

City Council Proceedings June 1, 2009

The governing body of the City of Powell met in regular session at 7:00 p.m., June 1, 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, and Rex Sanders.
Absent: Councilman Floyd Young.
City Officials: City Administrator Zane Logan, City Clerk Ardyce Busboom, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Finance Director Annette Thorington, Water Supt. Bill Winters, and Parks Supt. Chuck Hewitt.

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 7E – Mountain Spirit Habitat for Humanity under Matters from the Public. This motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Approval of Minutes.

Mayor Mangold called for any additions or corrections to the May 18th regular meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Shorb moved to approve these minutes which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, 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 Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Request for Waiver of Open Container Laws – Resolution No. 6, 2009. Powell Alumni Association submitted a request for a waiver of the open container laws for the alumni dinner/dance scheduled for June 27th at the Commons and in a specially fenced area on Bent Street from Engineering Associates to the corner of 2nd Street, with hours from 5:30 p.m. to 2 a.m. and as per requirements listed in Resolution No. 6, 2009.

Resolution No. 6, 2009 was presented for approval, the title of which is as follows:
A RESOLUTION PROVIDING FOR EXCEPTIONS TO THE OPEN CONTAINER LAWS FOR THE CITY OF POWELL FOR A SPECIAL OCCASION OPEN TO THE PUBLIC AND OBSERVED BY THE COMMUNITY AT LARGE.

Councilman Hillberry moved to approve this waiver of open container law and Resolution No. 6, 2009 which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

7:05 P.M. Public Hearing – Cedarwood Subdivision Phase IV Zoning. Attorney Kath opened a public hearing to consider a zone change for Cedarwood Subdivision Phase IV from A-C, Agricultural Cultivation to zoning designations of R-G, Residential General for Lots 80 – 94 and R-L, Residential Limited for Lots 72 – 79. Attorney Kath noted that the Planning & Zoning Comm. had held a public hearing on this zone change and recommends approval. There being no public comments, this hearing was closed at 7:07 p.m.

Ordinance No. 15, 2009 was presented for first 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 Hillberry moved to approve this ordinance on first reading and post it which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

7:10 P.M. Public Hearing – Budget Amendments & Resolution No. 5, 2009. Attorney Kitchen conducted a public hearing to consider appropriation of unappropriated surplus funds. A listing of these FY 08/09 budget amendments was published in the May 26, 2009 edition of the Powell Tribune or was available for public review at City Hall. Following review of the proposed amendments, Attorney Kitchen closed the public hearing at 7:13 p.m.

Resolution No. 5, 2009 was presented for consideration, the title of which is as follows:

A RESOLUTION PROVIDING FOR APPROPRIATION OF UNAPPROPRIATED SURPLUS FUNDS AND THE TRANSFER OF UNENCUMBERED AND UNEXPENDED APPROPRIATION FROM FY 08-09 BUDGET.

Councilman Hillberry moved to approve Resolution No. 5, 2009 which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Plan One Architects – St. Barbara’s Catholic Church Remodel. Due to questions concerning interpretation of city building codes, Mr. Jake Schrickling of Plan One Architects requested Council consideration and approval of a proposed covered breezeway addition between the church sanctuary and the parish hall to allow safe and ADA accessible access for elderly and handicapped parishioners. Following review with legal staff, Council felt this remodel would be in compliance with city codes. Councilman Wetzel moved to approve this proposed remodel for St. Barbara’s Church which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Request for Economic Development Funding. Mr. Toby Bonner of the Powell Valley Economic Development Alliance reviewed and submitted a request for financial support to help fund Phase I of an economic development analysis, strategic plan and fund raising campaign to ultimately work toward the hiring of a fulltime person to work for economic development in bringing businesses to the community. The Alliance will be using National Community Development Services, Inc. (NCDS) for this project. Following discussion, Councilman Hillman made a motion to designate \$10,000 from the City’s economic development fund for this project, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Powell Coalition Against Substance Abuse. Mr. Jay Otto provided Council with a summary of the community meeting held May 7th to develop guidelines for public policy on alcohol. Three of the six guidelines presented and reviewed by the 49 people attending were presented to Council for further consideration.

