

ORDINANCE NO.139

AN ORDINANCE RELATING TO THE LICENSING AND SALE OF ALCOHOLIC BEVERAGES AND OPERATING A CABARET

BE IT ORDAINED by the City Commission of the City of Washburn, North Dakota, as follows:

SECTION I - DEFINITIONS

1. Alcoholic beverages shall mean any liquid intended for drinking by humans, which contains one-half of one percent or more of alcohol by volume which is fit or intended for beverage purposes.
2. Beer shall mean any alcoholic beverage that is of the alcoholic content provided by the laws of this state in defining the word beer.
3. Liquor shall mean any alcoholic beverage other than beer.
4. Wine shall mean the alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than twenty-four percent alcohol by volume.
5. Sparkling wine shall mean wine made effervescent with carbon dioxide.
6. Alcohol shall mean neutral spirits distilled at or above 190 proof, whether or not such product is subsequently reduced, for nonindustrial use.
7. Distilled spirits shall mean any alcoholic beverage that is not beer, wine sparkling wine or alcohol.
8. Off-sale means the sale of alcoholic beverages in original packages for consumption off or away from the premises where sold. A licensee with an off-sale license only, except for beer-only off-sale licenses, may periodically provide complimentary samples of alcoholic beverages for promotional purposes, to be consumed on the premises. Whenever the alcoholic beverages or food are served to be consumed on premises the licensee shall comply with all ordinances relating to the service of food. Off-sale is restricted to businesses with a class AI, AIII, or AIV license.
9. On-sale means the sale of alcoholic beverages for consumption only on the premises where sold.
10. Licensed premises means the premises on which alcoholic beverages are

normally sold dispensed and shall be delineated by diagram or blueprint which shall be included with the license application or the license renewal application. Licensed premises include all areas where alcoholic beverages are routinely stored, displayed, opened or mixed, and all lounges, bars and restaurants where alcoholic beverages are dispensed.

11. Licensee means the person to whom a license has been issued under the provisions of this ordinance.
12. Club or lodge means any corporation or association organized for civic, fraternal, social or business purposes, or for the promotion of sports, which has at least 100 members at the time a license is applied for pursuant to this ordinance and which does not engage in the sale of alcoholic beverages for more than 50 days during the year.
13. Retail sale or Sale at retail when used in this ordinance shall have reference to a sale to a consumer for use or consumption and not for the purpose of resale in any form.
14. Person means persons, corporations, partnerships, and other unincorporated associations.
15. Sale means any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person whether principal proprietor, agent, servant or employee.
16. Minor means any male or female person under the age of twenty-one (21) years.
17. Eating establishments means a restaurant or other commercial establishment that is licensed to engage in the sale of alcoholic beverages at retail, pursuant to Chapter 5-02 N.D.C.C. and which has a city license and has paid the appropriate city food and lodging taxes for a continuous period before the application for the permit, or which derives 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.

SECTION II -LICENSE REQUIRED

1. A person may not sell at retail within the city limits of Washburn any alcoholic beverages without first having obtained a license therefor as herein provided. Any person issued a new license or receiving a transferred license must begin operations within one year of the date of license issuance or transfer unless a greater time is approved by the Board of City Commission.
2. A license may not be issued to any person engaged in business as the representative or agent of another. A license may be issued only to the owner or

owners of the business being conducted at the location sought to be licensed.

3. The requirements of this ordinance which apply to the licensee also apply to the individual designated in the license application as the individual responsible for compliance with city ordinances.

4. The individual to be responsible for compliance with all city ordinances who is named in the license application must be the owner if the license is an individual, a partner or manager if the licensee is a partnership or other unincorporated association, and an officer of the corporation or manager if the licensee is a corporation.

SECTION III - CLASSES OF LICENSES, NUMBER OF LICENSES

Licenses for the retail sale of liquor or the retail sale of beer are divided into the following classes for the purpose of determining the number of licenses to be issued and outstanding:

Class I - On-Sale and Off-Sale liquor and beer. To any applicant for the on-sale and off-sale at retail liquor and beer. The total number of Class I licenses issued in any year may not exceed three (3). New Class I licenses or Class I licenses revoked, cancelled or not renewed may be issued only pursuant to Section VI.

Class II - On-Sale liquor and beer. To any applicant for the sale at retail liquor and beer for on-sale only. Off-sale is not permitted. The total number of Class II licenses issued in any year may not exceed one (1). New Class II licenses or Class II licenses revoked, cancelled or not renewed may be issued only pursuant to Section VI.

