

CITY COMMISSION AGENDA MEMO
April 28, 2008

FROM: Bernie Hayen, Director of Finance

MEETING: May 6, 2008

SUBJECT: 2008 Cereal Malt Beverage License and Fireworks Display License

PRESENTER: Bernie Hayen, Director of Finance

BACKGROUND

The City of Manhattan's Code of Ordinances requires that a license be obtained for any business selling cereal malt beverages; and any person that provides a fireworks display for the public or for organized groups. License fees are as follows: Cereal Malt Beverage License fee of \$100 for off-premise; \$250 for on-premise; as well as a fee of \$25 for the purchase of the State Stamp for Cereal Malt Beverages; and Fireworks Display is \$100.00.

DISCUSSION

The attached applications have met all requirements and all fees have been paid.

FINANCING

Not applicable.

ALTERNATIVE

It appears the Commission has the following alternative concerning the issue at hand. The Commission may:

1. Approve the attached applications for Cereal Malt Beverage License and Fireworks Display.

RECOMMENDATION

City Administration recommends approval of the attached applications for Cereal Malt Beverage License and Fireworks Display.

POSSIBLE MOTION

Approve a Cereal Malt Beverage License for calendar year 2008 for Happy Valley, LLC, 1120 Laramie Street, and a Fireworks Display License for Thunder Over Manhattan for the 4th of July, 2008, at CiCo Park.

BH/blb
2008 Annual (1) (1)

Enclosures:

1. Happy Valley, LLC Application
2. Thunder Over Manhattan Application

CEREAL MALT BEVERAGE LICENSE APPLICATION

Code of Ordinances Section 4-36

I hereby apply for a license to retail cereal malt beverages in the City of Manhattan. This application is for the following type of Cereal Malt Beverage license.

- Consumption on the premises \$275.00
- Original and unopened containers and not for consumption on the premises \$125.00

This application is for a:

- New license application
- Renewal of previously issued license to same applicant and location

Name of applicant for license HAPPY VALLEY, LLC
(If an individual is proposed licensee, give full legal name. If a partnership is proposed licensee, give partnership name and the name of all partners. If a corporation is proposed licensee, give corporate name.)

D/B/A name if different from above _____

Name, address, telephone number and legal description of business where license is to be used:

Happy Valley, 1120 Laramie street,
Manhattan, KS 66502, 785-539-9888

Happy Valley is Restaurant. The license will be used for restaurant.

Mailing address if different from above _____

Applicant is:

- Individual
- Partnership
- Corporation

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GO TO PAGE 2, SECTION II
GO TO PAGE 3, SECTION III



It is our policy to provide individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of our services, programs, and activities. In order for us to provide a suitable accommodation, we ask that you request what assistance is desired by contacting the **Customer Service Office, 1101 Poyntz Avenue, or call 587-2480** or the TDD Kansas Relay Center at 1-800-766-3777. We are here to assist you in the registration/application process as well.

SECTION I - INDIVIDUAL

1. If you are married, list your spouse's name _____ and have your spouse complete a Cereal Malt Beverage License Application Attachment.
2. Will the place of business be operated by a manager or agent ? If so, set forth the names of all such persons and each must complete a Cereal Malt Beverage Application Attachment.

3. List the name and address of the owner or owners (landlord) of the premises upon which the proposed business will be located.

SECTION II - PARTNERSHIP

1. All married partners must provide their spouse's name in the space provided below. If this is an application for a new license, the applicant shall attach to this application a Cereal Malt Beverage License Application Attachment completed by all of such spouses. If this is a renewal application and spouse is a partner an attachment is required.

2. _____ is the authorized agent of the applicant and has personal knowledge of all facts and circumstances necessary to complete this application and has been duly authorized to complete this application on behalf of the applicant.
List all partners _____

3. All partners must complete a Cereal Malt Beverage License Application Attachment.
4. List the name and address of the owner or owners (landlord) of the premises upon which the proposed business will be located:

5. Set forth the partnership State and Federal Tax Identification Numbers:

SECTION III - CORPORATION

1. List all managers of the business, all officers of the corporation and their corresponding offices, all directors, and all stockholders owning in the aggregate more than 25% of the stock, and have all of said persons complete a Cereal Malt Beverage License Application Attachment:

DONGHAI WANG, XIUZHI SUN

2. All persons listed in answer to question one (1), who are married, must provide their spouse's name in the space provided below. If this is an application for a new license, the applicant shall attach to this application a Cereal Malt Beverage License Application Attachment completed by all of such spouses.

