

City Council Proceedings April 19, 2010

The governing body of the City of Powell met in regular session at 7:00 p.m. April 19, 2010 at City Hall. Mayor Mangold opened the meeting and led those in attendance in reciting the Pledge of Allegiance. Mayor Mangold called the meeting to order and the following were present:

Mayor: Scott Mangold
Council Members: Josh Shorb, John Wetzel, Don Hillman, Jim Hillberry, Floyd Young, and Rex Sanders.
Absent: None
City Officials: City Administrator Zane Logan, City Clerk Ardyce Busboom, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Finance Director Annette Thorington, and Building Official Will Petersen.

Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Shorb moved to approve the agenda with the addition of item 8B – Council communications under Mayor/Council Members. This motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Approval of Minutes.

Mayor Mangold called for any additions or corrections to the April 5th regular meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Hillberry moved to approve these minutes which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY - None; MOTION CARRIED.

Bills and Claims

The list of claims, a copy of which is attached, was then considered. Councilman Wetzel noted he would abstain from discussion and voting on item #47, as did Councilman Shorb on item #55. Councilman Young made a motion that the bills be allowed and authorize the Treasurer to draw warrants for payment of same, which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Request for Malt Beverage Permit. The group Threnity submitted a request for a malt beverage permit for a concert scheduled for May 14th at the Park County Fairgrounds with alcohol hours from 6 p.m. to 12 midnight. Following discussion, Councilman Wetzel moved to approve this malt beverage permit which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Request for Second Dispensing Room. Table 7 submitted a request to operate a second dispensing room in the front portion of their establishment to accommodate special events. Following review, Councilman Hillman moved to approve a second dispensing room for Table 7, which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Request for Waiver of Open Container Law (Resolution No. 2, 2010). Table 7 submitted a request for a waiver of the open container law to host a patio party for Snowball Softball Tournament participants on April 24, 2010 in a specially fenced area adjacent to Table 7 with alcohol hours from 5 p.m. on April 24th to 2 a.m. on April 25th. And as per requirements listed in Resolution No. 2, 2010.

Resolution No. 2, 2010 was presented for approval, the title of which is as follows: A Resolution providing for exceptions to the open container laws for the City of Powell for a special occasion open to the public and observed by the community at large. Councilman Shorb moved to approve this waiver of the open container laws and Resolution No. 2, 2010 which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Request for Connection to City Water Services. Councilman Young made a motion to bring back from the table consideration of a request for connection to water services for property outside the corporate limits of the City, which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Mr. Lonnie Whitlock reviewed his request to connect to City water for Lots 2, 3, and 4 of Whitlock II Subdivision for future development or sale of these properties. This request has been reviewed by City staff and the agreements for extension of municipal water services for each of these three lots have been executed by the Whitlock's. Councilman Hillberry moved to approve connection to City water services and authorize the City to execute the agreements for these three lots which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Business Signage. Business representatives Billie Smith and Dan Hadden addressed Council regarding downtown signage issues, in particular A-frame/stand alone signs and off-premise signs. These City codes are currently being reviewed by Planning & Zoning and recommendations will be forwarded to Council when complete. At the current time stand alone and off-premise signs are covered by a temporary permit to allow review of sign issues.

Mayor/Council Members

West Park Hospital Cap Tax Resolution. Councilman Shorb made a motion to bring consideration of the WPH cap tax issue back from the table for further discussion, which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Young, and Sanders; NAY – Hillman and Hillberry; MOTION CARRIED. Council discussion continued on the WPH Cap Tax issue, with several council members voicing concerns with the timing of putting this issue on the ballot, using a cap tax as the method to pay for the WPH project, and several stating that if this resolution is passed to place this issue on the ballot, it does not mean that council members endorse this project. Mayor Mangold noted that it may be difficult to convince Powell area voters to approve this measure. WPH representatives requested endorsement of this resolution and noted they would begin an education process to inform voters of the scope and need for this project.

Resolution No. 3 – 2010 was presented, the title of which is as follows:

A Resolution approving the proposition to be presented to the voters of Park County, Wyoming for imposition of a 1% specific purpose excise tax in Park County, State of Wyoming, for the purpose of funding a modernization project for West Park Hospital, said proposition to be placed on the ballot in conjunction with the primary election to be held in Park County on Tuesday, August 17, 2010.

