

## **MINUTES OF THE BEATRICE CITY COUNCIL WORK SESSION**

A work session of the Beatrice City Council was held on the 28<sup>th</sup> day of October, 2013 in the Sargent Room of the Beatrice Public Library, 100 North 16<sup>th</sup> Street, Beatrice, Nebraska.

Attending: Mayor Schuster, Councilmembers: Carey, Catlin, Fairbanks, Langdale, Moore, and Parde. Also present: City Administrator Tobias Tempelmeyer and City Attorney Greg Butcher.

Absent: Cook, Tiemann.

Councilman Tiemann arrived at 7:40 p.m.

Mayor Schuster announced that a copy of the Open Meetings Act is available in the meeting room and is accessible to members of the public.

### **CONSENT AGENDA**

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting
- c. Receive and place on file all materials having any bearing on this meeting.

Moved by Catlin, seconded by Carey, that the items listed under the consent agenda be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Catlin, Carey, Fairbanks, Langdale, Moore, and Parde.  
Nay: None

**MOTION CARRIED.**

### **DISCUSSION ITEMS**

#### **Review of City Ordinances related to alcohol violations**

Greg Butcher, City Attorney, has begun the process of reviewing all criminal city codes along with Beatrice Police Chief Bruce Lang. The first section the two addressed were alcohol violations. These are separate from the city codes which regulate the process for obtaining a liquor license. Butcher brought forth five items for consideration by the Council:

1. The first matter was restricting minors after certain hours in establishments which sell alcohol for on-site consumption. Butcher stated numerous municipalities which make this requirement in varying degrees. The average language is “no minors on the premise after 9:00 p.m. without a parent or guardian present.” Councilmembers inquired about pool leagues, bowling alleys, wedding receptions, and other gatherings. The definition of “bar” was discussed and if the ordinance could be limited to establishments that predominantly served alcohol. A proposal would be brought to a regular meeting after City Administration speaks with local liquor license holders.
2. The second matter was restricting those who served alcohol from consuming alcohol or being under the influence of alcohol while on duty. The City of Lincoln ordinance

- was reviewed by the Council. Councilman Parde inquired about drinking on breaks, lunch hours or before a shift. Attorney Butcher felt that the Lincoln ordinance was drafted with a “zero tolerance” policy, thus if you were under the influence in anyway, that would be a violation. Councilman Fairbanks noted that owners used to be exempt from these requirements. Butcher would inquire about whether this was already a requirement pursuant to the regulations of the Nebraska Liquor Control Act and a proposal would be brought at a future meeting.
3. The third item discussed was server and management training. City Attorney Butcher explained that Lincoln and a few other municipalities now require server training. This requirement is for the sale of alcohol, not as a requirement for a liquor license. Councilman Fairbanks has been in favor of such training. Councilman Moore was not in favor of this proposal; he felt this was additional unneeded government regulation. Councilman Parde inquired about the Beatrice Police Department conducting the classes rather than a third party provider. Councilman Langdale felt that this might be burdensome because of the turnover with servers in bars. Bars would need to keep getting their new servers registered. Butcher noted that this requirement would also include servers in restaurants with liquor licenses. City Administration will further review this matter and provide further information at a future worksession.
  4. City Attorney Butcher noted that the current City Code, as amended in Summer 2012, allows for off-sale sales to take place till 2:00 a.m., but the legislature only allowed on site consumption sales to go till 2:00 a.m. City Administration will provide a new ordinance to fix this matter.
  5. The final alcohol related matter was a discussion of adding charter buses and limos to the list of exemptions from the public consumption law. The State Legislature explicitly allowed consumption of alcohol in buses and limos which are licensed and regulated by the Public Service Commission. The statute forbids the driver of such vehicles to be able to access alcohol while operating the vehicle. The Council discussed the matter. Councilman Tiemann stated that he is in support of this measure. Councilman Parde was not in favor of the change. The proposal will be brought to the City Council for a vote in the near future.

### **Contribution of In-kind Services**

Councilman Ted Fairbanks had requested this item be placed on the agenda for discussion. Fairbanks felt that we should be providing these services to “everyone or not to anyone” so there is no question on them in the future. Councilman Fairbanks feels we should continue to offer these services to the public. Mayor Schuster asked if there was any point at which the City could say “no” to a request for in-kind services. Could we say “no” if the request put on hold other essential obligations of the City/BPW? Numerous Councilmen discussed Ribfest and the services required to put on that event in recent years. It was noted that more volunteers were utilized for Ribfest this year. City Administrator Tempelmeyer noted that most of the overtime issues have been resolved and that the City will wait to perform services if overtime pay is an issue. Councilman Tiemann felt that in-kind services should be reserved for events that are free and open to everyone. Councilman Moore stated that the City should not be providing these services. Councilman Langdale stated that we should continue to offer the services but not incur overtime. No formal action will be offered at this time. City Administration will continue to monitor and track in-kind services.

