

## City Council Proceedings November 16, 2009

The governing body of the City of Powell met in regular session at 7:00 p.m., November 16, 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: John Wetzel, Don Hillman, Jim Hillberry, Floyd Young, and Rex Sanders.  
Absent: Councilman Josh Shorb  
City Officials: City Administrator Zane Logan, City Clerk Ardyce Busboom, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Finance Director Annette Thorington and Police Chief Tim Feathers.

### Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Wetzel moved to approve the agenda with the addition of item 11E – Multi-jurisdictional Mitigation Plan under Administrative. This motion was seconded by Hillman and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

### 7:00 P.M. Public Hearing – Renewal of Liquor Licenses for 2010.

Attorney Kitchen opened a public hearing to consider the renewal of liquor licenses for 2010. The annual police report regarding each establishment was reviewed and improvement noted for those renewing licenses at this hearing. No public comment was received and this hearing was closed at 7:04 p.m. Councilman Hillman moved to approve renewal of liquor licenses for 2010 for the following listed establishments. This motion was seconded by Hillberry and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

#### Retail Liquor Licenses

- #1 Harmax, Inc. d/b/a K-Bar Saloon
- #2 KBLA, Inc. d/b/a Blair's Market
- #6 Powell Lamplighter, Inc. d/b/a The Lamplighter Inn
- #7 LPB, LLC d/b/a Red Stag Pub & Grill
- #9 James & Christine Sanders d/b/a Table 7
- #11 Maverik, Inc. d/b/a Maverik #346
- #12 HanGre, LLC d/b/a Hansel & Gretel's
- #13 Lynn's Service, Inc. d/b/a Quick Stop
- #14 McCullough Enterprises, Inc. d/b/a The Peaks
- #16 Jennifer M. Lieser d/b/a Backstreet Pub
- #17 Red Eagle Oil, Inc. d/b/a Red Eagle Food Store #9

#### Limited Retail Licenses (Veterans & Fraternal Clubs)

- #3 Hughes Pittinger Post 26 d/b/a American Legion
- #4 FOE Aerie 2426 d/b/a Powell FOE 2426
- #5 Veterans of Foreign Wars d/b/a VFW Post 5054
- #8 BPO Elks #2303 d/b/a Elks Club

#### Restaurant Liquor Licenses

- #15 Pizza Hut of Powell, Inc. d/b/a Pizza Hut
- #18 Classic Lanes, Inc. d/b/a Classic Lanes
- #19 Adalberto Acevedo Avila d/b/a El Tapatio Mexican Restaurant
- #20 Topolo, Inc. d/b/a Topolo

### Approval of Minutes.

Mayor Mangold called for any additions or corrections to the Nov. 2nd regular meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Young moved to approve these minutes which motion was seconded by Sanders 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. Mayor Mangold noted he would abstain from discussion and voting on item #24, as did Councilman Hillberry on item #6. 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 Young and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Matters From The Public**

**Request for Catering Permits.** Road Grill LLC d/b/a The Terrace submitted a request for catering permits for the following two events: 1) A Holiday Dinner scheduled for Dec. 11<sup>th</sup> at the Commons with alcohol hours from 5 p.m. to 12 midnight; and 2) A holiday dinner scheduled for Dec. 12<sup>th</sup> at the Commons with alcohol hours from 5 p.m. to 12 midnight. Councilman Hillberry moved to approve these catering permits which motion was seconded by Wetzel and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**P.D. Crime Report Web Site.** Police Chief Feathers reviewed a recently completed Crime Report web site which allows public information and access to type of crime and incident mapping for specific time periods.

**Legal**

**Ordinance No. 17, 2009.** Ordinance No. 17, 2009 was up for third reading and was read by title only, the title of which is as follows:

**AN ORDINANCE AMENDING SECTION 6.04.070 OF THE POWELL CITY CODE BY FURTHER SPECIFYING CRUELTY TO ANIMALS.**

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.

**Agreement – City/Mountain Spirit Habitat for Humanity.** Attorney Kitchen reviewed a WBC Agreement between the City and Habitat which will ensure compliance with the grant agreement covering the property purchase and construction of a building to house a Habitat ReStore. Councilman Wetzel moved to approve this agreement and authorize execution of same which motion was seconded by Young and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Administrative**

**Master Service Agreement – Amendment #21 – Inberg Miller Engineers.**

Administrator Logan reviewed an amendment to Inberg Miller Engineers Master Service Agreement which covers various miscellaneous engineering jobs for city projects. Councilman Young moved to approve the amendment to the Master Service Agreement and authorize execution of same which motion was seconded by Sanders and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Wyoming Retirement Fund Resolutions.** Administrator Logan reviewed Resolutions covering Wyoming Retirement participants, both regular and law enforcement personnel. These Resolutions bring the City's retirement program into compliance with IRS requirements. 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.

**WBC/City – Revival to Grant Agreement.** Administrator Logan reviewed an Agreement between the City and the Wyoming Business Council which extends the term of this agreement to December 31, 2009 to cover funding for contract work to be completed in the First Development Business Park. Councilman Hillberry moved to approve this agreement and execution of the documents, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**SLIB Consensus Funding Resolution.** Administrator Logan reviewed a request from Park County for Council approval to adjust their SLIB priority list for reallocation of SLIB funding to be used toward lining of the landfill. Councilman Wetzel moved to approve this Resolution and authorize execution of same which motion was seconded by Young and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**FEMA Local Mitigation Plan.** Administrator Logan reviewed a Letter of Commitment as a participating entity in Park County Multi-jurisdictional Hazard Mitigation Planning dealing with hazardous situations. Councilman Hillberry moved to approve this letter of commitment, which motion was seconded by Sanders and the vote was: AYE – Mangold, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**General Announcements.** Administrator Logan informed Council of the following: 1) Distributed and reviewed a pool cash funding progress report; 2) Noted the downtown holiday decorating going on; 3) Informed Council that Avenue C has been paved; 4) A meeting is scheduled for Nov. 24<sup>th</sup> with the County Commissioners to continue discussions regarding landfill issues; 5) Mayor Mangold noted that the Veteran's Day ceremonies/flag pole dedication at the Commons was well attended, provided a short review of legislative issues discussed at the Legislative Dinner; and 6) Councilman Young was complimentary of the new design for the Homesteader Park rest area.

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 7:55 p.m.

**APPROVED:**

**/s/ Scott Mangold**  
Mayor

**ATTEST:**

**/s/ Ardyce Busboom**  
City Clerk