

SPECIAL COUNCIL MEETING  
September 28, 1973

CALL TO ORDER.

The meeting was called to order by Mayor Cooke, at 7:40 P.M. at the Braund Building.

ROLL CALL

Present: Cooke, Murphy, Connick, Crow, Gregory, Hoffman  
Absent: Romer

LIQUOR BOARD'S DECISION TO CLOSE LIQUOR STORE- The liquor board wanted to close the liquor store from Saturday 9-29-73 to Monday 10-1-73. Crow asked why the closing of the liquor store? Dave Swanson said that the reason is to dry out people so that they can go to the polls and vote. When they go to the polls, after four days of closing they will know if they want liquor. Crow, it seems like you want people to see what it's like to be without liquor and therefor force people to vote wet.

Shuler stated that the City's position is to be neutral. Dave Swanson, I'm not on the City's payroll nor is any member of the Liquor Board. Shuler said the purpose of the Liquor Store Board is to assist the City and its programs. Swanson stated that the city uses liquor store money as it sees fit. Shuler stated that things are voted on by Council or acted on by Council and therefore are suitable. Crow disagreed with Swanson. Discussion followed. M/M Crow, Hoffman, I move to fire all liquor board members until new council members <sup>Select a new Board</sup> Discusstion question. Murphy, when would you elect new Board members. Crow said after council elections. Murphy asked that with this council action, this meant that the liquor store would be closed these days before election. Crow disagreed. She stated that the council could direct the liquor store management to remain open. There was a question on the legality of this. Crow suggested that the council hire new members tonight. Murphy stated that his was against liquor store by-laws Swanson said regardless of councils opinion, the liquor store has been a neat, well, managed store, which has brought in revenue and valueable programs to the City.

Murphy stated another entity controlled by the City, the newspaper. The City helps pay for the printing of the paper. The City hasn't talked about keeping the newspaper neutral. This is similar to the liquor store. Andy Edge said that its violationg freedom of the press, guaranteed by constitution of you mess around with the newspaper. Shuler explained that the contract with Larry Fulton is simply to help subsidize the newspaper. He went on to explain the contract with the liquor store is for the liquor board to assist in the City programs.

Mike Emery stated that if the City policy is non-interference, then by forcing the issue with the liquor board, you are violating neutrality of this.

Cooke stated that the liquor store board is also responsible for the forcing of the issue by deciding to close with out Council approval.

David Taylor asked what the legal relationship was between the City and the Liquor Board. Shuler stated that the Liquor Store is a non-profit Corp. The legal relationship was that the City picks the Board members of the Corp. All profits revert to the City. The Boards purpose is to carry out programs of the City, to assist the City in controlling the sale of alcoholic beverages. Taylor asked if the Liquor Store Board is autonomous? Shuler said yes, but the Liquor Store Board is to assist the City, there is noting in the by-laws that says you can't appoint an interrump board if no board exists until the annual meeting which is held in October.

Andy Edge said the discussion is not if the liquor store should be closed, but one rather of who really controls Bethel's sales of liquor. Is liquor store board policy making or responsible for control of revenue.

Mike Emery stated that the purpose of the board is to see that the liquor store is run properly and that the revenue come back to the City for its programs.

Dave Swanson stated that the people select councilmen who will represent you and your interests, you do the same when you appoint a board of trustees, or hire a city manager. Now the board and the city are in conflict, council must accept this liquor board decision or find a way around the problem. Emery stated that one can view the liquor store boards dcision from many angles, depends on the individuals interputations of the liquor boards decision.

Connick didn't think the liquor store should be closed. It has a license to operate and should do this. He couldn't see how the closing of the store would influence anyone greatly. He felt the City is in the liquor business, the store should be open except on Election Day when the State

law states they will be closed.

