

City Council Proceedings  
June 19, 2017

The governing body of the City of Powell met in regular session at 6:00 p.m. on June 19, 2017 in the Council Chambers of City Hall. Mayor Wetzel opened the meeting and led those in attendance in reciting the Pledge of Allegiance. Mayor Wetzel called the meeting to order and the following were present: Mayor John Wetzel, Council Members Floyd Young, Eric Paul, Tim Sapp, Lesli Spencer and Scott Mangold. Absent Councilman Jim Hillberry.

City Officials: Director of Public Works Gary Butts, City Clerk Tiffany Brando, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Finance Director Kaela Nelson and Parks Supt. Del Barton.

Approval of Agenda: Councilman Mangold asked to add waiver of building permit fees Park Co. Fairgrounds under Mayor/Council Members. Councilman Young moved to approve the agenda as amended, seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

Approval of June 5, 2017 regular meeting minutes. Councilman Mangold moved to approve, seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

Bills and Claims: Mayor Wetzel abstained # 65. Councilman Mangold made a motion the bills be allowed and authorize the Treasurer to draw warrants for payment of the same, seconded by Councilman Young, unanimous approval, MOTION CARRIED.

PUBLIC HEARING 6:00 p.m. Budget Amendment FY 16/17: Attorney Kitchen opened the hearing at 6:02 p.m., no comments, hearing closed 6:03 p.m.

Resolution No. 9, 2017: A Resolution to Amend the 2016-2017 Budget. It was noted the agenda Resolution No. 6, 2017 is actually Resolution No. 9, 2017. Councilwoman Spencer moved to approve Resolution No. 9, 2017, seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

PUBLIC HEARING 6:05 p.m. Budget FY 17/18: Attorney Kitchen opened the hearing at 6:05 p.m., no comments, hearing closed at 6:06 p.m.

Ordinance No. 2, 2017: Read by title only by Attorney Kitchen: An Ordinance to Provide for the 2017-18 Budget for the City of Powell, Wyoming for the Fiscal Year Beginning the First Day of July, 2017 and Ending the 30<sup>th</sup> Day of June 2018. Councilman Paul moved to approve on third reading, seconded by Councilman Young, unanimous approval, MOTION CARRIED.

Request for Barbwire at 586 E North Street. DPW Butts informed Council staff has looked at property. Councilman Young moved to approve, seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

Catering permit WYOld West Brewing July 7<sup>th</sup> @ The Commons, Councilwoman Spencer moved to approve, seconded Councilman Paul, unanimous approval, MOTION CARRIED.

Malt Beverage Permit for the Park County Fair July 25<sup>th</sup> thru 29<sup>th</sup>. Councilman Young moved to approve, seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

PUBLIC HEARING 6:10 p.m. Transfer of Liquor License from Harmax Inc. to ACX3: Attorney Kitchen opened hearing at 6:10 p.m., Amy Cozzens of ACX3 spoke on purchase of property, no other comments, closed meeting 6:12 p.m.

Transfer of Liquor License: Councilman Mangold moved to approve transfer of retail liquor license from Harmax Inc. to AXC3 contingent on property closing, seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

Powell Community Tree Assessment: give my Mike Garvey, Montana Tree Consultant.

Request for fireworks at the Fire Hall for July 4<sup>th</sup> by the Powell Fire Dept. Council had questions regarding the permit and asked to change time from 2 a.m. to 12 a.m.. Councilman Sapp moved to approve and change ending time to 12:00 p.m., seconded by Councilman Young, unanimous approval, MOTION CARRIED.

Committee Updates: Attorney Kath let Council know planning & zoning has been cancelled and next meeting will be July 31.

Request waiver of fees for the Park Co. Fair building permit for the sale barn. Teecee Barrette, Events Coordinator spoke on the construction. Councilman Young moved to approve waiver of fees, seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 1, 2017: An Ordinance Annexing Certain Real Property Known as the Cason Addition Annexation, was tabled at June 5, 2017 meeting. Motion to remove from the table by Councilman Mangold, seconded by Councilman Paul, unanimous approval, MOTION CARRIED. Owner Jake Merrell spoke on the annexation. Councilman Sapp moved to approve Ordinance

1, 2017 on third reading, annexation agreement and final plat, seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Agreement for Extension of water services only to 819 Road 8 ½. Attorney Kath spoke on standard agreement. Councilman Mangold moved to approve and authorize all necessary signatures, seconded by Councilman Young, unanimous approval, MOTION CARRIED.