DONGHAI WANG, XIUZHI SUN

3. Has any person listed in the above question (Question 1) been either a manager, officer, director or stockholder in any corporation, which has had a retailers license revoked pursuant to K.S.A. 41-2708, or which has been convicted of a violation of the Drinking Establishment Act or the cereal malt beverage laws of this state or the corresponding ordinances of any city in this state? Yes No . If so, set forth the name of the individual, the corporation, the date, place and circumstances of the revocation or conviction:

4. Name of resident agent:

HAPPY VALLEY, LLC

5. Address of Kansas Registered Office:

1120 Laramie Street Manhattan, KS 66502

6. State and Federal Tax Identification Numbers:

State: # 3463775, Federal: EIN: 06-1665356

7. DONGHAI WANG is the authorized agent of the applicant and has personal knowledge of all facts and circumstances necessary to complete this application and has been duly authorized to complete this application on behalf of the applicant.

8. List the name and address of the owner or owners (landlord) of the premises upon which the proposed business will be located:

Stan Hayes Enterprises INC. 1118 Laramie Street
Manhattan, KS 66502

I, DONGHAI WANG, am the applicant above named or the authorized agent of the applicant as set forth above. I hereby agree that the applicant will comply with all laws of the State of Kansas and all Ordinances of the City of Manhattan relating to the sale or distribution of cereal malt beverages. I further understand that any violation of such laws, or if any of the information contained herein is false or fraudulent, such may be grounds for revocation of this license. I further agree to timely notify the City of Manhattan of any changes that may occur which would cause the answers to any of the above questions to be different than what is set forth herein.

Signature Donghai Wang Date 3/24/2008

VERIFICATION

I, DONGHAI WANG, do solemnly swear that I have read the contents of this application and that all information and answers herein contained, including information and answers on attached documents, are complete and true.

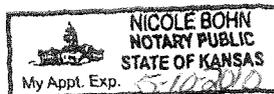
Donghai Wang
Signature

State of Kansas }
County of Riley } ss.

Signed and sworn to (or affirmed) before me on 3-24-2008 (date)

By Donghai Wang (name of signer).

Nicole Bohn
Notary's Signature



(Seal, if any)

My commission expires 5-10-2010

No city license shall be issued hereunder until the premises to be used by licensee complies with all codes and ordinances of the City of Manhattan. The Fire Department and Code Department must be contacted to schedule an inspection prior to license approval. Request for inspection shall be made one week before such inspection is desired.

The following departments have reviewed this application and recommend approval.

Planning and Zoning

4/14/08
Date

Code Inspection

4-10-08
Date

Fire Department

4-10-08
Date

Police Department

see attached
Date

Health Department

3/26/08
Date

FOR OFFICE USE ONLY

Application Date

3/24/08

Fee:

Consumption on premises \$275.00

Consumption off premises \$125.00

(\$25.00 State tax fee per Charter Ordinance No. 21 included in above amount)

275.00

Receipt Number

33387

Check Check # 4059 Cash

Revised August 11, 2005



RILEY COUNTY POLICE DEPARTMENT

1001 S. Seth Child Road
Manhattan, KS 66502-3115
(785) 537-2112

Website: www.rileycountypolice.org

Email Address: RCPD@rileycountypolice.org

Bradley J. Schoen
Director



26 March 2008

City Clerk
City of Manhattan
1101 Poyntz Avenue
Manhattan, KS 66502

Application for: CEREAL MALT BEVERAGE
Name of Applicant: XIUZHI SUN, DONGHAI WANG
Name of Business: HAPPY VALLEY, INC.
Business Address: 1120 LARAMIE ST., MHK 66502

**In accordance with Manhattan City
Ordinances concerning licensing, the
following is indicated.**

Background History Indicates: BOTH/NONE.

Drivers License History Indicates: BOTH/NONE.

Respectfully,

Capt. Hank Nelson
Support Services Division Commander
Riley County Police Department

CEREAL MALT BEVERAGE LICENSE
APPLICATION ATTACHMENT

1. Full legal name: DONGHAI WANG
2. List any other names you are, or have been known by: NO.
3. Date and place of birth: _____
4. Social security number: _____
5. List the number and issuing state of your current driver's license: _____

If you do not have a current Kansas license, list the reason: _____

6. Your current residence: 1735 Kings Rd, Manhattan, KS 66503 - 752-35

7. How long, immediately prior to the date of this application, have you continuously been a resident of:

State of Kansas 12 Years Riley County 12 Years Pottawatomie County _____

8. Are you a citizen of the United States? Yes

9. Telephone Number: 785-587-0068

10. Have you, within the two years immediately prior to the date of this application:

a. Been convicted of a felony? NO.

b. Been convicted of any crime involving moral turpitude? NO

c. Been convicted of drunkenness? NO.

d. Been convicted of operating a motor vehicle while under the influence of alcohol or drugs?
NO

e. Been convicted of violating any law involving the use or abuse of intoxicating liquor or drugs?
NO

f. Been convicted of any other crime? NO.