Mountain Spirit Habitat for Humanity. Mr. Kenny Lee, Director of MSHH requested Council consideration for sponsorship of a grant application funding to purchase property and build a 10,000 sq. ft. steel building to house a ReStore, a home supply/recycling center. This ReStore would take donations of good used building materials, over-stock building materials, and used appliances. Council discussion followed, with Council designating that with City sponsorship, this store is to be built in Powell, and if placed in a gateway business park, #1 prime lots not be used. Councilman Hillberry made a motion to sponsor this grant request, which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Mayor/Council Members

Centennial Park. Mayor Mangold reviewed proposed plans for Centennial Park with the project being completed in phases as funding is obtained. Some of the proposed features would include landscaping and irrigation, lighting, playground equipment, trees/shrubs, skate park, golf course, street/parking paving, maintenance facility. Mr. Ed Wenzel expressed concern that the City needs to finish other projects not completed before taking on another large park. He noted that the bike path by Rainwater still needs paving and signage, there are areas where sidewalks are needed, and the soccer field needs attention. Mrs. Kelly Kellet questioned costs of maintenance on a park and potential vandalism problems. Discussion followed with Council noting the positive aspects of having activity areas for kids and families. Councilman Shorb made a motion to accept the park plan concept for Centennial Park which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Legal

Ordinance No. 7, 2009 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 5.16.020 OF THE POWELL CITY CODE PERTAINING TO LICENSING REQUIREMENTS FOR COMMERCIAL TREE TRIMMING BY AMENDING THE REQUIREMENT TO PASS A COMPETENCY TEST.

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

Ordinance No. 8, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE TO PROVIDE FOR THE 2009-10 BUDGET FOR THE CITY OF POWELL, WYOMING FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JULY, 2009 AND ENDING THE 30TH DAY OF JUNE 2010.

Several revisions for the proposed FY 09/10 budget were reviewed and an amended ordinance was presented. Councilman Hillman moved to approve this amended ordinance on second reading, which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 9, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 9.08.060 OF THE POWELL CITY CODE BY AMENDING GAMBLING DEFINITIONS.

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

Ordinance No. 10, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 8.08.120 OF THE POWELL CITY CODE BY REVISING RATES CHARGED FOR SOLID WASTE COLLECTION DISPOSAL AND MAKING HAND PICKUP AND SPECIAL PICKUP CHARGES OPTIONAL IN SUBPARAGRAPHS E. AND F.

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

Ordinance No. 11, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 13.12.190 OF THE POWELL CITY CODE BY REVISING RATES CHARGED FOR WATER SERVICE.

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

Ordinance No. 12, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 13.12.210 OF THE POWELL CITY CODE BY REVISING RATES CHARGED FOR BULK WATER SALES.

Councilman Wetzel moved to approve this ordinance on second reading, 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. 13, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 13.08.090 OF THE POWELL CITY CODE BY REVISING RATES CHARGED FOR SEWER SERVICES.

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

Ordinance No. 14, 2009 was up for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 15.12.180 OF THE POWELL CITY CODE BY REVISING RATES CHARGED FOR ELECTRICAL SERVICE.

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

Administrative

Street Dept. – Annual Asphalt Contract Bid Results. Administrator Logan reviewed the only bid received for the annual purchase of hot mix materials submitted by Wild West Construction in the amount of \$93.00 per ton lay down price (based on May '09 oil prices with escalation allowed). Councilman Wetzel moved to accept this bid and authorize execution of contract documents, which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Panther Blvd. Water Line Project Agreement. Administrator Logan reviewed the Panther Blvd. Treated Water Line Project Agreement. Attorney Kitchen noted that two changes needed to be made in the agreement, the first being a 30 day time frame for progress payments and the second being the addition of a sovereign immunity clause. Councilman Hillberry noted he would abstain from discussion and voting on this issue. Councilman Wetzel moved to approve this agreement as amended and authorize execution of same which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, and Sanders; ABSTAIN – Hillberry; NAY – None; MOTION CARRIED.

Special Bank Account. Administrator Logan informed Council that a special bank account has been opened for only e-bay sales transactions with the balance to be kept at \$50.00.

General Announcements. Administrator Logan informed Council of the following: 1) The City will be participating with the School district for the Safe Routes to School Project with the City funding \$5,000 and the School District funding \$16,000; 2) A slurry seal schedule will begin in mid-June; 3) Walk washing is scheduled to start this next Sunday; 4) A thank you for the Founders events was extended.

Executive Session. Councilman Wetzel moved to recess to executive session for personnel issues which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED. Mayor Mangold declared the meeting in executive session at 9:06 p.m.

Mayor Mangold returned the meeting to regular session at 9:19 p.m.

Organizational Chart. Councilman Shorb made a motion to authorize implementation of the organizational chart, including designation of Street Supt. Gary Butts as Public Service Manager with a 10% increase in his salary and a six-month probationary period both ways. This motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

There being no further business to be considered at this meeting, Councilman Hillman moved to adjourn which motion was seconded . Mayor Mangold adjourned the regular meeting at 9:23 p.m.

APPROVED:

ATTEST:

/s/ Scott Mangold
Mayor

/s/ Ardyce Busboom
City Clerk