

COMMON COUNCIL MEETING
AUGUST 6, 2007
TIME: 6:00 P.M.

Present: Mayor Frank Manus, Glenn Tebbe, Gary Herbert, Ken Dornich, Helen Gardner. Larry Bower was absent.

Pledge of Allegiance was recited.

Minutes were approved.

Council Chambers had a full capacity attendance.

Motion by Ken Dornich and seconded by Glenn Tebbe to pass a New Tax Abatement and Resolution for David Dickey DDS, 5 years on Real Property and 3 years on Personal Property for a 10,000 square ft. Professional Building. All ayes. So passed.

Steve Teverbaugh spoke on behalf of the Fall Festival Committee requesting Broadway Street be closed from Main to Washington Streets and a proposal for a beer garden to sell beer as part of a food booth which would be located in the street. It would be operated by the K. of C. and would be well supervised. In their opinion they only needed the Police Chief to sign the paper so they could apply for an alcoholic beverage permit to sell alcohol. The Police Chief has asked for guidance from Council. Hugh Miller of the Knights of Columbus handed a signed petition in support of the beer garden and told Council the K. of C. gave \$28,000 to 27 different organizations in donations.

Mr. Teverbaugh reported that the Festival did make money in 2006 and paid off all of their debts. The reason for the beer sales request was that they would like to be able to bring bigger and better entertainment.

Some questions from Council members were:

1. Has the County been approached
2. Have the merchants on the west side of the square been contacted
3. Why the committee would like to have a beer garden
4. Would the south side of the square be closed,
5. Last year when this issue came up, and after considerable discussion, the Fall Festival Committee withdrew their request. As a result some of the churches stated they would raise money for the Fall Festival. What were those events and how much money was raised?

6. Last year the churches had offered to help raise monies for the 2007 festival. The Churches stated they have not been contacted. Why was this not followed up?

Mr. Teverbaugh responded to Council's questions that:

1. They have not contacted the County,
2. They have not spoken to the merchants,
3. They are looking at other communities and also the revenue aspect; plans are to have a national band on Saturday and two bands on Sunday.
4. The South side of the square is normally closed.
5. Last year the Churches sold ads for the festival for 2006, took up offerings and sold cookies. The Churches claimed to have raised \$3400 and some change, but Mr. Teverbaugh's figures showed closer to \$3000 were raised.
6. Mr. Winter's was supposed to contact the Churches and the committee found out he had not. The plans are to still contact the Churches and counting on possibly \$2000-\$3000 from the Churches that would be used for the two bands on Sunday.

It was brought up that the Car Show ask for advertising on T-shirts from \$100 to \$5,000 and then they sold the T-Shirts to raise money.

Several people from the audience spoke against a beer garden and one voiced for the people to watch how each council member voted and to vote against them if one was not happy with the way they voted tonight. Two people spoke in favor of the beer garden.

Council members see this as a lose lose situation the Festival and K. of C. has put Council in. This issue is dividing the community and causing disunity, directly contrary to the purpose of the Fall Festival. It is felt the Festival Committee has not done enough to find compromise or to seek other ways to fulfill its goals.

A council member stated that the Council does not have the right by law to allow the vendor but does have the right to close the street only. There are two members that belong to the K. of C. present and one member that is not and felt that makes it a conflict of interest situation.

City Attorney Steve Taylor advised that he did not agree and if the Council wanted to delegate this authority to the police chief then they can but it would need to be done by Ordinance or Resolution giving the authority to the Police Chief regarding the use of the city street as they could then lose control and that

could come back to haunt the Council. Also the Attorney advised that since the members are not receiving compensation from the K. of C. then this would not be a conflict of interest.

Seeing this discussion was going nowhere and that resolution or compromise was not possible in this short time frame, with reluctance **Glenn Tebbe made the motion and seconded by Ken Dornich and Helen Gardner to grant the street closing only for food and not for beer. Gary Herbert nay, Ken Dornich aye, Glenn Tebbe aye and Helen Gardner aye. So passed.**

Discussion was held concerning the Carousal Day Care and their request for financial assistance. Day Care representatives were present. They updated the Council that the County still plans on supporting them financially.

City Attorney Steve Taylor stated if Carousal could get the bank to go along then the City would be able to turn this building over before the five-years are up. It would be like a subordination agreement to the State.

Motion by Glenn Tebbe and seconded by Ken Dornich to authorize the Mayor to use Rainy Day or Riverboat money for the financial assistance to the Carousal Day Care Center. Gary Herbert nay, Ken Dornich aye, Glenn Tebbe aye and Helen Gardner aye. So passed.

Sandy Biddinger of WTRE 1330 Radio Station reported to the Council that they could begin broadcasting the meetings in September. Council agreed with this.

Motion by Glenn Tebbe and seconded by Helen Gardner to pass on 3rd reading Ordinance 2007-06-12 vacation of certain right-of-ways. All ayes. So passed.

Motion by Helen Gardner and seconded by Ken Dornich to table Ordinance 2007-07-13 garage sales. All ayes. So passed.

Motion by Glenn Tebbe and seconded by Gary Herbert to pass on 2nd reading Ordinance 2007-07-14 employees salaries for 2008. All ayes. So passed.

Motion by Glenn Tebbe and seconded by Helen Gardner to pass on 2nd reading Ordinance 2007-07-15 elected officials salaries for 2008. All ayes. So passed.

Motion by Ken Dornich and seconded by Glenn Tebbe to pass on 2nd reading Ordinance 2007-07-16 utility employees salaries for 2008. All ayes. So passed.

Motion by Gary Herbert and Helen Gardner to pass on 2nd reading Ordinance 2007-07-17 elected officials salaries for 2008. All ayes. So passed.

Motion by Glenn Tebbe and seconded by Ken Dornich to pass on 2nd reading Ordinance 2007-07-18 subdivisions. All ayes. So passed.

Motion by Helen Gardner and seconded by Glenn Tebbe to suspend the rules and regulations Ordinance 2007-07-18. All ayes. So passed.

Motion by Helen Gardner and seconded by Ken Dornich to pass on 3rd reading Ordinance 2007-07-18 subdivisions. All ayes. So passed.

Motion by Gary Herbert and seconded by Glenn Tebbe to pass on 1st reading Ordinance 2007-08-20 codifying ordinances. All ayes. So passed.

Motion by Glenn Tebbe and seconded by Ken Dornich to suspend the rules and regulations for Ordinance 2007-08-20. All ayes. So passed.

Motion by Helen Gardner and seconded by Glenn Tebbe to pass on 2nd reading Ordinance 2007-08-20. All ayes. So passed.

Motion by Gary Herbert and seconded by Helen Gardner to pass on 3rd reading Ordinance 2007-08-20. All ayes. So passed.

Economic Development Director Vicki Kellerman was present and gave an update. Rural Water had invited her to attend their meeting and she attended the Commissioners meeting concerning a traffic study in the area surrounding Honda.

John Land from the American Legion was present and spoke on behalf of the private clubs. Mr. Land did admit that the Legion was not stopping people from smoking.

Fire Chief Scott Chasteen and Kathy Reynolds addressed a questioned raised about crossing arms at railroad crossings. There are grants out there for these, but with only two trains a day coming through that puts the City at the bottom of

the list for grant awarding and the crossing arms are very expensive without a grant.

Ken Dornich will be on the Sesquicentennial committee.

Motion by Glenn Tebbe and seconded by Helen Gardner to pass budget approval for advertising on 1st reading will be Ordinance 2007-08-24. All ayes. So passed.

Meeting adjourned at 9:00 P.M.

PRESIDING OFFICER:

Attest:

Clerk-Treasurer

