment of Director of Public Works:** City Administrator Kendal Francis reported that Simon Wiley has served the past 6 months as Assistant Public Works Director. During that time, he has immersed himself in the department, overseeing its day-to-day operations. Simon has demonstrated excellent knowledge of street maintenance and construction. He is progressing in his knowledge and understanding of water and wastewater. He inherited multiple departmental issues and has proven his willingness and ability to address difficult situations. He has developed an excellent rapport with his fellow employees. Simon desires to better his technical knowledge as well as his leadership and supervisory abilities. To that end he has completed several courses through KDOT and the League of Kansas Municipalities. He is also currently participating in the Certified Public Manager's course. Ms. Biggs expressed her concerns about his knowledge on the water side and would want Kendal to still be heavily involved. Kendal stated that would not change but as far as day to day managing of that department, Simon has been doing all along. Mr. Urban made a motion to appoint Simon Wiley as the Director of Public Works. Mr. Heath seconded this motion and passed with all voting in favor.
- 10. Financial Management Policy:** Councilmember Somers reported that he has reviewed the Financial Management Policy, specifically the investment policy, and would like to

challenge staff to review our cash on hand for working capital (approximately \$17 million) and our self-insured health insurance account (approximately \$1.9 million) and look at some short-term investments to maximize return. Mr. Francis stated that we are meeting with banking institutions and will look into this but Mr. Francis does have some concern investing monies from the health insurance account as our maximum liability in a year could potentially be \$1.4 million dollars. Ms. Biggs also stated some concern of creating a lot more additional work with working with short term investments for the City Clerk/Finance Director. Mr. Francis noted once again we will look into this but if we were going to establish additional investments it will have to come through council for approval. No action was taken.

ADJOURNMENT: Mr. Heath made a motion that the meeting be adjourned. Mr. McPherson seconded this motion and passed with all voting in favor. The meeting was adjourned at 7:42 pm.

MEETING DATE	February 19, 2019	
RESOLUTION or ORDINANCE NUMBER	Resolution Number 021919-*	
AGENDA TITLE	Speed limit on Eighth Street	
REQUESTING DEPARTMENT	Legal	
PRESENTER	Bob Suelter	
FISCAL INFORMATION	Cost as recommended:	
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	Limit speed on Eighth Street between Grant Street and McKinley Street to 30 miles per hour.	
BACKGROUND	Eighth Street construction has recently been completed. The speed limit on said street needs to be posted. It is recommended that it be posted at 30 miles per hour for vehicles traveling in both directions.	
SPECIAL NOTES		
PUBLIC INFORMATION PROCESS		
STAFF RECOMMENDATION	Pass Resolution.	
REFERENCE DOCUMENTS ATTACHED	Resolution Number 021919-	

RESOLUTION NO. 021919- ~~A~~

A RESOLUTION ESTABLISHING A SPEED LIMIT OF THIRTY MILES PER HOUR FOR TRAFFIC TRAVELING IN BOTH DIRECTIONS ON EIGHTH STREET BETWEEN MCKINLEY STREET AND GRANT STREET AND DIRECTING THE STREET DEPARTMENT TO APPROPRIATELY MARK THE SAME SO THAT TRAFFIC TRAVELING IN BOTH DIRECTIONS IS LIMITED TO THE SAME SPEED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GREAT BEND, KANSAS:

SECTION 1. That the speed limit on Eighth Street between McKinley Street and Grant Street be established at thirty miles per hour for vehicles traveling both direction on said street.

SECTION 2. That the Street Department is hereby directed to appropriately mark said speed zone in a manner that traffic in both directions is limited to the same speed.

SECTION 3. That this Resolution shall take effect upon its passage by the Governing Body.

ADOPTED AND PASSED this 19th day of February, 2019.

Joe Andrasek, Mayor

(SEAL)

ATTEST:

Shawna Schafer, City Clerk

(saved as resolution for 0219196-speed zone for eighth)

