

City Council Proceedings June 21, 2010

The governing body of the City of Powell met in regular session at 7:00 p.m. June 21, 2010 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: Steve Scott, 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, Street Supt./PSM Gary Butts, Finance Director Annette Thorington, and City Engineer Sean Christensen.

Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Hillman moved to approve the agenda with an additional claim in the amount of \$3456.09 for Farm Plan to be considered with the claims list. This motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

7:00 p.m. Public Hearing – Transfer of Retail Liquor License. Attorney Kitchen opened a public hearing to consider the transfer of Retail Liquor License #7 – currently held by LPB, LLC d/b/a Red Stag Pub & Grill to Kellie G. Kleinz who will continue doing business as Red Stag Pub & Grill. No comments were received the hearing closed at 7:02 p.m. Councilman Hillberry moved to approve this transfer of ownership to Kellie Kleinz which motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED. This change of ownership will be effective as of June 22nd.

Approval of Minutes.

Mayor Mangold called for any additions or corrections to the June 7th regular meeting minutes and the June 7th work session minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Wetzel moved to approve these minutes which motion was seconded by Scott and the vote was: AYE – Mangold, Scott, 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. Mayor Mangold noted he would abstain from discussion and voting on item #49, as did Councilman Hillberry on item #43, Councilman Sanders on item #80, and Councilman Wetzel on item #70. 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 Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

7:05 p.m. Public Hearing – FY 10/11 Budget.

Attorney Kitchen opened a public hearing to consider the proposed FY 10/11 budget for the City of Powell. No comments were received and the hearing was closed at 7:06 p.m.

Ordinance No. 6, 2010 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE TO PROVIDE FOR THE 2010-11 BUDGET FOR THE CITY OF POWELL, WYOMING FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JULY, 2010 AND ENDING THE 30TH DAY OF JUNE 2011.

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

Matters From The Public

Request for Waiver of Open Container Laws – Resolution No. 8, 2010. Table 7 submitted a request for a waiver of the open container laws for an alumni party scheduled

for June 25th in a specially fenced area of the walkway adjacent to Table 7, with alcohol hours requested from 7 p.m. to 2 a.m. and as per requirements listed in Resolution No. 8, 2010.

Resolution No. 8, 2010 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 the open container laws and Resolution 8, 2010 which motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Waiver of Noise Ordinance for Fair Events. Park County Fair Board submitted a request for a waiver of the noise ordinances for fair events scheduled for July 28th (6-11 p.m.); July 29th (6-11 p.m.); July 30th (4:30 – 11 p.m.); and July 31st (4:30 – 11 p.m.). Councilman Scott noted he would abstain from discussion and voting on this issue. Councilman Hillman moved to approve this waiver of the noise ordinance for fair events, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; ABSTAIN – Scott; MOTION CARRIED.

Malt Beverage Permits. Park County Fair Association submitted a request for five malt beverage permits for the fair beer tent, beer garden, and grandstands for the following listed dates: July 27th, 28th, 29th, 30th, and 31st with hours from 11 a.m. to 1 a.m. Councilman Scott noted he would abstain from discussion and voting on these requested permits. Councilman Wetzel moved to approve these catering permits which motion was seconded by Hillberry and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; ABSTAIN – Scott; MOTION CARRIED.

Mayor/Council Members

WAM Convention. Mayor Mangold and Councilman Hillberry reported on various topics discussed at the WAM Convention, some of which included grant resources for projects, energy funding available, annual reports for posting on web pages, and Seven Rules of Admiral Hyman Rickover.

Legal

Ordinance No. 9, 2010 was up for third 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 INCREASING RATES CHARGED FOR POWER.

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

Ordinance No. 10, 2010 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 6.08.090 OF THE POWELL CITY CODE BY REVISING THE CODE SECTION ON DANGEROUS OR VICIOUS ANIMALS.