Class III - Off-Sale liquor and beer. To any applicant for the off-sale at retail liquor and beer. On-sale is not permitted. The total number of Class III licenses issued in any year may not exceed one (1). New Class III licenses or Class III licenses revoked, cancelled or not renewed may be issued only pursuant to Section VI.

Class IV - Off-Sale beer only. To any applicant for the off-sale at retail beer only. On-sale is not permitted. The total number of Class IV licenses issued in any year may not exceed two (2). New Class IV licenses or Class IV licenses revoked, cancelled or not renewed may be issued only pursuant to Section VI.

Class V -Clubs and Lodges. To a club or lodge as defined in this ordinance for the on-sale only at retail liquor and beer. No license shall be issued to any lodge or club where sales of liquor in such lodge or club are made for the profit of any individual and unless such profits made on the sale of such liquor by such lodge or club are used only for benevolent purposes.

Class VI - Eating Establishments. To any applicant operating an eating

establishment to sell at retail on-sale only, subject to the following:

Class VI-A - Alcoholic beverages.

Class VI-B - Beer and wine only.

1. Gross sales of alcoholic beverages may not be greater than 40 percent of total gross sales of food and alcoholic beverages for a Class VI-A license and not greater than 25 percent of total gross sales of food and alcoholic beverages for a Class VI-B license. All Class VI license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of this section. The Board of city commissioners may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary. All sales of alcoholic beverages by Class VI licensees must be separately receipted to the customer by cash register receipt and clearly identified as sales of liquor, beer or wine on all receipts.

2. The license is for on-sale only, and off-sale is not permitted. A cessation of business at a licensed location for a period of one hundred eighty days or longer shall constitute cause to revoke such license.

3. Once a license has been established at a particular location, the license may not be transferred to another location.

Class VII - Catering business. A license to sell catered retail beer, wine on-sale only, may be issued subject to the following conditions:

1. The license shall not be permitted to provide on-sale alcoholic beverages at a site owned, leased or operated by the licensee.
2. The licensee may operate a cash bar at up to twenty (20) catered events per license year. For the purposes of this section, a cash bar is a bar in which alcoholic beverages are sold to individual customers at the catered event.
3. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.
4. Gross sales of alcoholic beverages may not be greater than 49 percent (49%) of the total gross sales of food and alcoholic beverages. All class VII license holders shall file with the application for license renewal a

sworn statement executed by the licensee and a certified public accountant certifying that gross food and liquor sales for the previous calendar year meet the requirements of this section. The Board of City Commissioners may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the Commission deems necessary.

5. A licensee shall obtain an event permit pursuant to Section X for each catered event. An application for an event permit must indicate whether or not the event will have a cash bar.
6. A Class VII license may only be transferred to a person or entity purchasing the licensee's catering business.

SECTION IV - LICENSE TERM, FEE PRORATION, CITY ISSUANCE FEE

1. **Term.** All licenses are issued for a period of not more than one (1) year and expire on December 31st following the date of issuance. When a license is granted for period of less than a year any subsequent renewal must be made for the full annual term.

2. **Fee Proration.** When an application is made for a new retail alcoholic beverage license permitting the retail sales of alcoholic beverages during the license year for the unexpired portion of such year, the fees therefor, other than the City Issuance fee, if applicable, are computed on a monthly pro-rata basis of the unexpired term of the license period commencing as of the first of the month in which the license is effective.

3. **City Issuance Fee.** Should the maximum number of a class of licenses not have been issued, an applicant, who meets the requirements for licensure, and who has not applied for a transferred license, shall pay to the city an issuance fee for the license class set forth in this Section. This issuance fee shall only apply if the City holds the unissued license and the applicant is applying for a license that is not to be transferred from an existing license holder.

The City Issuance Fees for each class of license are as follows:

1. Class I	\$25,000.00
2. Class II	\$15,000.00
3. Class III	\$10,000.00
4. Class IV	\$ 5,000.00
5. Class VI-A	\$10,000.00
6. Class VI-B	\$ 500.00

SECTION V - QUALIFICATIONS REQUIRED FOR LICENSE

1. In addition to qualifications now prescribed by law, no license authorizing the sale of beer, liquor, or alcoholic beverages shall be issued to any person, partnership, association or individuals or corporation by the City of Washburn unless such applicant shall file a sworn application therefore, accompanied by the required fee, and shall show in such application that the applicant possesses the following qualifications:

a. Applicant, if an individual, must be a legal resident of the United States and a resident of the State of North Dakota and be a person of good moral character.

