

## City Council Proceedings July 6, 2009

The governing body of the City of Powell met in regular session at 7:00 p.m., July 6, 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, City Attorney Sandra Kitchen, Sanitation Supt. Darrell Rood, Aquatics Supt. Carrie Parmer, and Building Official Will Petersen.

### Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Shorb moved to approve an amended agenda with the addition of item #11C – SLIB Consensus Funding for Clark Fire Station under Administrative, and item #8A – Habitat for Humanity proposed re-sell property. 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 June 15th regular meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Hillman 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 #56, as did Councilman Shorb on item #70, Councilman Wetzel on item #79, Councilman Hillberry on item #47, and Councilman Sanders on #92. 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

Request for Malt Beverage Permit. Park County Fair Association submitted a request for malt beverage permits for the Park County Fair beer garden and grandstand area for July 21<sup>st</sup> through 26<sup>th</sup> with hours requested from 10 a.m. to 1 a.m. Councilman Hillberry moved to approve these malt beverage permits 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 Noise Ordinances. Park County Fair Association submitted a request for a waiver of the noise ordinances for grandstand events scheduled for July 21<sup>st</sup> through 25<sup>th</sup> between 4:30 p.m. and 12 midnight for the Park County Fair. Councilman Shorb moved to approve a waiver of the noise ordinances for these events which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Curbside Recycling. Laura Scarbro of Curbside Recycling reviewed with Council the importance of recycling and the services her company offers for home collection of recyclable materials, reviewing types of materials, pickup schedules and fees for this service. Council requested that she weigh her recyclables so they can get an idea of how much in materials this would keep out of the landfill.

Powell Valley Recycling Agreement. PVR submitted a request to extend their present contract for one additional year. Councilman Wetzel moved to authorize execution of a new contract with the same terms and conditions which 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

Habitat For Humanity Resell Building. Councilman Young requested further discussion concerning the proposed Habitat resell building project noting that he has had a number of concerns voiced regarding the site proposed for this building. Councilman

Hillberry stated he had also received similar concerns. Since this is a gateway area for the community, Council may request that Mr. Lee of the Habitat Board submit their proposed building design for review.

**Legal**

**Ordinance No. 15, 2009** was presented for third reading and was read by title only, the title of which is as follows:

**AN ORDINANCE TO CHANGE THE ZONING DESIGNATION OF THE CEDARWOOD SUBDIVISION, PHASE IV, FROM ITS CURRENT DESIGNATION OF A-C, AGRICULTURAL CULTIVATION TO R-G, RESIDENTIAL GENERAL AND R-L, RESIDENTIAL LIMITED.**

Councilman Shorb moved to approve this ordinance on third 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. 16, 2009** was presented for first reading and was read by title only and will be posted, the title of which is as follows:

**AN ORDINANCE AMENDING SECTION 16.32.010(L) OF THE POWELL CITY CODE BY ADDING AND INCLUDING TELECOMMUNICATION DISTRIBUTION REQUIREMENTS FOR SUBDIVISIONS.**

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

**Quitclaim Deed.** Attorney Kitchen reviewed a deed transferring from the City to Superior Machine Co. an un-named street between Blocks 59 and 60 containing 0.26 acres. This transfer was made in 1971 by Council minute action but a deed was never completed or recorded. This quitclaim deed resolves this oversight. Councilman Hillman moved to approve and authorize execution of this deed which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Birdsley Subdivision Agreement and Final Plat.** Attorney Kitchen reviewed the subdivision agreement and final plat for Birdsley Subdivision located within Lot B of Block 76, OT of Powell. Planning & Zoning has reviewed this subdivision and recommends approval. Councilman Wetzel moved to approve this agreement and the 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.

**Administrative**

**Aquatic Center Program Agreements.** Aquatics Supt. Parmer reviewed an Arthritis Foundation Program Agreement and an American Red Cross Provider Agreement to be used in programs offered once the aquatics center is up and running. Councilman Shorb moved to approve these agreements 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.

**Census Block Grant Funding Application.** Administrator Logan reviewed Resolution No. 7, 2009 covering the SLIB grant application for the Clark Fire Protection District's new fire station. This was a consensus project agreed upon by the county and municipalities of Park County. Councilman Shorb moved to approve this application which motion was seconded by Wetzel 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) Revenue and expenditure statements were distributed for Council review; and 2) Mayor Mangold expressed appreciation to the city employees for the city's float entered in the Cody parade.

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 8:05 p.m.

ATTEST:

/s/ Ardyce Busboom  
City Clerk

APPROVED:

/s/ Scott Mangold  
Mayor