

City Council Proceedings April 5, 2010

The governing body of the City of Powell met in regular session at 7:00 p.m. April 5, 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 Wetzel moved to approve the agenda with the addition of item 8B – Landfill Issues under Mayor/Council Members, and item 11G – JGA Amendment #4 – Homesteader Park Rest Area Project. This motion was seconded by Hillman 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 March 15th 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 Shorb noted he would abstain from discussion and voting on item #62. Councilman Wetzel 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.

7:00 P.M. Public Hearing – Amendments to Powell City Code.

Attorney Kath opened a public hearing to consider amendments to Powell City Ordinances – Titles 16 and 17, noting that the Planning & Zoning Commission has held a public hearing and recommends approval of these code changes. Administrator Logan noted staff recommendation to change #3 under section O in Ordinance No. 4, which would require a minimum distance of 125 feet between approaches for arterial roads. The public hearing was closed at 7:10 p.m. and the following ordinances were presented for Council consideration. The following ordinances were presented for first reading and were read by title only and will be posted, the titles of which are as follows:

Ordinance No. 1, 2010. An ordinance amending Section 17.68.010 of the Powell City Code pertaining to the Zoning Board of Adjustment powers and duties.

Ordinance No. 2, 2010. An ordinance amending Section 16.26.050 D. 2. of the Powell City Code by deleting the prohibition of driveway cuts.

Ordinance No. 3, 2010. An ordinance amending Section 16.28.010 E. of the Powell City Code by deleting redundant provision for recording.

Ordinance No. 5, 2010. 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 Hillman made a motion to approve these four ordinances on first reading and to post for public review, 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. 4, 2010 was discussed and was read by title and will be posted the title of which is as follows: An ordinance amending Section 16.16.020 of the Powell City Code to provide as follows: (for limitations on vehicle-drive approaches).

Councilman Hillman made a motion to table consideration of Ordinance No. 4 until Planning and Zoning has had time to again review the recommendation to require a minimum distance of 125 feet for approaches on arterial streets. This motion to table was

seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Backwoods Cab – Request for Additional Driver/s. Mr. Kyle Ninker again submitted a request that he be allowed to be a driver for Backwoods Cab services. Council discussion followed and staff recommendation reviewed, followed by Councilman Shorb who made a motion to again reject Mr. Ninker as a driver of a taxicab which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Council suggested that Mr. Ninker keep a spotless vehicle record for the rest of the year and to apply at the first meeting in January of 2011 for Council consideration to become a taxi driver.

Outside Corporate Limit Request for Connection to City Water Services. Lonnie and Diane Whitlock submitted a letter requesting connection to city water services for Lots 2, 3, and 4 of the Whitlock II Subdivision. Also submitted were the executed copies of the Agreement required for extension of municipal water services to property not within the corporate limits of the City. Council discussion followed and Councilman Shorb made a motion to table consideration of this request to the April 19th meeting to obtain further information. This motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Powell Hospital District SLIB Grant Application. Mr. Rod Barton and Ms. Diane DeLozier reviewed and requested a letter of support on behalf of Powell Hospital District for a Mineral Royalty Grant Application for a new ambulance for the hospital emergency department. This grant funding request in the amount of \$59,408.00 is for half the cost of an ambulance. Councilman Wetzel moved to approve this letter of support and authorize execution of same which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Mayor/Council Members

West Park Hospital Cap Tax Issue. After being tabled at the March 15th Council meeting, Councilman Hillberry moved to bring the WPH Cap Tax issue back from the table for consideration, which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Discussion followed, with a consensus of Council being that since Powell is not as close to this issue as Cody, any decision should wait until Cody has had a full discussion and taken action on this WPH cap tax proposal. Councilman Shorb moved to table consideration of this issue until Cody has made a decision, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Landfill Issues. Councilman Shorb updated Council on continuing committee discussions regarding the landfill disposal issues, noting that the committee will likely have to re-look at any taxing proposal to be presented since commissioners appear not to be receptive to transfer stations for Powell, Meeteetse or rural areas.

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.

Aquatics Center Checking Account. Administrator Logan informed Council that a new checking account has been opened at First National Bank & Trust to accommodate credit card purchases and fee transactions at the Aquatic Facility.

Powell Airport – Request for State Aid. Administrator Logan reviewed a request for state airport aid covering design costs for a terminal/equipment maintenance building for Powell Municipal Airport. Councilman Wetzel moved to approve this request for state aid and authorize execution of same which motion was seconded by Hillberry and the vote

was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Electric & Water Dept. Bid Results & Recommendation. Administrator Logan reviewed bids received for a skid steer loader and a compact excavator for the electric and water departments and presented staff recommendation to approve the bid submitted by Bobcat of the Big Horn Basin, LLC in the amount of \$70,725.51. Councilman Hillman moved to approve this bid and authorize execution of contract documents which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NQAY – None; MOTION CARRIED.

Personnel Policies and Procedures Update. Administrator Logan reviewed an update for section 4.1 – page 2 of the Personnel Policies and Procedures Manual which was a cleanup of seasonal/part-time employee listing. Councilman Wetzel moved to approve this update 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 #4. Administrator Logan reviewed amendment #4 in the amount of \$114,183.00 for JGA Architects for testing services for the Homesteader Park Rest Area Renovation. Councilman Wetzel moved to approve this amendment which motion was seconded by Shorb 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) The slip lining project has been completed; 2) Homesteader Park Rest Area demolition and construction project has begun; 3) Plans & bid spec. documents are scheduled to be released in mid-April for the Habitat Restore Project with groundbreaking in late April; and 4) An Aquatic Center progress meeting is scheduled for next week.

There being no further business to be considered at this meeting, Councilman Wetzel moved to adjourn which motion was seconded by Shorb. Mayor Mangold adjourned the regular meeting at 8:30 p.m.

ATTEST:
/s/ Ardyce Busboom
City Clerk

APPROVED:
/s/ Scott Mangold
Mayor