b. If applicant is a partnership or a corporation, the manager of the licensed premises must be a resident of the State of North Dakota and a person of good moral character and the partners or officers, directors and stockholders must be legal residents of the United States and persons of good moral character. Corporate applicants must be properly registered with the Secretary of State. The manager must possess all of the qualifications required of an applicant.

c. Applicant cannot have had revoked, in the previous five years, any license for the sale of alcoholic beverages.

d. Applicant must be the owner or lessee of the licensed premises during the entire period licensed.

e. The building in which the business is conducted must meet all local and state requirements regarding sanitation and safety.

f. Property taxes for the building in which the licensed premises are located may not be delinquent.

2. A license may not be issued to an applicant if the applicant or manager has been convicted of any of the following offenses within the previous five years, and it is determined that the applicant or manager has not been rehabilitated within the meaning of section 12.1-33-02.1, N.D.C.C., or that the offense has a direct bearing on the person's ability to serve the public in the liquor business:

a. Any felony.

b. Any offense involving the manufacture, sale, distribution or possession for sale or distribution of alcoholic beverages.

c. Any offense involving the sale of drugs or felony possession of drugs.

d. Prostitution.

e. Obscenity.

f. Two or more convictions for driving under the influence or actual physical control.

g. Any other offense determined by the Board of City Commissioners to have a direct bearing on the applicant's or manager's ability to serve the public as an alcoholic beverage retailer.

In the application of this section, it shall be presumed that a violation of paragraphs 2(b), (c), (d), (e), or (f) has a direct bearing on the person's ability to serve the public.

SECTION VI - LICENSE APPLICATIONS.

1. Applications for licenses issued pursuant to this chapter must be submitted on an application form provided by the city, under oath, and set forth all information as may be required to determine qualifications. Applications not completed in full as required or not accompanied by the required fee must be rejected.

2. All applications for a new license must be accompanied by the required annual license fee and issuance fee, if applicable, which must be refunded if the application is not approved, and a diagram or blueprint delineating the licensed premises as defined .

3. Applications to renew a license for a second or subsequent year and required annual license fee, which shall be refunded if the application is not approved, must be filed with the office of city administration no later than January 1. License fees shall be held by the city and not deposited, until February 1, after approval of the applications. An application fee is not required for applications for a second or subsequent year.

4. Applications to renew a license filed after January 1 but prior to February 1 may be considered and approved by the Board of City Commissioners upon payment of a late fee of \$50.00 and, if it is necessary to schedule a special meeting to do so, reasonable costs of the special meeting as determined by the board. Such costs must be pro-rated among the applicants if more than one late application is approved at a special meeting.

5. If an application for a license renewal is not filed and approved prior to December 31, the licensee must cease business after January 1, and may apply for a new license, if available, pursuant to this section and Section IV.

6. If it appears that there are two or more qualified applicants for a single City owned license, the license shall be awarded by receipt of bids as follows:

The City shall provide notice of the availability to submit a bid in the official City newspaper at least two weeks before the bid opening. Each applicant shall submit a bid in a sealed envelope prior to the deadline for the receipt of bids and may be able to orally raise their bid after all sealed bids are opened. The minimum bid shall be the current City issuance fee for the license class.

SECTION VII - LIMITATIONS AS TO LOCATION.

No license shall entitle the holder to carry on such business at more than one location under one license. No license shall entitle the holder to carry on such business at retail except on the first or street level, except lodges and clubs. No sale, serving or consumption of beer, liquor or alcoholic beverages shall be lawful upon a street, sidewalk, alley, public way or upon or in a vehicle upon the same. No retail license shall be issued for any building, room or place within one hundred fifty (150) feet of any church or public or parochial school, synagogue, or public library, and in determining the distance, the distance shall be measured by the ordinary route of travel from the nearest point upon the grounds upon which such church or public or parochial school, synagogue or public library is located to the entrance of the premises for which license is sought. A licensee may not rent or lease the use of the license to any other party.

SECTION VIII - TOILET REQUIREMENTS: ON-SALE PREMISES.

That the premises where On-Sale license is granted must be equipped with adequate and sufficient lavatories and toilets, separately for men and women, and kept in a clean and sanitary condition. The On-Sale License may be revoked when the foregoing requirements, or any other health ordinance or regulation, is not, at all times, strictly observed.

