

## **City Council Proceedings March 7, 2011**

The governing body of the City of Powell met in regular session at 7:00 p.m. March 7, 2011 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, Don Hillman, Jim Hillberry, Floyd Young, and Myron Heny.  
**Absent:** Councilman John Wetzel  
**City Officials:** City Administrator Zane Logan, City Clerk Ardyce Busboom, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Public Svs. Mgr. Gary Butts, Police Chief Tim Feathers, Aquatics Director Carrie Parmer, and Building Official Will Petersen.

### **Approval of Agenda**

Mayor Mangold called for review and approval of the agenda. Councilman Young moved to approve an amended agenda with the addition of an executive session under item 11D, which motion was seconded by Heny and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, Young, and Heny; NAY – None; MOTION CARRIED.

### **Approval of Minutes.**

Mayor Mangold called for any additions or corrections to the Feb. 22, 2011 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 Young and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, Young, and Heny; 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 Hillman and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, Young, and Heny; NAY – None; MOTION CARRIED.

### **Matters From The Public**

**Master Street Plan Modification Request for North Clark Street.** Mr. Michael LaBazzo, attorney for the Johnson property owners, returned to Council following their meeting with Planning and Zoning and again requested vacation of the serpentine road on the master street plan that bisects the Johnson property north of 7<sup>th</sup> and Clark Streets. The school district is considering the purchase of this property for a potential future school site. Mr. LaBazzo also requested that no road be designated for this property at this time, as the road issue could be addressed when or if the school district annexes this property. Attorney Kath, Councilman Scott and P & Z member Tim Sapp presented the recommendation from Planning & Zoning that the serpentine road be vacated but that Clark Street be extended straight through to meet the future 10<sup>th</sup> Street. Discussion followed with Councilman Hillman moving to vacate the serpentine road, and accepting the P & Z recommendation to incorporate a straight extension of Clark Street through to the future 10<sup>th</sup> Street on the master street plan. This motion was seconded by Scott and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, and Young; NAY – Heny; MOTION CARRIED. Funding will be set aside in the FY 11/12 budget to update the master street plan.

### **Legal**

**Ordinance No. 1, 2011** 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 Hillberry moved to approve this ordinance on third and final reading, which motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, Young, and Heny; NAY – None; MOTION CARRIED.

**Administrative**

**School District Request for Diving Belt at PAC.** Administrator Logan reviewed a request received from Park County School District No. 1 to install a permanent twisting and spotting belt apparatus for use during diving practice, and noted City staff concerns regarding this request, including installation, maintenance, liability issues. Mr. Tim Wormald and Mrs. Stephanie Warren representing the school district explained the use of this device in teaching diving skills and agreed that the district could pay the installation/equipment costs as well as maintain and inspect the apparatus. Mr. Wormald stated that at this time the liability issue has not been discussed with the school board. Following Council discussion, Councilman Young made a motion to approve the school's request for a diving belt apparatus at PAC contingent upon the following: 1) Installation of a permanent diving belt (and all associated costs) is to be covered by the school district using a qualified manufacturer's installer, including annual safety inspections; 2) The school district is to cover liability for this apparatus and usage; and 3) Subject to review and approval of this installation by Burbach Aquatics, the City's pool engineer/designer. This motion was seconded by Heny and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, Young, and Heny; NAY – None; MOTION CARRIED. City legal staff will draft an agreement to be executed by both parties to cover these requirements. Councilman Heny will discuss this with the School Board.

**General Announcements.** Administrator Logan informed Council of the following: 1) The new Homesteader Rest Area opened today – March 7<sup>th</sup>; 2) Reviewed the 2010 census report which showed 17.5% growth for Powell; 3) The pool will be closing for repairs Friday evening and Dave Burbach will be in on Tuesday to review the punch list; and 4) Mayor Mangold informed Council that he will be scheduling a meeting with county municipalities and County Commissioners for the end of March to discuss consensus funding issues.

**Executive Session.** Councilman Hillberry moved to recess to executive session to discuss litigation, which motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Hillman, Hillberry, Young, and Heny; NAY – None; MOTION CARRIED. Mayor Mangold declared the meeting in executive session at 7:43 p.m.

**Return to Regular Session.** Mayor Mangold returned the Council to regular session at 8:11 p.m.

There being no further business to be considered at this meeting, Councilman Hillberry moved to adjourn which motion was seconded. Mayor Mangold adjourned the regular meeting at 8:12 p.m.

APPROVED:

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Mayor

Attest:

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City Clerk