

RESOLUTION NO. 19-01

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ON A SPECIAL ELECTION BALLOT IN THE CITY OF MCPHERSON, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF ALLOWING THE SALE AT RETAIL OF CEREAL MALT BEVERAGE IN ORIGINAL PACKAGE ON ANY SUNDAY, EXCEPT EASTER, BETWEEN THE HOURS OF 12 NOON AND 8 PM WITHIN THE CITY OF MCPHERSON, KANSAS AND SALE AT RETAIL OF ALCOHOLIC LIQUOR IN THE ORIGINAL PACKAGE ON ANY SUNDAY, EXCEPT EASTER, BETWEEN THE HOURS OF 12 NOON AND 8 P.M. AND ON MEMORIAL DAY, INDEPENDENCE DAY AND LABOR DAY WITHIN THE CITY OF MCPHERSON, KANSAS.

WHEREAS, on September 10, 2019, the governing body of the City of McPherson, Kansas passed Ordinance No. 3282 restricting the sale of alcoholic beverages on Sundays (“Sunday Sales”);

WHEREAS, on December 19, 2018, the governing body was notified by the McPherson County Clerk that a legally valid petition was certified calling for a special election to determine whether Sunday Sales should be allowed in the City of McPherson, Kansas;

WHEREAS, pursuant to **KSA 41-291 and applicable law, Ordinance No. 3282 is not effective and a special election shall be required to decide the issue of Sunday Sales; and**

WHEREAS, it is deemed advisable to call a special question election in the City to be held on March 12, 2019.

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

SECTION 1. Special Question Election. It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on March 12, 2019 at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of McPherson, Kansas allow the sale at retail of cereal malt beverage in original package on any Sunday, except Easter, between the hours of 12 noon and 8 P.M. within the city of McPherson, Kansas and the sale at retail of alcoholic liquor in the original package on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day within the City of McPherson, Kansas.

SECTION 2. Special Question Election Procedures. The vote at said special question election shall be by ballot, and the proposition stated above shall be printed on the ballots, together with voting instructions as provided by law. The City Clerk shall cause the McPherson County election officer to give notice of the election as provided by law by publishing a Notice of Special Question Election once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first

publication to be not less than twenty-one (21) days prior to the date of the election, and the last publication being not more than ninety (90) days prior to the date of the election. The form of the Notice of Special Question Election shall be prepared or approved by the City Attorney and submitted to the McPherson County election officer in a timely fashion in order to provide for such publications.

SECTION 5. Effective Date. This Resolution shall be effective from and after its adoption.

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ADOPTED by the Governing Body on 14th day of January, 2019.

(Seal)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the Governing Body on January 14, 2019 as the same appears of record in my office.

DATED: January 14, 2019.

City Clerk

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(First published in *The McPherson Sentinel* on February 12, 2019, and subsequently on February 19, 2019.)

**NOTICE OF SPECIAL QUESTION ELECTION
CITY OF MCPHERSON, KANSAS**

The City Commission of the City of McPherson, Kansas (the "City"), has heretofore, pursuant to a resolution duly adopted on January 14, 2019, declared it advisable to conduct a special question election relating to the retail sale of cereal malt beverages and alcoholic liquor in unopened containers on Sundays unless otherwise prohibited by law. Notice is hereby given to the qualified electors of the City that such special question election has been called and will be held on March 12, 2019, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of McPherson, Kansas allow the sale at retail of cereal malt beverage in original package on any Sunday, except Easter, between the hours of 12 noon and 8 P.M. within the city of McPherson, Kansas and the sale at retail of alcoholic liquor in the original package on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. and on Memorial Day, Independence Day and Labor Day within the City of McPherson, Kansas?

To vote in favor of any question submitted on this ballot, darken the oval to the left of the word "Yes." To vote against it, darken the oval to the left of the word "No."

YES

NO

The polls will open at 7:00 o'clock A.M. and will close at 7:00 o'clock P.M., on March 12, 2019, the Election Day. The voting places in the City, and the area each voting place will serve, will be as follows:

Voters Residing In Precinct	Will Vote At	Location
McPherson City - Ward 1	Trinity Lutheran Church	119 N. Elm
McPherson City - Ward 2	County Extension Office	600 W. Woodside
McPherson City - Ward 3	Municipal Center	400 E. Kansas
McPherson City - Ward 4	1 st United Methodist Church	1200 E. Kansas

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the County Clerk at the address set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

General

The following additional information is provided by the City with respect to the impact of this ballot question. Passage of this ballot proposition would the retail sale of cereal malt beverage and alcoholic liquor in unopened containers on Sundays unless otherwise restricted by applicable law.

The election officer conducting the election will be the County Clerk of McPherson County, Kansas, whose address is: County Courthouse, 117 N. Maple, P.O. Box 425, McPherson, Kansas 67460.

DATED: 1/14/2019

Hollie D. Melroy, County Clerk
McPherson County, Kansas