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

Resolution No. 9, 2010. Attorney Kitchen reviewed this resolution setting forth the City of Powell policy for fees charged for copies and research of public records.

Councilman Hillman moved to approve Resolution No. 9, which motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

City/NWC Agreement. Attorney Kitchen and Administrator Logan reviewed this document that covers both the termination of the agreement dated September 2008 which provided a liaison officer for NWC and provides for a new memo of understanding for cooperation between NWC and the Police Dept. for campus security and police services. Attorney Kitchen informed Council of a potential conflict of interest on this issue since her

firm represents both entities. Following discussion, Councilman Wetzel moved to waive any conflict of interest and approve this new agreement and authorize execution of same which motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Administrative

Street Dept. – Asphalt Contract Bid. Annual asphalt contract bids were reviewed with staff recommendation to accept the only bid received from Wild West Construction for \$92.75 per ton lay down price. Councilman Hillman moved to approve the bid received from Wild West and authorize execution of contract documents which motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Street Dept. – Fuel Bids. Fuel bids were reviewed and staff recommendation presented to accept the bid received from Fuel Depot for supplying fuel for city vehicles and equipment. Councilman Wetzel moved to approve the bid received from Fuel Depot as per rack price and markup as listed on bid sheets and authorize execution of contract documents. This motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Moyer Foundation Endowment Fund Investing. A proposed use agreement covering the Moyer Foundation operation and maintenance endowment for the aquatic center was reviewed. Finance Director Thorington reviewed the proposed transfer of Moyer Foundation funds to the Wyoming Community Foundation for investment with the City as beneficiary of income from this investment to always be used for aquatic or recreation purposes. Attorney Kitchen recommended and reviewed several changes to this agreement prior to execution by the City. Following discussion, Councilman Wetzel moved to approve and execute this agreement contingent upon the recommended changes listed by Attorney Kitchen being incorporated into the final draft. This motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Cap Tax Operation & Maintenance Fund Investing. Finance Director Thorington reviewed a proposal for investing the operation and maintenance funds for the aquatic center received from the Cap Tax vote. Following review of various investment options, it was found that Kaiser Wealth Management provides the best investment portfolio at this time. Following discussion, Councilman Hillberry moved to utilize the Kaiser portfolio proposal at this time for investment of the O & M aquatic funds. This motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Powell Airport Hanger Bid Results. City Engineer Christensen reviewed bids received for construction of airport hangers and recommended approval of the low bid submitted by Jim's Building Service in the amount of \$355,555.80 with funding for this project through a state loan. Councilman Hillman moved to approve the bid submitted by Jim's Building Service contingent upon approval of the loan by the state and authorize execution of contract documents, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

Powell Airport – Partial Parallel Taxiway Grant. City Engineer Christensen reviewed a proposed upcoming federal grant agreement between the FAA and the City that would cover design costs for the construction of partial parallel taxiway at Powell Airport. Following review, Councilman Hillberry moved to approve and authorize execution of a design grant agreement contingent upon review and acceptance by legal staff of agreement language. This motion was seconded by Scott and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, and Sanders; NAY – None; MOTION CARRIED.

General Announcements. Administrator Logan informed Council of the following: 1) Work is continuing on the parking lot for aquatic center; 2) The slurry seal project is in progress; 3) Walk washing has been completed; 4) Councilmen Hillman and Hillberry and Sanitation Supt. Rood recently attended a meeting to continue with discussions regarding Big Horn Basin landfill issues; and 5) Mayor Mangold reminded Council that Alumni weekend is coming up beginning June 25th, and the next City Council meeting will be on Tuesday, July 6th due to the holiday.

There being no further business to be considered at this meeting, Councilman Hillman moved to adjourn which motion was seconded by Hillberry. Mayor Mangold adjourned the regular meeting at 7:56 p.m.

APPROVED:

ATTEST:

**/s/ Ardyce Busboom
City Clerk**

**/s/ Scott Mangold
Mayor**