

City Council Proceedings May 3, 2010

The governing body of the City of Powell met in regular session at 7:00 p.m. May 3, 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: 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, and Deputy City Attorney Scott.

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 item 9H – Deed for Pump House under Legal and item 11D – Fire System Monitoring Agreement under Administrative. This motion was seconded by Hillberry and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Approval of Minutes.

Mayor Mangold called for any additions or corrections to the April 19th regular meeting minutes and the April 22nd special meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Hillberry moved to approve the April 19th regular meeting minutes which motion was seconded by Sanders and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY - None; MOTION CARRIED. Councilman Wetzel then moved to approve the April 22nd special meeting minutes which motion was seconded by Young and the vote was: AYE – Mangold, 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. 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 Hillman and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Request for 24-hour Bar Openings for 2010. Ms. Jennifer Lieser submitted the local retail license holders request for the 24-hour bar openings for 2010. Dates requested are: June 26th (Alumni); July 31st (Fair); Oct. 30th (Halloween); and Dec. 31st (New Years Eve). Councilman Hillman moved to approve the 24-hour bar openings for 2010 which motion was seconded by Wetzel and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Request for Waiver of Open Container Law (Resolution No. 4, 2010). Ms. Jennifer Lieser of Back Street Pub submitted a request for a waiver of the open container laws for an alumni party scheduled for June 26 in a specially fenced area adjacent to the Pub entrance with hours from 3 p.m. to 2 a.m. and as per requirements listed in Resolution No. 4, 2010.

Resolution No. 4, 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 No. 4, 2010 which motion was seconded by Hillman and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Mayor/Council Members

WAM Convention Voting Delegate and Alternate. Councilman Hillman made a motion that Mayor Mangold serve as the voting delegate at the June WAM Convention with Councilman Hillberry as alternate voting delegate. This motion was seconded by Young and the vote was: AYE – Mangold, Wetzel, Young, and Sanders; NAY – Hillman and Hillberry; MOTION CARRIED.

Employment Agreement. Mayor Mangold presented an agreement between the City and Administrator Logan covering the terms and conditions for this position, noting that there are no changes except for extending the term of employment for an additional year.

Councilman Young moved to approve this agreement and authorize execution of same which motion was seconded by Hillberry and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Legal

Ordinance No. 1, 2010 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 17.68.010 OF THE POWELL CITY CODE PERTAINING TO THE ZONING BOARD OF ADJUSTMENT POWERS AND DUTIES.

Councilman Wetzel moved to approve Ordinance No. 1 on third reading which motion was seconded by Hillman and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Ordinance No. 2, 2010 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.26.050 D. 2 OF THE POWELL CITY CODE BY DELETING THE PROHIBITION OF DRIVEWAY CUTS.

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

Ordinance No. 3, 2010 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.28.010 E. OF THE POWELL CITY CODE BY DELETING REDUNDANT PROVISION FOR RECORDING.

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

Ordinance No. 5, 2010 was up for third reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.16.040 D. OF THE POWELL CITY CODE PERTAINING TO DESIGN STANDARDS FOR LOTS BY CHANGING “OR” TO “AT”.

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

Ordinance No. 7, 2010 was presented for second reading and was read by title only, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 13.04.070 OF THE POWELL CITY CODE BY INCREASING UTILITY SERVICE DEPOSITS.

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

Ordinance No. 4, 2010. Councilman Wetzel moved to bring this ordinance back from the table for consideration which motion was seconded by Young and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Attorney Kath noted that Planning & Zoning had further reviewed vehicle access distances for arterial streets and now recommends approval of this ordinance. Ordinance No. 4, 2010 was read by title only and will be posted, the title of which is as follows:

AN ORDINANCE AMENDING SECTION 16.16.020 OF THE POWELL CITY CODE TO PROVIDE AS FOLLOWS: (Vehicle-drive approaches).

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

Ordinance No. 8, 2010 was presented for first reading and was read by title only and will be posted, the title of which is as follows:

AN ORDINANCE REPEALING CHAPTER 15.24 OF THE POWELL CITY CODE PERTAINING TO FLOOD DAMAGE PREVENTION AND REPLACING IT WITH A NEW CHAPTER 15.24 PERTAINING TO FLOOD DAMAGE PREVENTION TO ENABLE POWELL RESIDENTS TO PARTICIPATE IN FLOOD INSURANCE PROGRAMS.

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

Simpson Hall Pump House Station. Attorney Kitchen informed Council of a potential conflict of interest in addressing this issue and inquired if Council wished to waive this conflict for her. Councilman Hillman moved to waive the potential conflict of interest and allow the City Attorney to discuss this issue, which motion was seconded by Young and the vote was: AYE: Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Attorney Kitchen and Administrator Logan reviewed a request received from NWC to utilize this pump house for watering. Since NWC donated this land thirty plus years ago to the City for a water well, it is recommended that the City return ownership of this piece of property to the college at minimal cost. Attorney Kitchen informed Council that prior to returning this property to the college, an appraisal will need to be completed and advertisement and a public hearing held. Councilman Wetzel made a motion that an appraisal be completed and paid for by the college, advertisement for a public hearing proceed, and offer a sale price to the college of \$10.00 for this pump house. This motion was seconded by Young and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Administrative

Schedule of Pool Opening. Administrator Logan reviewed the proposed schedule of the opening of the Powell Aquatic Center, with Monday, May 10th at 2 p.m. for ribbon cutting and facility tours, followed by the pool opening Tuesday through Saturday for members only swimming and May 17th as opening to the general public for swimming. Alternate parking areas will be provided while the parking lot is being completed. Councilman Hillberry made a motion to accept this schedule for opening of the facility which motion was seconded by Wetzel and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Preliminary Budget Reviews. Administrator Logan reminded Council of the scheduled work sessions for review of the FY 10/11 budget, the first being on May 11th and continuing on May 13th.

SLIB Consensus Funds Resolution. Administrator Logan presented a Resolution for approval for the distribution of excess funds remaining from countywide SLIB consensus block grant projects. The \$11,990 balance remaining after completion of the priority projects will be designated for Powell Valley Healthcare to assist in funding for the purchase of an ambulance. Councilman Hillman moved to approve this Resolution designating remaining funds be distributed to Powell Valley Healthcare, which motion was seconded by Young and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Fire System Monitoring Agreement. Administrator Logan presented an agreement between Rocky Mountain Fire Systems, Inc. and the City covering terms and conditions for an alarm monitoring system for the aquatic facility and recommended approval. Councilman Wetzel moved to approve this agreement and authorize execution of same which motion was seconded by Hillman and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

General Announcements. 1) Councilman Hillman noted the importance of continuing to work on landfill issues with closure of the Powell site scheduled for 2012; and 2) Mayor Mangold expressed appreciation to the Boy Scouts, in particular Regan, for putting together a new group of freedom bikes for public use.

There being no further business to be considered at this meeting, Councilman Wetzel moved to adjourn which motion was seconded by Hillman. Mayor Mangold adjourned the regular meeting at 7:46 p.m.

APPROVED:

ATTEST:

/s/ Ardyce Busboom
City Clerk

/s/ Scott Mangold
Mayor