Ordinances 3 thru 16, 2017 were read by title only by Attorney Kitchen: Amend all ordinances to reflect effective date of July 1, 2017 at 12:01 a.m.

Ordinance No. 3, 2017: An Ordinance Amending Section 5.08.040 of the Powell City Code by Replacing the Reference to Dispensing Room with Licensed Building and Repealing Subparagraph B. Concerning Modification of Hours of Operation Four Days of Each Calendar Year.

Ordinance No. 4, 2017: An Ordinance Amending Section 5.08.090 of the Powell City Code by Replacing Special Club Licenses with Limited Club Licenses, Enacting a Special Malt Beverage Permit and Repealing Subparagraph J of Section 5.08.090 Pertaining to Transfer of Ownership or Location and Fees and Enacting a New Subparagraph J Regarding Special Malt Beverage Permits.

Ordinance No. 5, 2017: An Ordinance Amending Section 5.08.110 of the Powell City Code by Replacing References to Licensed Room with Licensed Building, Replacing Beer Garden Provisions with patio Provisions for Licensees and Providing that the Governing Body May Revoke Patio Privileges Due to Non-Compliance.

Ordinance No. 6, 2017: An Ordinance Amending Section 5.08.160 of the Powell City Code Pertaining to Dispensing Room by Amending the Dispensing Room Requirement so it is Applicable to a Restaurant License Dispensing Room Only.

Ordinance No. 7, 2017: An Ordinance Repealing Section 5.08.170 of the Powell City Code Pertaining to Restaurant License, Application, Renewal and Transfer.

Ordinance No. 8, 2017: An Ordinance Repealing Section 5.08.180 of the Powell City Code Pertaining to Account Required by Restaurant Licensees.

Ordinance No. 9, 2017: AN Ordinance Repealing Section 5.08.190 of the Powell City Code Pertaining to Prohibition of Separate Ticketing or Receipting of Purchases Made by Any Person of Food and Alcoholic Beverages.

Ordinance No. 10, 2017: An Ordinance Repealing Section 5.08.210 of the Powell City Code Pertaining to Prohibition of Catering of Alcoholic Beverages in Conjunction with Catering of Food by a Restaurant Licensee.

Ordinance No. 11, 2017: An Ordinance Amending Section 5.08.250 of the Powell City Code by Providing for Age Restrictions in Licensed Buildings, Exceptions to the Age Restrictions and Requiring Licensee to Display Signs Prohibiting No One Under 21 Years of Age Allowed.

Ordinance No. 12, 2017: An Ordinance Enacting Section 5.08.255 of the Powell City Code Requiring Tips Certified Staff for Liquor License Holders.

Ordinance No. 13, 2017: An Ordinance Enacting Section 5.08.257 of the Powell City Code Prohibiting Service of Liquor by a Licensed Holder to a Person that is Drunk or Incapacitated within a Licensed Establishment. Read by title only by Attorney Kitchen.

Ordinance No. 14, 2017: An Ordinance Enacting Section 5.08.259 of the Powell City Code Pertaining to Failure to Pay Sales Tax as a Violation of the Demerit Point System.

Ordinance No. 15, 2017: An Ordinance Amending Section 5.08.260 (B) of the Powell City Code Pertaining to Alcoholic Liquor and Malt Beverage Demerit Points.

Ordinance No. 16, 2017: An Ordinance Amending Section 5.08.010 of the Powell City Code By Establishing a Definition for Commercial Kitchen. Councilwoman Spencer moved to approve Ordinances 3 thru 16, 2017 on third reading as amended, seconded by Councilman Paul, unanimous approval, MOITON CARRIED.

Ordinance No. 17, 2017: Read by title only by Attorney Kitchen: An Ordinance Increasing Water Rates Pursuant to Powell City Coe Section 13.12.190. Councilman Young moved to approve on third reading, seconded by Councilman Paul, unanimous approval, MOITON CARRIED.

Street Tree Maintenance Agreement was presented by Parks Supt. Barton as a cost share for tree removal causing damage to infrastructure. Councilman Young moved to approve and authorize all necessary signatures, seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

General Announcements: DPW Butts informed Council on the removing and re-pouring of the steps at the Powell Aquatic Center and the ongoing construction on Coulter. City Clerk Brando reminded Council the July 3<sup>rd</sup> meeting is cancelled and a special meeting will be held July 5<sup>th</sup>.

There being no further business to be considered at this meeting, Councilman Young moved to adjourn, seconded by Councilman Paul unanimous approval, MOTION CARRIED. Mayor Wetzel adjourned the regular meeting at 6:57 p.m.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk