

March 12, 2013

The Red Lodge City Council met in regular session on March 12, 2013 at 7:00 p.m. The meeting was called to order by Mayor Roat followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS Present: Mayor Roat, Aldermen Foisy, Mahan, Larson, Labrie, Schoenike and Williams. Absent: None.

DEPARTMENT HEAD ATTENDANCE: Community Development Director – Forrest Sanderson and City Clerk – Debbie Tomicich.

MINUTES OF FEBRUARY 26 Motion by Mahan, second by Schoenike to approve the minutes of February 26 as submitted. On roll call vote all Aldermen voted “Aye.” Motion carried.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Williams that claims against the City totaling \$106,143.24, approved by the Auditing Committee, be paid and warrants drawn on their respective funds in payment. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie said the claims this month were fairly standard. A claim was submitted by Great West Engineering for \$4,428.85 for the Broadway Water Rehab Project.

OFFICERS REPORTS The officer’s reports were presented to the Council for their review.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES – PUBLIC HEARING – Open Container Ordinance

Mayor Roat opened the public hearing on the possible repeal of the current open container ordinance. When the Police and Emergency Services Committee started reviewing the open container ordinance to see if it needs to be updated the question arose as to whether or not the ordinance is needed. The Council decided to hear from the public as to what their feelings were regarding this ordinance.

Rocky Roberts, Blue Ribbon Bar and Carbon/Stillwater Tavern Association, said that it was felt that it would be a good idea to keep the open container ordinance. He said the Association agreed that whatever the City decided upon it was the best idea to not allow breakable containers to be carried on the streets. They all felt that having the open container lifted in certain areas during some of the large events that are held in Red Lodge is a good idea, but once again with no glass containers being allowed on the streets.

Angela Beaumont, Lodging & Merchants Association, said they are opposed to repealing the current open container ordinance. They all are worried about the mess that could happen if bottles were allowed to be carried. No one wants to clean up more than they already are in the process.

Ray Masters also spoke to keeping the current ordinance in force.

Susan Foisy said she is in favor of having limitations on open containers. She feels the ordinance helps the bar owners as it gives a better opportunity at point of sale, to enforce underage drinking and to have more judgment in the selling to someone who is too intoxicated. If drinking is allowed on the sidewalks she feels it will hinder these processes.

Trish LaCombe said she is also against the idea of repealing the open container ordinance for all the stated reasons and she said she feels it has been working very well in Red Lodge.

Mayor Roat closed the public hearing.

STANDING COMMITTEES – ADMINISTRATION – Form of Government

Election Motion by Williams, second by Labrie that the City proceed with the Form of Government Election and approve the ballot language at the next meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This is something that needs to be done every ten years. The voters will then decide if they want to have a Government Review done by an elected Commission.

Purchase of Street Lights – Broadway Avenue NorthWestern Energy would like to see if the City is interested in proceeding with the possibility of purchasing the street lights on Broadway. Mayor Roat said it is a bit much to ask as the City Crew would then be responsible for bulb changes and any repairs on the lights if the City purchased them. Schoenike said the only benefit he could see from pursuing this would be to get past any bureaucratic barriers to looking into the possibility of LED lights. Mahan and Williams could see no substantial reason to look into this possibility any further. Foisy said that once NorthWestern Energy gives the City a digital map of the street lights in town we can then look into the possibility of saving money.

Sanderson said he will send a letter to NorthWestern Energy advising them that the City is not interested in purchasing the lights on Broadway.

Journal Voucher – Ambulance District Money Transfer JV4302

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|------|--------|-------------------------|-------------|-------------|
| 2370 | 101000 | Fire Retirement Cash | \$17,320.05 | |
| 2190 | 101000 | Comp. Insurance Cash | \$10,600.00 | |
| 5510 | 101000 | Ambulance District Cash | | \$27,920.05 |

This Journal Voucher took the funds from the Ambulance District for the expenditure of retirement payments and the cost of liability insurance.

Motion by Larson, second by Williams to approve the Journal Voucher for the transfer of Ambulance District money. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Williams said the Committee will be looking for volunteers to sit on the Resort Tax Review Committee for the work that needs to be done every five years.