11. If your answer to any part of question #10 is yes, set forth the crime, date and place of conviction and a brief explanation of the facts constituting the offense: _____

12. Are you married? Yes If you are married, and your spouse is not the applicant for a license, have your spouse fill out a separate attachment form. **Note: Attachment for spouse only required on new applications or if a change in marital status has occurred since the last application.**

Signature Donghai Wang

Date 3/21/2008

VERIFICATION

I, DONGHAI WANG, do solemnly swear that I have read the contents of this form and that all information and answers herein contained are complete and true.

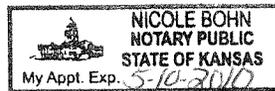
Donghai Wang
Signature

State of Kansas
County of Riley } ss.

Signed and sworn to (or affirmed) before me on 3-24-2008 (date)

By Donghai Wang (name of signer).

Nicole Bohn
Notary's Signature



(Seal, if any)

My commission expires 5-10-2010

WAIVER

I, DONGHAI WANG, authorize the Riley County Police Department to disclose all criminal history information pertaining to me that they have in their possession, or obtain from other law enforcement agencies, to the City of Manhattan.

Donghai Wang
Signature

CEREAL MALT BEVERAGE LICENSE
APPLICATION ATTACHMENT

1. Full legal name: XIUZHII SUN
2. List any other names you are, or have been known by: SUSAN SUN
3. Date and place of birth: _____
4. Social security number: _____
5. List the number and issuing state of your current driver's license: _____

If you do not have a current Kansas license, list the reason: _____

6. Your current residence: 1735 Kings Rd, Manhattan, KS 66503-7552-35

7. How long, immediately prior to the date of this application, have you continuously been a resident of:
State of Kansas 12 Years Riley County 12 Years Pottawatomie County _____

8. Are you a citizen of the United States? Yes

9. Telephone Number: 785-587-0068

10. Have you, within the two years immediately prior to the date of this application:
- a. Been convicted of a felony? No
 - b. Been convicted of any crime involving moral turpitude? No
 - c. Been convicted of drunkenness? No
 - d. Been convicted of operating a motor vehicle while under the influence of alcohol or drugs?
No
 - e. Been convicted of violating any law involving the use or abuse of intoxicating liquor or drugs?
No
 - f. Been convicted of any other crime? No

11. If your answer to any part of question #10 is yes, set forth the crime, date and place of conviction and a brief explanation of the facts constituting the offense: No

12. Are you married? yes If you are married, and your spouse is not the applicant for a license, have your spouse fill out a separate attachment form. **Note: Attachment for spouse only required on new applications or if a change in marital status has occurred since the last application.**

Signature _____ Date _____

VERIFICATION

I, XIUZHI SUN, do solemnly swear that I have read the contents of this form and that all information and answers herein contained are complete and true.

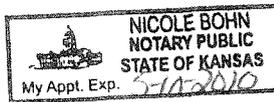
[Signature]
Signature

State of Kansas
County of Riley } ss.

Signed and sworn to (or affirmed) before me on 3-24-08 (date)

By XiuZhi Sun (name of signer).

Nicole Bohn
Notary's Signature



(Seal, if any)

My commission expires 5-10-2010

WAIVER

I, XIUZHI SUN, authorize the Riley County Police Department to disclose all criminal history information pertaining to me that they have in their possession, or obtain from other law enforcement agencies, to the City of Manhattan.

[Signature]
Signature

FIREWORKS DISPLAY APPLICATION

Code of Ordinances Section 13-55

Applicant's Name

Brian Whitesell

Telephone Number

(785) 564-4528

Business or Organization's Name

Landmark National Bank (Thunder Over Manhattan)

Address of Business or Organization

701 Poyntz

Manhattan KS 66502

Contact Person if different than Applicant

Address

Phone #

Location of Display

CiCo Park, Manhattan

Date of Display

7-4-2008

Time of Display

late evening

Type and size of Fireworks to be Discharged

large display fireworks

Name of Person Discharging Fireworks

Bruce Zimmer

Anticipated need for police, fire or other municipal services

RCPD-traffic control

Where will fireworks be stored prior to display?

Bruce Zimmer will store

(In order to provide notification to the community, it is the Applicant's responsibility to inform the primary media sources in Manhattan about the event)

Please attach a Certificate of Public Liability (minimum of \$1,000,000.00)

Carrier

Drayton Insurance Brokers, Inc.

Applicant's Signature

Brian Whitesell

Date

4-14-08

In accordance with the City Ordinance, please attach a diagram of the display area.