Councilman Shorb moved to approve this Resolution which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Hillman, Young, and Sanders; NAY – Wetzel and Hillberry; MOTION CARRIED.

Council Communications. Mayor Mangold read a letter of resignation submitted by Councilman Josh Shorb of Ward 1 who will be moving out of his ward. This resignation is effective contingent upon the successful closing of his new home anticipated to take place on April 29, 2010. Councilman Hillman made a motion to accept this resignation with regret, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Mayor Mangold and council members expressed appreciation to Councilman Shorb for his tireless work on many projects and to the citizens of Powell.

Legal

Ordinance No. 1, 2010 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 17.68.010 OF THE POWELL CITY CODE PERTAINING TO THE ZONING BOARD OF ADJUSTMENT POWERS AND DUTIES.

Councilman Hillberry moved to approve Ordinance No. 1 on second reading which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 2, 2010 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.26.050 D. 2 OF THE POWELL CITY CODE BY DELETING THE PROHIBITION OF DRIVEWAY CUTS.

Councilman Young moved to approve this ordinance on second reading which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 3, 2010 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.28.010 E. OF THE POWELL CITY CODE BY DELETING REDUNDANT PROVISION FOR RECORDING.

Councilman Wetzel moved to approve this ordinance on second reading which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 5, 2010 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.16.040 D. OF THE POWELL CITY CODE PERTAINING TO DESIGN STANDARDS FOR LOTS BY CHANGING “OR” TO “AT”.

Councilman Shorb made a motion to approve this ordinance on second reading which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 7, 2010 was presented for first reading and was read by title and in full, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 13.04.070 OF THE POWELL CITY CODE BY INCREASING UTILITY SERVICE DEPOSITS.

Councilman Hillman moved to approve this ordinance on first reading which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Administrative

Bad Debt Write-off. Administrator Logan requested authorization to write off \$116,832.38 in bad debt incurred prior to January 1, 2004 and is totally uncollectible. Councilman Wetzel moved to approve this write-off of bad debt which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Utility Meter Deposit. Administrator Logan requested Council authorization to begin drafting an ordinance to increase meter deposits for residential and commercial customers. Councilman Shorb moved to authorize initiation of an ordinance to adjust deposits, which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Employee Benefit Plan Update. Administrator Logan and Finance Director Thorington reviewed plan updates which will include new federally mandated laws and requested approval to execute the updated plan. Councilman Hillman moved to authorize execution of the updated plan which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Employee Benefit Plan Stop Loss Contract. Administrator Logan presented the benefit plan stop loss contract which had been reviewed earlier this year and requested approval to have this document signed. Councilman Hillberry moved to authorize execution of this contract which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

CK Construction – Change Order #1. Administrator Logan reviewed Change Order #1 for CK Construction for a change in safety fencing at the Homesteader Park Rest Area project. Councilman Wetzel moved to approve this change order which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Professional Services Agreement – Amendment #5. Administrator Logan reviewed amendment #5 for JGA Architects for testing services for the Homesteader Park Rest Area Renovation. Councilman Hillberry moved to approve this amendment which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

General Announcements. Administrator Logan informed Council of the following: 1) An e-mail regarding the aquatic center start up completion list was distributed to Council for review; 2) Habitat for Humanity Restore Project groundbreaking is scheduled for 1 p.m. on April 24th; 3) Budget work is being completed with preliminary budget books being printed this week; and 4) The Aquatic Center opening is anticipated to be the week of May 3rd and work on the parking lot will begin very shortly; 5) A table top exercise is being held in Cody on Wednesday; 6) Some Council members will be attending the WAM spring board meetings in Casper this week; 7) Another landfill committee meeting is scheduled for 10 a.m. on April 22nd.

There being no further business to be considered at this meeting, Councilman Hillberry moved to adjourn which motion was seconded by Young. Mayor Mangold adjourned the regular meeting at 8:00 p.m.

APPROVED:

ATTEST:

/s/ Ardyce Busboom
City Clerk

/s/ Scott Mangold
Mayor