SECTION IX - SALE PROHIBITED ON CERTAIN DAYS

1. The sale and consumption of alcoholic beverages on licensed premises is prohibited after one a.m. or before 12:00 noon on Sundays, or between the hours of one a.m. and eight a.m. on all other days of the week, or on Christmas Day or Easter Sunday, after six p.m. on Christmas Eve or before 12:00 noon on Thanksgiving Day.

SECTION X - EVENT PERMITS.

1. Pursuant to N.D.C.C. Section 5-02-01.1, the City Commission may by special permit authorize a licensee to engage in the on-sale of alcoholic beverages at events on licensed premises designated by the permit. The permit shall not be valid for a period of greater than fourteen days. The permit may include Sundays.

2. An application for a special permit must be filed by a licensee in the office of the City Auditor. The application shall contain the name of the licensee, the type of

event for which the permit is desired, the specific location at which the event will take place including a diagram of the area to be licensed, and the dates and times for which the permit is desired. Before approval by the City Commission, the application must first be approved by the Sheriff. The Board of City Commissioners may establish rules to regulate and restrict the operation of event permits.

3. The licensee is responsible for posting, at all entrances and exits, a sign informing the public of the general content of N.D.C.C. Section 5-01-08.

4. Applications submitted pursuant to this section must be submitted at least 7 days prior to the first day of the event.

5. A fee of \$25.00 must be paid at the time the application is filed. If the application is for more than one permit for a reoccurring event for consecutive days at one location, the fee shall be \$100.00.

6. The permit may authorize persons under twenty-one years of age to remain in the area of the event, or a portion thereof, where beer, wine, or sparkling wine may be sold pursuant to the permit. However, this authorization is subject to the following conditions:

- a. The area where persons under twenty-one years of age may remain must be specifically set forth in the permit;
- b. Only employees of the qualified alcoholic beverage licensee who are at least twenty-one years of age may deliver and sell the beer, wine, or sparkling wine;
- c. Subject to N.D.C.C. Section 5-02-06, the area where persons under twenty-one years of age may remain may not be the qualified alcoholic beverage licensee's
fixed or permanent licensed premises as shown on the licensee's state and local alcoholic beverage licenses issued pursuant to N.D.C.C. Section 5-02-01 and this Ordinance; and
- d. No person under twenty-one years of age within the area described in the permit may consume, possess, or receive alcoholic beverages.

SECTION XI - SALES OF ALCOHOLIC BEVERAGES AT WASHBURN MEMORIAL BUILDING.

The Washburn American Legion Post 12 shall have the exclusive right to sell alcoholic beverages at all events held in the Washburn Memorial Building.

SECTION XII - POSTING OF LICENSE.

All licenses issued pursuant to this chapter must be posted in a conspicuous place on the premises for which issued.

SECTION XIII - TRANSFER RESTRICTED.

No license under this ordinance shall be transferable, without the approval of the Board of City Commissioners and payment of a transfer fee of \$100.00. No license shall be transferable from one location to another, without approval of the Board of City Commissioners. Class VI licenses may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment and may not transfer to a new location.

SECTION XIV - PERSONS UNDER TWENTY-ONE YEARS OF AGE.

A person may not sell or dispense alcoholic beverages to any person under the age of twenty-one. A licensee or employee or agent may not permit any person under twenty-one years of age to remain on licensed premises except as permitted pursuant to Section 5-02-06 N.D.C.C.

SECTION XV - MINORS MISREPRESENTATION OF AGE AND PRESUMPTION OF LICENSEE'S INNOCENCE.

Any minor who misrepresents his or her age for the purpose of purchasing or drinking any intoxicating liquor or beer shall be deemed guilty of a violation of this ordinance and subject to prosecution under the terms hereof.

The establishment of the following facts by a person making a sale of alcoholic beverages to a person not of legal age constitutes prima facie evidence of innocence and is a defense to any prosecution therefore:

1. That the purchaser falsely represented in writing, and supported with other documentary proof, that he or she was of legal age to purchase alcoholic beverages.
2. That the appearance of such purchaser was such than an ordinary and prudent person would believe him or her to be of legal age to purchase alcoholic beverages.
3. That the sale was made in good faith and in reliance upon the written representation and appearance of the purchaser in the belief that the purchaser was of legal age to purchase alcoholic beverages.

SECTION XVI - ANNUAL FEES

Annual Fees for an alcohol beverage licensee issued pursuant to this chapter

are as follows:

Class I	\$1,300.00	Class V	\$100.00
Class II	\$1,000.00	Class VI -A	\$750.00
Class III	\$1,000.00	Class VI-B	\$150.00
Class IV	\$ 500.00	Class VII	\$500.00

SECTION XVII - CABARET LICENSE.

1. DEFINITIONS.

a. Entertainment - shall be defined for purposes of this Ordinance to mean all forms and types of performing or entertaining for patrons on licensed premises without regard as to whether such entertainment is provided by means of live performances or manually operated, electronic systems designed for stereophonic playback of prerecorded signals; provided, however, that the entertainment shall not be deemed to include the use of any television, radio or coin operated music machine.

b. Live performances - shall be defined for the purpose of this Ordinance to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premise as a singer, musician, dancer, comedian, model or any other type of entertainer.

2. No licensee under this Chapter shall permit entertainment for more than one day a week any given week without first having obtained a cabaret license as hereinafter provided.

3. The license fee for cabaret license shall be \$1.00 per year.

4. The license fee set forth in subsection 3 of this Section shall be for a period of one year from January 1 to December 31 and shall be payable in advance at the time of the issuance of the license and thereafter, on or before June 10 of each subsequent year for renewal of said license.

5. The application for cabaret license shall be made by the licensee on forms provided by the City Auditor's office of the City of Washburn. The granting of a cabaret license shall be subject to the approval of the commission and it may be suspended or revoked in conformance with procedures established under Section XIII.

6. No live performances are permitted on a licensed premise which contain any form of dancing. Such prohibition on dancing does not include the incidental movement or choreography of singers or of a musical instrument. This restriction

applies to all licensed premises whether or not they have a cabaret license.

7. No live performances are permitted on a licensed premise which involve the removal of clothing, garments or any other costume. Such prohibition does not include the removal of headwear or footwear; or the incidental removal of a tie, suitcoat, sportcoat, jacket, sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. This restriction applies to all licensed premises whether or not they have a cabaret license.

8. No entertainment on a licensed premises shall contain:

- (a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (b) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus, or genitals;
- (c) The actual or simulated displaying of the pubic hair, anus, vulva or genitals; or the nipples of a female.

This restriction applies to all licensed premises whether or not they have a cabaret license.

9. A licensee shall have the duty and responsibility to make available for inspection by a member of the McLean County Sheriff's Department, an identification card, such as a driver's license, containing a photograph and the age of all entertainers or performers on the licensed premises. The licensee shall not permit a person to make a live performance on the licensed premise if the licensee is not able to obtain the required identification from the performer.

10. If any section, subsection, sentence or clause of this ordinance is for any reason held to be unconstitutional, such section shall not affect the validity of the remaining portions of the ordinance.

SECTION XVIII - REVOCATION, CANCELLATION AND SUSPENSION OF LICENSES

A. Licenses shall end on December 31st following the date of their issuance. Licenses issued under the provisions of this ordinance may be revoked, canceled or temporarily suspended for any one or more of the following reasons:

- 1. The death of the licensee, unless upon application to the City Commission by the personal representative of the deceased, the City Commission shall desire to consent to the carrying on of such business by the personal representative.

2. When the licensee does not conduct operations under a license for a period of one year from the time of cessation of operations under a license; from the time of the granting of a new license; or from the time of approval of a transfer of an existing license. For the purposes of this chapter, operations under a license will be deemed to have started or restarted after 90 consecutive days of operations.
3. When the licensee shall be convicted of violating any of the provisions of this ordinance.
4. When the licensee ceases to be legal bona fide resident and citizen of the State of North Dakota.
5. When the license or permit of licensee from the United States Government or the State of North Dakota has been terminated or revoked.
6. When the licensee is convicted of a crime or crimes such that the licensee would not, pursuant to Section V, be qualified to be issued a license.
7. When the business of the licensee at the location licensed is conducted in violation of the health and sanitary regulations or other ordinances of the city.
8. When the licensee ceases to meet any of the qualifications required for issuance of a license.
9. When the licensee permits drunken, inebriate or disorderly persons to frequent the place of business.
10. When the licensee fails to pay when due property taxes or license fees.

Before any license may be revoked or suspended for cause, the board shall notify the licensee of the proposed action and the right to a hearing on the action. The notice shall specify the action proposed to be taken, the reason for it, the time and place of the hearing, and the right of the licensee to appear. The notice must be mailed to the licensee by certified return receipt mail not less than five days nor more than fifteen days before the hearing. A record of the hearing must be made as specified by section 5-02-10, N.D.C.C.