**POLICE AND EMERGENCY SERVICES – Ordinance #898 – Open Container
ORDINANCE # 898**

**AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE OPEN
CONTAINER ORDINANCE.**

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify the limitations on open containers of alcohol within the City Limits; and

WHEREAS: The City Council has determined that there appears to be a major loophole in the current ordinance as it is codified in the Municipal Code; and

WHEREAS: The City Council has determined that it is in the best interest of the City, its residents and our visitors to have reasonable limitations on open containers of alcohol within the City Limits; and

Now therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

Section 5-4-7. Shall be amended to read as follows:

5-4-7: Open Containers of Alcohol.

A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

1. Alcoholic Beverage: A compound produced for human consumption as a drink that contains more than 0.5% of alcohol by volume.
2. Open Alcoholic Beverage Container: A bottle, can, jar or other receptacle that contains any amount of alcoholic beverage that is open or has a broken seal or the contents of which are partially removed.

B. Prohibited: It shall be unlawful for any person to possess an open alcoholic beverage container on public streets, highways, alleys or sidewalks in the city.

Exemption: Upon application to the city council and approval of the city council, certain groups or individuals may be given an exemption from subsection B above for a specific date, time and location in order that they may hold events during which persons may possess an open alcoholic beverage container on the public streets, highways, alleys or sidewalks in the city. These applications will be considered by the city council on a case by case basis. The city council will have absolute discretion whether to grant or deny such an application, and such application shall only be granted upon a showing by the applicant of good cause and a showing by the applicant that granting such application would be in the best interest of the city and would not be detrimental to the health, safety, morals and general welfare of the community. The city council may place such conditions upon the approval of an application as it may deem appropriate and in the public interest.

Motion by Larson, second by Labrie to approve Ordinance #898 on first reading. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Labrie and Williams. Those opposed: Alderman Schoenike. Motion carried.

Sanderson said the only change in the ordinance is definitional to include a can as being one of the alcoholic beverage containers that are not allowed on City streets and sidewalks. It is still

allowable to have a drink in a designated City park, but there are still laws to address public drunkenness.

This ordinance has been reviewed by the Police Department and Hope Freeman the City Attorney.

LAND USE AND PLANNING Sanderson reminded everyone that the Planning Board meets tomorrow evening at 5:30 p.m., March 13, 2013. This topic on the Growth Policy will address the wants, needs and desire of the business community in commercial zoning. He said it stands to be a very well attended session and very worthwhile. The Planning Board will then start on crafting the document.

PUBLIC WORKS – Broadway Avenue Rehab Project Update Sanderson told the Council that he plans to give them an update on the project at every meeting. The preconstruction meeting has been held on this project and the notice to proceed has been given effective March 18, 2013. On this day, Wilson Brothers will start moving in their pipe, equipment and materials to start work. The first crew will then be able to start work by breaking ground and work north from 5th Street with the next crew starting about a week later going north from 14th Street.

While this water project is being done it will be the time for businesses to upgrade their service lines if they so desire. The only thing is that they will have to wait until the crew finishes the work in front of the business before they start the upgrade so as to not holdup the City project. The City will be doing the service line from the main to the curb stop.

Labrie asked is curb stops could be moved and she was told to call the Public Works Director on this matter. No one will be without water during this project.

CITIZEN REPORT Angela Beaumont said she wanted the Council to know that a meeting was held last night with the Superintendent and Deputy Superintendent of Yellowstone National Park. She said it was stated that the park would open at the latest by June 14, 2013.

Beaumont said that the Founders Day Celebration would be held on June 8, 2013. There will be several functions joining together to do this celebration, that being the E-waste program, the music festival, the museum and the Mason Mountain Run. Hopefully all these events being held in conjunction with Founders Day will bring a lot of people to town.

Sue Larson asked about the issue of moving the Skateboard Park to a new location. She said a public hearing was held and the Parks Board tabled this matter so it did not appear on this agenda. Sanderson said the Parks Board is slated to take this matter off the table at their next

meeting which is March 28, 2013 at 5:00 p.m. here at City Hall. Whatever the decision is at that time will be forwarded to the City Council.

CORRESPONDENCE None

MISCELLANEOUS Larson said he attended the Downtown Decorating Committee meeting on March 1, 2013. He said this is a new committee through the Chamber of Commerce. This committee is taking over the flower pots that hang on the lamp posts on Broadway. The City will give some funds for this project through the Parks Board in the Resort Tax.

Meeting adjourned at 7:50 p.m.

Mayor

ATTEST:

City Clerk