A copy of your Kansas Shooters License must be attached



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FOR OFFICE USE ONLY

Date of Application

4/14/08

Date to City Commission

Approved Disapproved

Date License Issued

Fee (Section 13-55)
\$100.00

100.00

License Number

Receipt Number

43225

Check Check # 99999 Cash

DRAYTON INSURANCE BROKERS, INC.

2500 CENTER POINT ROAD, SUITE 301
BIRMINGHAM, ALABAMA 35215
TELEPHONE: (205) 854-5806

POST OFFICE BOX 94067
BIRMINGHAM, ALABAMA 35220
FAX: (205) 854-5899

CERTIFICATE OF INSURANCE NO. 874319

We certify that insurance as outlined below is afforded the Named Insured under policy CA000004090-13 issued by Admiral Insurance Company.

NAMED INSURED Wald and Company, Inc.
d/b/a All American Display Fireworks
P.O. Box 319
Greenwood, Missouri 64034

PERIOD April 15, 2008 to April 14, 2009; Both days inclusive.

COVERAGE Commercial General Liability. Covering against the legal liability of the Named Insured for Bodily Injury and/or Property Damage caused by, or arising from, the preparation for, the firing of, or the clearance following fireworks display(s), FIRED BY THE NAMED INSURED OR THE NAMED INSURED'S EMPLOYEES.

LIMITS OF LIABILITY

A) Each Occurrence	\$5,000,000
B) General Aggregate	\$6,000,000
C) Products & Completed Operations Aggregate	\$6,000,000

The addition of more than one insured does not serve to increase the limits of liability.

It is certified that, in accordance with, and subject to, the terms of the above policy, the following SPONSORS AND/OR PROPERTY OWNERS AND/OR LICENSING AUTHORITIES are included as Additional Insured(s), but only in respect of the legal liability of such Additional Insured(s) for Bodily Injury and Property Damage caused by the operations of the Named Insured in connection with the firing of the fireworks display(s) stated below BY THE NAMED INSURED OR THE NAMED INSURED'S EMPLOYEES.

NAME & ADDRESS OF INSURED SPONSORS
PROPERTY OWNERS, LICENSORS
City of Manhattan, Kansas
Landmark National Bank, Manhattan, Kansas
Daras Fast Lane, Manhattan, Kansas
Riley County, Kansas
USD 383, Manhattan, Kansas

DISPLAY LOCATION
CiCo Park, Manhattan, Kansas

DISPLAY DATE(S)
7-4-08

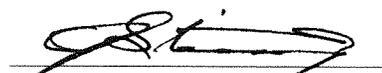
This insurance applies automatically if the described display is fired on any alternative date because of cancellation on the date shown due to weather or other cause; however, IN NO EVENT WILL COVERAGE APPLY TO BODILY INJURY OR PROPERTY DAMAGE SUSTAINED AFTER April 14, 2009.

Notwithstanding any requirement, term or condition of any contract or other document with respect to which the certificate may be issued, or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions of such policy. For particulars concerning such terms, exclusions, and conditions each Additional Insured is referred to the policy documents in the possession of the Named Insured. Should the above described policy be cancelled before the expiration date thereof, the issuing company will mail 30 days prior written notice to the above named Additional Insured(s).

DRAYTON INSURANCE BROKERS, INC.

4-9-08

DATE OF ISSUE


A.J. STRINGER, PRESIDENT

KANSAS STATE FIRE MARSHAL

LICENSE #: RLFOR002

ZIMMER BRUCE L

14410 GARDINER RD

RANDOLPH

KS 66554

Is Granted This License As **Fireworks - Public Display Operator**

To perform duties as a Public Fireworks Display Operator as granted by the Kansas Fire Prevention Code and adopted National Standard NFPA 1123, 2006 Edition within the State of Kansas.

As granted under the authority of K.A.R. 22-1-3(x) and other provisions of the Kansas Prevention

This License is valid until 5/24/2011 unless suspended, revoked or refused renewal in accordance with the provisions of KAR 22-1-5.

Effective Date: 5/24/2007

Expiration Date: 5/24/2011


Rose Rozmiarek
Deputy State Fire Marshal
Chief Investigator

LICENSE #: RLFOR002

ZIMMER BRUCE L

14410 GARDINER RD

RANDOLPH

KS 66554

Operators must carry this card. Please cut on solid line

State Fire Marshal, State of Kansas

LICENSE #: RLFOR002

As: Fireworks - Public Display Operator

TO: ZIMMER BRUCE L

14410 GARDINER RD

RANDOLPH KS 66554

ISSUED 5/24/2007 EXPIRES 5/24/2011


Deputy State Fire Marshal
Chief Investigator