

## City Council Proceedings January 15, 2007

The governing body of the City of Powell met in regular session at 7:00 p.m., January 15, 2007.

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, Tim Sapp, Jim Hillberry, Mark Senn, and Rex Sanders.  
Absent: None  
City Officials: City Administrator Zane Logan, City Clerk Ardyce Busboom, Finance Director Annette Thorington, City Attorney Sandra Kitchen, and Deputy City Attorney Scott Kath.

### Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Hillberry moved to delete from the agenda item 9A(2) RMCC Real Estate Lease which will be considered at a later date, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED. Councilman Sapp then moved to approve the amended agenda which motion was seconded by Senn and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

### Approval of Minutes.

Mayor Mangold called for any additions or corrections to the January 2nd 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 Sapp and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY - None; MOTION CARRIED.

### Bills and Claims

The list of claims, a copy of which is attached, was then considered. Councilman Sapp noted he would abstain from discussion and voting on item #45. Councilman Shorb made a motion that the bills be allowed and authorize the Treasurer to draw warrants for payment of same which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

### Matters From The Public

Pizza Hut Restaurant – Re-designation of Dispensing Room. The Pizza Hut Restaurant submitted a written request for a re-designation of their dispensing room following minor remodeling that was completed in the restaurant. Councilman Hillberry moved to approve this re-designation which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Bonner; NAY – None; MOTION CARRIED.

Hansel & Gretel’s – Catering Permit. Hansel & Gretel’s submitted a request for a catering permit for the Rotary Club Art Show scheduled for Feb. 24<sup>th</sup> at the Commons with hours requested from 5 p.m. to midnight. Councilman Wetzel moved to approve this catering permit which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

LaVina’s – Catering Permit. LaVina Package Liquors submitted a request for a catering permit for the Chamber Banquet scheduled for Feb. 1<sup>st</sup> at the Commons with hours requested from 5 p.m. to 11 p.m. Councilman Wetzel moved to approve this permit which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

Mr. Melvin Mauch – Pet Ordinances. Mr. Mauch addressed Council on behalf of a number of families that reside within the city limits that raise rabbits for 4-H projects, other competition, and to consume and would like Council to consider including rabbits as an allowable household pet. Council discussion followed, some of which included re-defining household pet to include rabbits, registering them as an exotic pet, and a reasonable number of rabbits allowed per household if included as a household pet.

Council will review the current ordinances and discuss this with animal control and the police department, as well as 4-H leadership and will re-visit this issue when information is put together. Mayor Mangold did state that as of this meeting date, there will be no penalties on having rabbits within the city limits until a determination has been made by Council to change the ordinances or leave as is. He also recommended that any rabbit owners who find dogs harassing their rabbits to contact animal control at the P.D.

**Mrs. Kim Capron – Chamber of Commerce Director.** Mrs. Capron informed Council of upcoming presentations scheduled for January 22nd and 23rd by Mary Randolph, Director of Wyoming Main Street Program. Ms. Randolph will be addressing issues and problems facing downtown business districts and reviewing methods used to revitalize these areas. Council is invited to attend these meetings.

**Mr. Sean Birky** – Mr. Birky posed questions to Council on various issues concerning the Rocky Mountain Custom Cuts proposed business enterprise, as well as questions on the proposed Development Agreement. At Mr. Birky's request, Mayor Mangold set one more public meeting for January 22<sup>nd</sup> for anyone interested in discussing the proposed RMCC project. Mr. Birky stated that he would like this meeting to be at the Commons, he would cover the usage fee, as well as provide pizza and pop.

### **Mayoral Appointments**

**Boards/Committees/Commissions** – Mayor Mangold requested Council confirmation of his recommendations for appointments for City Boards, Committees, and Commissions, and Council representatives for these various boards. Councilman Senn moved to confirm the requested appointments, which motion was seconded by Wetzel and the vote was: AYE: Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

The Board, Committee, and Commission appointments are as follows:

**Planning and Zoning Commission:** John Sides to complete an unexpired term to January '08, and Robert Smith to complete an unexpired term to Jan. '10, and will serve with continuing P & Z members Carol Richendifer, Dean Roberts, John Campbell, and Keith Sande.

**Board of Adjustment:** John Sides appointed for a term of Jan. '07 – '10 and will serve with continuing board members Wes Metzler, John Campbell, Dean Roberts, and Glen Holm.

**Airport Board:** Dave Blevins and Ken Witzeling were re-appointed for terms from Jan. '07 – '09 and will serve with continuing board members Tom Bibbey and Gene Davis, with one vacancy yet to be filled.

**Tree Board:** Nancy Ryan was re-appointed for a term of Jan. '07 – '11 and Myron Heny was appointed to complete an unexpired term to Jan. '10 and will serve with continuing board members Joyce Johnston, Steve Martin, Ben Keller, April Rodriguez, and Vince Rose.

**Shoshone Municipal Pipeline Board:** Dan Groskop was re-appointed to the pipeline board for a term running to June '09.