MEETING DATE	February 19, 2019	
RESOLUTION or ORDINANCE NUMBER	Ordinance number 4330	
AGENDA TITLE	Amend CMB Regulations	
REQUESTING DEPARTMENT	Legal	
PRESENTER	Robert Suelter	
FISCAL INFORMATION	Cost as recommended:	NA
	Budget Line Item:	NA
	Balance Available:	NA
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	Pass Ordinance amending the CMB regulations	
BACKGROUND	<p>Cereal Malt beverage has been defined in the Kansas as containing not more that 3.2% alcohol. Only Kansas and Utah still authorized sale of 3.2% in certain business. Breweries are no longer going to produce this type of alcohol. The State of Kansas has amended its statutes allowing enhanced beer with alcohol content up to 6% to be sold in businesses holding cereal malt beverage licenses effective April 1, 2019. The City's CMB ordinance will need to be amended to come into line with state statute.</p>	
SPECIAL NOTES		
PUBLIC INFORMATION PROCESS		
STAFF RECOMMENDATION	Adopt Ordinance Number 4330	
REFERENCE DOCUMENTS ATTACHED	Ordinance Number 4330	

ORDINANCE NO. 4330

AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF GREAT BEND, KANSAS, AMENDING AND ADOPTING SECTIONS 5.32.010 TO 5.32.020, 5.32.040 TO 5.32.150 AND 5.32.180 TO 5.32.019.2 AND REPEALING THE EXISTING SECTIONS..

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

SECTION 1. That sections 5.32.010 to 5.32.020, 5.32.040 to 5.32.150 and 5.32.180 to 5.32.190.2 of the Code of Ordinances of the City of Great Bend, Kansas, be amended to read as follows:

"5.32.010 DEFINITION.

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

5.32.020 LICENSE ISSUED BY CITY.

The "Cereal Malt Beverage License" issued by the city of Great Bend 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.

5.32.040 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.

5.32.050 APPLICATION

Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

(a) The name and residence of the applicant and how long he or she has resided within the State of Kansas;

(b) The particular place for which a license is desired;

(c) The name of the owner of the premises upon which the place of business is located;

(d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired.

(e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of

making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;

(f) Each application for a general retailer's license shall be accompanied by a certificate from the city health officer certifying that he or she has inspected the premises to be licensed.

(g) Each application for a general retailer's license must 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 Clerk 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.

5.32.070 LICENSE APPLICATION PROCEDURES.

(a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the city clerk 10 days in advance of the governing body meeting at which they will be considered.

(b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.

(c) The clerk's office shall provide copies of all applications to the police department, to the fire department, and to the city-county health department, when they are received. The police department will run a record check on all applicants and the fire department and health department will inspect the premises. The departments will then recommend approval, or disapproval, of applications within five working days of the department's receipt of the application.

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

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

5.32.080 LICENSE GRANTED; DENIED

(a) The journal of the governing body shall show the action taken on the application.

(b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.

(c) No license shall be transferred to another licensee.

(d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

5.32.090 LICENSE TO BE POSTED

Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

5.32.100 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 Barton County for at least six months prior to filing of such application.

(b) A person who is not a citizen of the United States.

(c) A person who is not of good character and reputation in the community in which he or she resides.

(d) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.

(e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.

(f) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than non-residence within the city or county.

(g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license.

5.32.110 RESTRICTION UPON LOCATION.

(a) No license shall be issued for the sale at retail of any enhanced cereal malt beverage on premises which are located in areas not zoned for such purpose.

(b) It shall be unlawful to sell or dispense at retail any enhanced cereal malt beverage at any place within the city limits that is within a two hundred-foot radius of any church or school.

(c) Provisions shall not apply to any establishment holding a private club license issued by the State of Kansas.

(d) The distance limitation of subsection (b) above shall not apply to any establishment holding an enhanced cereal malt beverage license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation. The governing body shall grant such a waiver only following public notice and hearing.

5.32.120 LICENSE FEE.

The rules and regulations regarding license fees shall be as set by the Governing Body from time to time. 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.

5.32.130 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.

5.32.140

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.

5.32.150 SAME; APPEAL.

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

thereafter.

5.32.180. 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.

5.32.190 . 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; or (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.]

(d) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.

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

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

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

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

(k) No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

5.32.190.1 PROHIBITED CONDUCT ON PREMISES.

The following conduct by an enhanced cereal malt beverage licensee, manager or employee of any licensed enhanced cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:

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

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

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

(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or

(2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.

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

(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;

(2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;

(3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.

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

5.32.190.2 SANITARY CONDITIONS REQUIRED.

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

SECTION 2. That the existing Sections set out above be and the same are repealed.

SECTION 3. That this ordinance shall take effect and be in force from and after April 1, 2019.

SECTION 3. This ordinance shall be published one time in the official city newspaper.

PASSED AND APPROVED this 18th day of February, 2019.

Joe Andrasek, Mayor

(SEAL)

ATTEST:

Shawna Schafer, City Clerk

