

## **City Council Proceedings February 17, 2009**

The governing body of the City of Powell met in regular session at 7:00 p.m., February 17, 2009 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, Building Official Will Petersen, W/W Supt. Bill Winters, Police Chief Tim Feathers, and Deputy City Attorney Scott Kath.

### **Approval of Agenda**

Mayor Mangold called for review and approval of the agenda. Councilman Wetzel moved to approve an amended agenda with the addition of item 9H – Waiver of Hearing under Legal. This motion was seconded by Shorb 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 February 2<sup>nd</sup> 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. Mayor Mangold noted he would abstain from discussion and voting on item #51, as did Councilman Hillman on item #41, Councilman Wetzel on items #64 and 87, Councilman Hillberry on item #40, Councilman Shorb on item #77, and Councilman Sanders on item #74. 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, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

### **Matters From The Public**

**Catering Permit.** LaVina Package Liquors submitted a request for a catering permit for the Pheasants Forever dinner scheduled for March 20<sup>th</sup> at the Commons with alcohol hours from 5:00 p.m. to 2 a.m. Councilman Wetzel moved to approve this catering permit which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION Carried.

**Powell Coalition Against Substance Abuse.** Mr. Jay Otto updated Council on the upcoming review of substance abuse issues, noting that a community survey will be conducted and a tentative review schedule of early May is being looked at following formation of the review committee.

### **Legal**

**Rickard Simple Subdivision.** Attorney Kath reviewed the proposed Rickard Simple Subdivision, noting that Planning and Zoning has considered it and recommends approval.

**Rickard Simple Subdivision Agreement and Final Plat.** Councilman Shorb moved to approve the Subdivision Agreement and Final Plat and authorize execution 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.

**JML Homestead MS-2 Minor Subdivision.** Attorney Kath reviewed the proposed JML Homestead MS-2 Minor Subdivision, noting that Planning and Zoning has considered it and recommends approval.

**JML Homestead MS-2 Minor Subdivision Agreement and Final Plat.** Councilman Young moved to approve the Subdivision Agreement and Final Plat and authorize execution of same 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. 1, 2009** was up for second reading and was read by title only, the title of which is as follows:

**AN ORDINANCE ENACTING SECTION 9.08.110 OF THE POWELL CITY CODE PERTAINING TO POSSESSION OF CONTROLLED SUBSTANCES.**

Councilman Hillman 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. 2, 2009** was up for second reading and was read by title only, the title of which is as follows:

**AN ORDINANCE ENACTING SECTION 9.08.120 OF THE POWELL CITY CODE PERTAINING TO POSSESSION OF DRUG PARAPHERNALIA.**

Lengthy Council discussion followed and Council recommended that further research and possibly clarification be done to alleviate their concerns with this ordinance. Councilman Wetzel moved to table this ordinance until the next Council meeting which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Ordinance No. 3, 2009** was presented for first reading and was read by title and in full, the title of which is as follows:

**AN ORDINANCE ENACTING SECTION 10.12.200 OF THE POWELL CITY CODE PERTAINING TO REQUIREMENTS FOR A VALID DRIVER'S LICENSE.**

Councilman Shorb moved to approve this ordinance on first 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. 4, 2009** was presented for first reading and was read by title and in full, the title of which is as follows:

**AN ORDINANCE ENACTING SECTION 10.12.210 OF THE POWELL CITY CODE PERTAINING TO REQUIREMENTS TO CARRY AND DISPLAY DRIVER'S LICENSE.**

Councilman Hillman moved to approve this ordinance on first 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. 5, 2009** was presented for first reading and was read by title and in full, the title of which is as follows:

**AN ORDINANCE ENACTING SECTION 10.12.220 OF THE POWELL CITY CODE PERTAINING TO DRIVING IN VIOLATION OF RESTRICTIONS IMPOSED ON A RESTRICTED LICENSE.**

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

**Waiver of Hearing For Proposed Liquor License Suspension.** Attorney Kath informed Council that 5HS d/b/a One Stop Shoppe has waived their due process hearing to challenge the validity of the proposed three-day suspension of their liquor license for accumulation of demerit points in a twelve month period as per city code. Attorney Kath also noted that One Stop Shoppe has requested Council consider the dates of Feb. 23, 24, and 25 as their dates for suspension closure. Following discussion, Councilman Hillberry moved to designate Feb. 23, 24, and 25 (three full 24-hour periods each day from midnight to midnight) as the dates for license suspension closure. The property will be subject to suspension compliance inspections during this period. This motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Committee/Board/Commission Matters**

**Tree Board Report.** Councilman Young updated Council on Arbor Day activities planned by the Tree Board, and discussed the proposal to address and control the oyster shell scale disease hitting the downtown trees.

**Administrative**

**Employee Benefit Plan – Renewal of Administrative Services Agreement.**

Administrator Logan and Finance Director Thorington reviewed the agreement and schedules covering the third party administrator for the employee benefit health plan. Councilman Shorb moved to approve the agreement and authorize execution of same which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Employee Benefit Plan – Amendment #1 – 2009. Administrator Logan and Finance Director Thorington reviewed an amendment covering dental benefits and therapy benefits for the employee benefit health plan. Councilman Wetzel moved to approve this amendment and authorize execution of same 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) Introduced Mr. Bill Winters, named new Water/Wastewater Supt. 2) The job description/comp. survey work is progressing; 3) Review of five-year plans will be scheduled shortly; 4) Provided an update on the pool construction; 5) Noted that a contract with a locator firm for marking of underground fiber optic lines when needed is being completed; 6) A WMPA meeting is scheduled this week in Lusk; 7) Provided Council with information on both the collection of municipal court fines, and current sales tax collections; 8) Mayor Mangold commented on the interesting Park County Centennial event recently held; and 9) Councilman Shorb offered positive comments on the recently held departmental tours and would like to be informed of upcoming pours on the new pool so any interested council members could be in attendance.

There being no further business to be considered at this meeting, Councilman Shorb moved to adjourn which motion was seconded by Hillberry. Mayor Mangold adjourned the regular meeting at 8:20 p.m.

**APPROVED:**

**/s/ Scott Mangold**  
Mayor

**ATTEST:**

**/s/ Ardyce Busboom**  
City Clerk