**Lodging Tax Board:** April Rodriguez was appointed for a term of Mar. '07 – '10 and Josh Shorb will complete an unexpired term running to Mar. '09.

**WMPA Board:** Zane Logan was re-appointed for a term of Jan. '07 to Jan. '10.

**CDBG Sponsorship Committee:** Josh Shorb and Jim Hillberry will serve with Mayor Mangold on this committee.

**Council Representatives for Boards and Committees:** Mayor Scott Mangold for WAM, NLC, Northwest Joint Powers Board, Big Horn Basin Transportation Authority, and CDBG Committee; Councilman Josh Shorb for Lodging Tax Board, Park County Tripartite Board, CDBG Committee, and Centennial Park Committee; Councilman John Wetzel for Powell Country Club, Powell Recreation District, and Community Pool Committee; Councilman Tim Sapp for Planning & Zoning Commission and Centennial Celebration Committee; Councilman Jim Hillberry for Big Horn Basin RC&D, CDBG Committee, and Powell Housing Task Force; Councilman Mark Senn for Urban Systems Committee, Airport Board, Tree Board, and Youth Board; and Councilman Rex Sanders for Board of Adjustment and Board of Appeals.

### **Legal**

**Rocky Mountain Custom Cuts Development Agreement.** Attorney Kath reviewed the terms and conditions of a proposed Development Agreement between the City and RMCC concerning grant funding for construction of a meat processing facility. Designated representatives for this project are Administrator Zane Logan for the City and Alan Lohman for RMCC. Councilman Hillberry noted he would abstain from discussion and voting on this agreement only. Following discussion, Councilman Shorb moved to approve this Agreement and authorize execution of same which motion was seconded by Sapp and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Senn, and Sanders; NAY – None; ABSTAIN – Hillberry; MOTION CARRIED.

**Special Use Permit Application.** A special use permit application for consideration by the Park County P & Z Commission and County Commissioners for the proposed RMCC meat processing facility was reviewed. Councilman Hillberry moved to approve and authorize execution of this application which motion was seconded by Sapp and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

**Resolution No. 1, 2007** was presented for consideration the title of which is as follows:

**A RESOLUTION AUTHORIZING SUBMISSION OF A FEDERAL MINERAL ROYALTY CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE CITY OF POWELL FOR THE PURPOSE OF BUILDING A RECYCLING FACILITY FOR POWELL VALLEY RECYCLING.**

Mrs. MaryJo Decker reviewed cost estimates, proposed construction time frame, and funding options for this project. Following discussion, Councilman Hillberry moved to approve Resolution No. 1 for submission of this grant application which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

**Disclosure of Conflict of Interest Statements.** Attorney Kitchen reviewed the statutory requirements for disclosure of conflict of interest for those associated with the investment of public funds for a unit of government. Members of the governing body, City Administrator, City Clerk, and Finance Director submitted written statement forms to be attached to the minutes of this meeting, as well as Council members verbally stating the financial institutions they each utilize.

**Administrative**

**Designation of Depositories for 2007.** The following listed financial institutions have requested the opportunity to be used as depositories for city funds in 2007: Bank of the West, Big Horn Federal Savings Bank, First National Bank & Trust, and Shoshone First Bank. Councilman Wetzel moved to approve these institutions as depositories for city funds in 2007, which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

**Airport Planning Consultant.** Administrator Logan presented the Airport Board recommendation to contract with GDA to serve as planner for Powell Airport projects. Councilman Shorb moved to approve retaining GDA as the Powell Airport Planner which motion was seconded by Senn and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.

**General Announcements.** Administrator Logan informed Council that: 1) Five-year plans are ready and Council scheduled a work session for January 30<sup>th</sup> for this review; 2) Reviewed a delay in receipt of a new water dept. pickup due to factory holiday/weather issues as well as a pickup being ordered that did not meet specs. Fremont has offered to re-order the right truck, offering an \$800 reduction in bid price for this re-order and requested a 90-day extension to get another truck in. Following discussion, Councilman Wetzel moved to extend the current pickup contract for 90 days, waive liquidated damages for this 90 day extension only, and accept the \$800 reduced bid contract price in lieu of liquidated damages on the original contract, which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Sapp, Hillberry, Senn, and Sanders; NAY – None; MOTION CARRIED.; 3) Distributed a preliminary budget schedule to Council; 4) Distributed second quarter revenue and expenditure reports; 5) Reminded Council of the public meeting that was set for Monday, Jan. 22<sup>nd</sup> at 7 p.m. at the Commons for a final public discussion on RMCC.

**There being no further business to come before Council at this time, Councilman Wetzel moved to adjourn which motion was seconded by Shorb. Mayor Mangold adjourned the meeting at 8:25 p.m.**

**APPROVED:**

**/s/ Scott Mangold**  
**Mayor**

**ATTEST:**

**/s/ Ardyce Busboom**  
**City Clerk**