If after the hearing the Board finds the violation charged has been proved by the evidence, the Board shall issue Findings of Fact, Conclusions and Order, which shall be served on the licensee. The order is appealable to the district court as specified in Chapter 28-32, N.D.C.C. The order is stayed while the appeal is pending. If upon such hearing, it appears to the City Commission that sufficient cause does not exist for revoking or

terminating and canceling such license, then said license shall remain in full force and effect.

SECTION XIX - PENALTY

Any person found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for not to exceed 30 days or both such fine and imprisonment in the discretion of the Court.

SECTION XX - REPEAL

Ordinances No's. 129 and 130 and any other amendments thereto, are hereby repealed.

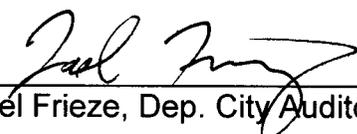
SECTION XXI - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its final passage and publication.

CITY OF WASHBURN

Approved: 

Alan Christianson
President, City Commission

Attest: 

Joel Frieze, Dep. City Auditor

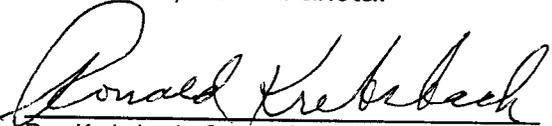
First Reading: 1-9-2006

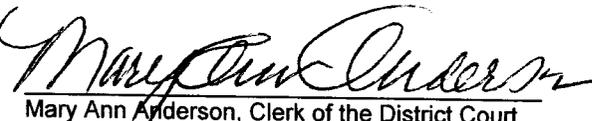
Second Reading: 2-21-2006

Final Passage: 2-21-2006

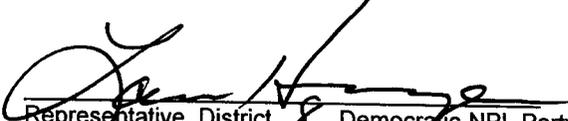
Publication Dates: 3-2-2006 & 3-9-2006

Witness our hands and the seal of McLean County this 16th day of June, 2006, at Washburn, North Dakota.

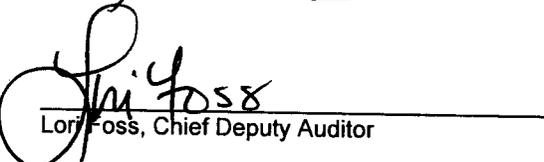

Ron Krebsbach, County Commission Chairperson

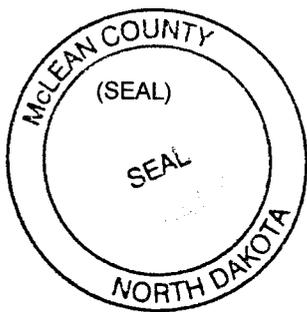

Mary Ann Anderson, Clerk of the District Court


Representative, District 8 Republican Party


Representative, District 8 Democratic-NPL Party


Leslie Korgel, County Auditor


Lori Foss, Chief Deputy Auditor



Office of
Leslie Korgel
McLean County Auditor
Lori A Foss
Chief Deputy Auditor
Pamela Trueblood
Deputy Auditor
Nancy Beckman
Clerk



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"A Proud Past - A Promising Future"

Abstract of Election

Washburn City Election

Tuesday, June 13, 2006

We, the undersigned, do hereby certify that the foregoing Abstract of Votes cast at the City Election, held in conjunction with the County and Primary Elections at the various election precincts of McLean County, is a true and correct abstract, according to the returns made by the Election Boards of the various precincts.

City Commissioner

Daniel Beutler	146
<u>Kim Klaudt</u>	187
Suzanne Richards	131
<u>Mark Lelm</u>	269
Scattered	1

Park Board Member, 4-Year Term

<u>Todd Schreiner</u>	350
<u>Francis Brunsell</u>	331
<u>Joe Freeman</u>	303
Scattered	5

Park Board Member, Unexpired 2-Year Term

<u>Bryan Rothman</u>	9
Keith Jacobson	3
Frank Manderfeld	2
Dwight Rasmussen	2
Scattered	12

Ordinance No. 139 - Liquor Licenses

<u>Yes</u>	238
No	156

Ordinance No. 139 expands the types and availability of each type of liquor licenses that may be issued by the city of Washburn. The ordinance also establishes a city issuance fee for licenses held by the city, annual license fees and the regulation on opening an establishment that sells alcoholic beverages.

Do you approve of Washburn City Ordinance Number 139?