

City Council Proceedings December 6, 2010

The governing body of the City of Powell met in regular session at 7:00 p.m. December 6, 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: Steve Scott, 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, Building Official Will Petersen, PSM Gary Butts, Water Supt. Bill Winters, and Finance Director Annette Thorington.

Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Young moved to approve the agenda which motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Approval of Minutes.

Mayor Mangold called for any additions or corrections to the November 15th regular meeting minutes and the November 17th work session 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 Wetzel and the vote was: AYE – Mangold, Scott, 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 Hillman noted he would abstain from discussion and voting on item #44 as did Councilman Hillberry on item #43. 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 Young and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

7:05 P.M. Public Hearing – Changes to Sign Ordinance/s.

Attorney Kitchen opened a public hearing to consider changes to sign ordinances pertaining to sandwich board signs in the downtown area, reading both proposed ordinances in full prior to calling for public comments.

Ordinance No. 19, 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 8.12.090 OF THE POWELL CITY CODE TO ALLOW SIGNS PLACED UPON CITY PROPERTY.

Ordinance No. 20, 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 17.48.040 OF THE POWELL CITY CODE BY ADDING A SUBSECTION E ALLOWING FOR SIGNS PLACED UPON CITY PROPERTY SUBJECT TO CONDITIONS AND RESTRICTIONS.

Comments from the public were called for with Ms. Billie Smith being the first to speak requesting Council consideration of changing the wording in section E 4 of Ordinance #20 from “located directly in front of the applicant’s business” to “located directly in front of the applicant’s building”. Mr. Scott Lewis addressed right-of-way area, noting that property ownership is often to the center of the street. Attorney Kitchen stated the exception is when the street is dedicated to the City. Planning & Zoning Chairman John Sides said that the commission recommended in front of the business to prevent conflict and it was cleaner with no signs at the corners. Mr. Bret Allred suggested a reduction of the \$500,000 insurance requirement so it was not cost prohibitive, making size of signs approximate rather than a set size, and the City re-do sign ordinances so they make more

sense to a lay person. Ms. Smith pointed out that insurance costs for that amount of coverage runs about \$17/yr. Attorney Kitchen pointed out that a set sign size was needed rather than leaving it open to various sizes. Mr. Ed Wenzel suggested that square footage be included in ordinance. Councilman Scott proposed consideration of banner type directional signage on light poles with businesses paying for their sign and a \$25 installation fee. Staff noted that banner hardware was already in place and also could be moved to other poles. Businesses could replace or change banners as needed. Mrs. Sandy Butts questioned what businesses on Absaroka did, with Mayor Mangold noting that Absaroka is a highway and under state regulations with no sandwich board signs allowed. Mrs. Butts was not aware of any problems with sandwich board signs and questioned the need to even address it. Mayor Mangold pointed out there has been a couple of issues including the blockage of handicapped access ramps and it is important to be proactive to prevent problems and protect the citizens. Following discussion, Attorney Kitchen closed the public hearing at 7:36 p.m.

Councilman Hillberry moved to approve Ordinance #19 on first reading, which motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Councilman Hillman made a motion to approve Ordinance # 20, then withdrew that same motion. Councilman Wetzel then made a motion to approve Ordinance 20, 2010 on first reading, amending it to include the proposed wording change from business to “building”, which motion was seconded by Sanders and the vote was: AYE – Mangold, Wetzel, Hillman, Young, and Sanders; NAY – Scott and Hillberry; MOTION CARRIED. Councilman Young made a motion to refer consideration of the banner idea back to Planning & Zoning for consideration, which motion was seconded by Scott and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Catering Permits. Roadgrill, LLC d/b/a The Terrace submitted requests for catering permits for the following scheduled events: 1) Encore Energy Xmas Dinner scheduled for December 11th at the Commons with alcohol hours from 4 p.m. to 12 midnight; and 2) Prime Power Xmas Dinner scheduled for December 18th at the Commons with alcohol hours requested from 4 p.m. to 12 midnight. Councilman Young moved to approve these catering permits which motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Request and Agreement for Connection to City Water & Sewer Outside the Corporate Limits of the City. Mr. Scott Shoopman submitted a request for connection to the City water and sewer system for his property located at 987 Lane 8 outside the corporate limits of the City. Agreement for connection to these services was submitted for Council consideration. Councilman Hillman moved to approve connection to City water and sewer and authorize execution of the Agreement which motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Legal

Gluten Free Oats – Amended Lease and Development Agreement. Attorney Kitchen reviewed an amended Real Estate Lease and an amended Development Agreement between Gluten Free Oats and the City. Administrator Logan noted that these amendments are for the reapplication for funding and the same as the original agreements except for dollar amounts on the development agreement and terms and rental amounts on the lease agreement. Councilman Wetzel moved to approve the amended lease agreement and the amended development agreement and authorize execution of both documents which motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Administrative

Employee Benefit Plan Amendment. Administrator Logan reviewed an amendment to the Employee Benefit Plan which clarifies coverage in states and eligibility of full-time employees and recommended approval. Councilman Young moved to approve and authorize execution of this agreement, which motion was seconded by Sanders and the vote

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

Park County Landfill Disposal Service Agreement. Administrator Logan reviewed changes in the proposed Disposal Service Agreement with Park County which will be for a one-year term. Councilman Hillman moved to approve and authorize execution of this agreement which motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

General Announcements. Administrator Logan informed Council of the following: 1) PAC usage and operational information was distributed for Council review and 2) Staff members will be attending a DEQ meeting on landfills and re-application was submitted for grant funding for a transfer station. Mayor Mangold reminded Council that another meeting with county officials and municipalities will be scheduled for mid-January to further discuss landfill issues.

There being no further business to be considered at this meeting, Councilman Hillberry moved to adjourn which motion was seconded by Wetzel. Mayor Mangold adjourned the regular meeting at 7:58 p.m.

APPROVED:
/s/ Scott Mangold
Mayor

ATTEST:
/s/ Ardyce Busboom
City Clerk