CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	March 12, 2013	
RESOLUTION OR ORDINANCE NUMBER	R-13-20	
AGENDA TITLE	Authorize Downtown Coffeyville, Inc., to use the Plaza and to approve the consumption of alcohol during a special fundraising event on June 8.	
DEPARTMENT	Administration	
PRESENTER	Cindy Price	
FISCAL INFORMATION	Cost as recommended:	n/a
	Budget Line Item:	
	Balance Available	
	New Appropriation Required:	[ ] Yes [ ] No
PURPOSE	Approve use of the downtown Plaza for a special event and an exemption for the sale and consumption of alcohol in a public place.	
BACKGROUND	Downtown Coffeyville, Inc., is planning a fundraiser, Night Under the Stars, June 8 to assist with overhead, economic development and historic preservation. The event will include an auction, music, food, wine and beer. The organization is requesting the use of the downtown Plaza for the event as well as permission to sell and consume alcohol. K.S.A. 41-719(2) prohibits the consumption of alcohol on public streets, alleys, roads or highways unless approved by the governing body. The permit to sell alcohol will be obtained from the State of Kansas.	
SPECIAL NOTES	Downtown Coffeyville will have a controlled area where the alcohol will be served with one entry in and out. They have also worked with Police Chief Celeste, and one or two officers will provide security for the event.	

ANALYSIS	n/a
PUBLIC INFORMATION PROCESS	n/a
BOARD OR COMMISSION RECOMMENDATION	n/a
STAFF RECOMMENDATION	Members of the committee planning the special event will make a presentation and answer questions.
REFERENCE DOCUMENTS ATTACHED	Letter of request from Downtown Coffeyville K.S.A. 41--719

RESOLUTION NO. R-13-20

A RESOLUTION TO AUTHORIZE DOWNTOWN COFFEYVILLE, INC., TO USE THE DOWNTOWN PLAZA AND TO APPROVE THE CONSUMPTION OF ALCOHOL DURING A SPECIAL EVENT JUNE 8, 2013.

WHEREAS, Downtown Coffeyville, Inc., has requested the use of the downtown Plaza for a special fundraising event on June 8, 2013; and

WHEREAS, Downtown Coffeyville, Inc., will apply to the State of Kansas for a temporary permit to sell alcoholic beverages; and

WHEREAS, Section 41-719(2) of the Kansas Statutes prohibits the consumption of alcoholic beverages upon public streets, alleys, roads or highways unless approved by resolution of the governing body of the City; and

WHEREAS, Downtown Coffeyville has requested the City Commission grant it permission to consume alcoholic beverages during a special event on June 8, 2013, and exempt this special event from the provisions of Section 41-791(2) of the Kansas Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Coffeyville, Kansas:

SECTION 1. That Downtown Coffeyville is granted permission to use the downtown Plaza for a special event on June 8, 2013.

SECTION 2. That persons attending this special event shall be permitted to consume alcoholic beverages in the designated areas of the downtown Plaza and are hereby exempt from the provisions of Section 41-719(2) of the Kansas Statutes.

SECTION 3. That Downtown Coffeyville, Inc. shall comply with all applicable State and City laws concerning the sale, possession and consumption of alcoholic beverages and shall obtain all necessary permits.

ADOPTED THIS 12th DAY OF MARCH, 2013.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

Cindy Price

From: Shelley Paasch <shelley.downtowncoffeyville@gmail.com>
Sent: Monday, February 18, 2013 8:13 AM
To: Cindy Price
Cc: 'Audra Barnes'; Breezi Keith; 'Jana Kastler'; 'Nancy Burrows'; Sarah Key; 'Sheri Christie'; 'Susan Joplin'
Subject: DCI request to be on 2/26 city commission agenda

Economic Development & Historic Preservation

downtown
COFFEYVILLE

807 1/2 WALNUT STREET • PO BOX 443 • COFFEYVILLE, KANSAS 67337 • 620-988-0808 • DOWNTOWNCOFFEYVILLE.ORG

February 15, 2013

City of Coffeyville Commission
PO Box 1629
Coffeyville, Kansas 67337

Re: June 8, 2013 *Night Under the Stars,* fundraiser

Dear Mayor, Commissioners & City Manager,

Downtown Coffeyville Inc. is hosting a fundraiser June 8th on the plaza in downtown Coffeyville from 6pm-10pm. This fundraiser is to sustain the organization and is a follow up to our membership drive to assist with overhead, economic development and historic preservation.

The event will include:

- Heavy hors d'oeuvres
- Live music (blues, jazz, adult contemporary)
- Live auction
- Beer and wine

With the latter, we will provide:

- Controlled area where food and beverages are served
- Identifiers for adult beverages
- Secured area on the plaza with 1 entry in and out
- 1-2 police officers (Chief Celeste is in agreement)
- Application to the state of Kansas for a day liquor license

The organization team and sub-committee of Downtown Coffeyville Inc. would like to request addition to the agenda February 26, 2013 for consideration of:

- Utilizing the plaza for this event;
- Permission to sell alcohol from 6pm-10pm, June 8, 2013

Sincerely,

Shelley Paasch
Executive director

Cheers!

Shelley A. Paasch
Downtown Coffeyville, Inc.
Coffeyville , Kansas 67337
T: 620.988.0808
Life begins at the end of your comfort zone!

2012 Kansas Statutes

41-719. Consumption of alcoholic liquor prohibited in certain places; exemptions. (a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(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, and amendments thereto, 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.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(4) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or K.S.A. 2012 Supp. 41-354, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(12) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane

art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than $50 or more than $200 or by imprisonment for not more than six months, or both.

(j) For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.

History: L. 1949, ch. 242, § 82; L. 1968, ch. 35, § 1; L. 1969, ch. 242, § 1; L. 1971, ch. 175, § 1; L. 1975, ch. 251, § 1; L. 1979, ch. 153, § 13; L. 1981, ch. 200, § 1; L. 1987, ch. 182, § 54; L. 1988, ch. 165, § 3; L. 1990, ch. 180, § 2; L. 1991, ch. 143, § 1; L. 1992, ch. 269, § 1; L. 1995, ch. 59, § 1; L. 1998, ch. 92, § 8; L. 1998, ch. 191, § 4; L. 1999, ch. 153, § 2; L. 2000, ch. 166, § 3; L. 2002, ch. 139, § 1; L. 2005, ch. 201, § 11; L. 2006, ch. 206, § 1; L. 2008, ch. 126, § 7; L. 2009, ch. 114, § 9; L. 2012, ch. 144, § 28; L. 2012, ch. 144, § 29; Jan. 1, 2013.