There was a discussion on the by-laws. Hoffman asked if the board were to be fired who would operate the store the following day. The by-laws were referred to and a discussion followed. Shuler stated that his position is if the board didn't exist, then it's the liquor store business responsibility to abide by Articles and to respond to the desires of the City Council until a new Liquor Board is picked. Connick asked should Council appoint an advisory group for interrum period of time. Shuler stated there should be a committee acting at the request of the Council until members of the Board exists, to assume effective, efficient operation of the liquor store. Connick suggested the City Manager plus two other citizens to be selected by Council and act in their behalf.

Roll call vote on motion, with five present members voting yes and Murphy voting no. Motion passed. Swanson stated that he would like a complete audit of liquor store by 10-1-73. Murphy said the liquor store should close on 10-1-73 for the audit. Shuler stated that it was not necessary for the store to close for the audit, but agreed that there should be a complete audit. Swanson stated that he wanted a complete audit and fiscal inventory, so this liquor board won't be held responsible for anything that may come up in the future.

Mayor Cooke called a five minute break.

Meeting called back to order.

Mayor Cooke stated the by-laws state the Council appoint a board of directors and it is the Council's responsibility to appoint an interrum committee. The floor was open for nominations. Connick nominated the City Manager; Crow nominated, Dick Graves; Connick nominated Andy Edge; Murphy nominated David Taylor; Murphy nominated Mike Emery; Cooke nominated Crow, and Murphy nominated Sam Dinsmore. M/M Crow, Hoffman, I move that we close the nominations. Voice vote with all present members voting in favor of the motion. Motion passed. M/M Hoffman, Crow, I move that we accept these seven people for the interrum committee. Roll call vote with all present members voting in favor of motion. Motion passed.

M/M Connick, Crow, I move that a letter be sent to the former Liquor Board in Thanks for the years of service and good work. Voice vote with all present members voting in favor of the motion. Motion passed.

Mayor Cooke said the Committee is advisory and serves at Council's pleasure, thus, if Council wishes the liquor store to remain open the 29th and the 1st it would be so.

Shuler suggested that the Council advise the committee that the ordinances be observed and the liquor store pursue sound business management until Council appoints a Liquor Store Board.

Murphy questioned if the bars close down on Saturday and Monday, we would have to force them to remain open too. Connick stated that the City controls only the hours of the bars closure, according to City ordinances.

Dick Graves stated that the bars are a private enterprise and I think they can be closed or open as they see fit as long as it's within limits set by the City ordinances.

Shuler read excerpts from the ordinance. Connick stated that it doesn't say when they have to be open. Bars do not have to do the same as the liquor store.

M/M Crow, Connick, I move we keep the liquor store open this Saturday, 9-29-73 and Monday, 10-1-73. Roll call vote with five present members voting yes and Murphy voting no. Motion passed.

Mayor Cooke stated that it is up to the Committee to see that the liquor store remain open.

M/M Crow, Hoffman, I move that the interrum committee meet after this meeting. Voice vote with all present members voting in favor of motion. Motion passed.

LAUNDERMAT - Murphy stated that he wanted to see construction of the laundermat stopped until ASHA reviews this building being placed on residential land. He stated that he thought the lot can't be sold until all home owners in that quad have purchased their land.

Connick stated at the meeting with Bob Wilson, from ASHA, last Monday night, Wilson said that a deed was being drawn up but nothing was final. ASHA has received many protests and is going to wait.

Connick suggested that pressure be put on ASHA to cease construction. M/M Murphy, Crow, I move we send a letter to ASHA objecting to building the washeteria and to instruct ASHA to halt construction. Roll call vote with all present members voting in favor of the motion. Motion passed.

Murphy asked if the City had an agreement with KYUK to tape all meetings or what. Shuler stated that only the regular meetings were taped. Connick said that the radio station didn't like to record in the Braund Building. Andy Edge said that they can't tape in the Braund Building. He invited the Council to have meetings at the KYUK studio. Connick said perhaps we should meet at KYUK from now on.

M/M Gregory, Hoffman, I move we adjourn. Voice vote with all voting in favor of the motion. Motion passed.

Adjourn: 9:15 P.M.

Margaret Cooke

A handwritten signature in cursive script, appearing to be 'J. H.', written in dark ink.