

City Council Proceedings February 2, 2009

The governing body of the City of Powell met in regular session at 7:00 p.m., February 2, 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, Aquatics Supt. Carrie Parmer, Building Official Will Petersen, City Attorney Sandra Kitchen, and Deputy City Attorney Scott Kath.

Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Hillman moved to approve an amended agenda with the addition of item 8A – Park County Travel Council Update under Mayor/Council Members. This motion was seconded by Hillberry 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 January 19th regular meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Young 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 Hillberry 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. Hansel and Gretel's submitted a request for a catering permit for a wedding reception scheduled for February 27th at the Commons with alcohol hours from 6:30 p.m. to 2 a.m. Councilman Shorb moved to approve this catering permit which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION Carried.

Housing Assessment Project. Mr. James Klessen of Forward Cody discussed a proposal to complete a housing assessment for all of Park County which will look at the availability, condition, affordability, growth projections, and market value of housing. An application has been submitted for grant funding for this project which should be completed by the end of summer.

Plaza Diane Community Center For The Arts. Mrs. Yancy Bonner reviewed proposed plans for alterations and improvements for the Plaza Diane property, noting that bid opening is scheduled for Feb. 17th at 2 p.m. at City Hall. Councilman Shorb moved to approve the proposed improvements for Plaza Diane which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Lease Agreement - City/Plaza Diane Community Center For The Arts; and Termination of Lease Agreement for Plaza Diane – City/Powell Inc. Councilman Hillberry moved that the City enter into a lease agreement with Plaza Diane Community Center For The Arts for the property located at 211 North Bent Street and that the City terminate the lease with Powell Inc. covering the same property, which motion is contingent upon execution of both documents. This motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Mayor/Council Members

Park County Travel Council Update. Councilman Shorb updated Council on discussion being held concerning lodging tax collections and percentage shares for municipalities and will keep Council updated on any decisions that may occur.

Legal

Due Process Hearing For Proposed Liquor License Suspension. Attorney Kitchen reviewed for Council the process for three-day suspension of a liquor license for accumulation of demerit points in a twelve month period as per city code. Following review, Councilman Young moved to designate March 9th as the date for a license suspension hearing, unless waived by the license holder. This motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 1, 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 9.08.110 OF THE POWELL CITY CODE PERTAINING TO POSSESSION OF CONTROLLED SUBSTANCES.

Councilman Shorb moved to approve this ordinance on first 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. 2, 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 9.08.120 OF THE POWELL CITY CODE PERTAINING TO POSSESSION OF DRUG PARAPHERNALIA.

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

Bonner 2 Simple Subdivision. Attorney Kath reviewed the proposed Bonner 2 Simple Subdivision, noting that Planning and Zoning has considered it and recommends approval. Councilman Wetzel noted he would abstain from discussion and voting on these two issues.

Simple Subdivision Agreement – Bonner 2 Subdivision. Councilman Shorb moved to approve the Simple Subdivision Agreement and authorize execution of same which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Hillman, Hillberry, Young, and Sanders; NAY – None; ABSTAIN – Wetzel; MOTION CARRIED.

Final Plat – Bonner 2 Subdivision. Councilman Young moved to approve the final plat for this simple subdivision and authorize execution of same which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Hillman, Hillberry, Young, and Sanders; NAY – None; ABSTAIN – Wetzel; MOTION CARRIED.

Administrative

General Announcements. Administrator Logan informed Council of the following: 1) Progress being made on the aquatics facility with the first pour scheduled soon. Roofing was discussed with Councilman Wetzel making a motion to accept the value engineering for the white membrane roofing with the 15-year warranty, which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. 2) The job description/comp. survey work is progressing; and 3) The Pepsi contract has been reviewed by the attorney and has been returned to them for updating.

There being no further business to be considered at this meeting, Councilman Wetzel moved to adjourn which motion was seconded by Hillberry. Mayor Mangold adjourned the regular meeting at 8:08 p.m.

ATTEST:

/s/ Ardyce Busboom
City Clerk

APPROVED:

/s/ Scott Mangold
Mayor