

## **City Council Proceedings November 2, 2009**

The governing body of the City of Powell met in regular session at 7:00 p.m., November 2, 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, Floyd Young, and Rex Sanders.  
**Absent:** Councilman Jim Hillberry  
**City Officials:** City Administrator Zane Logan, City Clerk Ardyce Busboom, City Engineer Sean Christensen, Building Official Will Petersen, City Attorney Sandra Kitchen, and Deputy City Attorney Scott Kath.

### **Approval of Agenda**

Mayor Mangold called for review and approval of the agenda. Councilman Hillman moved to approve the agenda which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

### **Approval of Minutes.**

Mayor Mangold called for any additions or corrections to the Oct. 19th 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 Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, 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, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

### **Matters From The Public**

**Request for Catering Permit.** Hansel & Gretel's submitted a request for a catering permit for the Ducks Unlimited Dinner scheduled for Nov. 13<sup>th</sup> at the Commons with alcohol hours requested from 4 p.m. to 12 midnight. Councilman Wetzel moved to approve this catering permit which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

### **Mayor/Council Members**

**Proclamation – Diabetes Health Day.** Mayor Mangold presented a proclamation designating November 9<sup>th</sup> as Diabetes Health Day in Powell. Councilman Young moved to endorse this proclamation which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

### **Legal**

**Ordinance No. 17, 2009.** Ordinance No. 17, 2009 was up for second 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.**

Mr. Ed Wenzel addressed Council concerning extended confinement of animals as cruelty and requested clarification of several areas of the proposed ordinance. Discussion followed concerning these issues. Councilman Wetzel then moved to approve this ordinance on second reading, which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**Scott's Granite Park.** With the pending sale of Scott's Granite Park, Wapiti Country Realty requested Council review of any issues that might delay the sale of this mobile home park. Attorney Kath noted that Planning & Zoning and the Development Review Committee both reviewed this annexation which occurred in 1971 and have no objection to the sale of this property as it presently is. Following review, Councilman Hillman made a motion declaring no objection to the sale of this property, noting that this property is not a subdivision and can continue, as is, to operate as a 48-space mobile home

park, operating under grandfathered regulations. This motion also designates that any future subdividing or alteration of this mobile home park after this date will be required to comply with Chapter 17.64 of the Powell City Code, specifically section 17.64.330 – Existing Parks. This motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**Administrative**

**East Water Tower Maintenance Agreement.** Administrator Logan and Engineer Christensen reviewed a proposed agreement with Maguire Iron, Inc. for installation of a frost proof valve during the next scheduled service on the east water tower. Councilman Shorb moved to approve the work listed on the contract and authorize execution of same which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**Police Highway Safety Grant Agreement.** Administrator Logan reviewed this grant agreement in the amount of \$28,090 and covering the purchase of radar units, video cameras, and wages. Councilman Wetzel moved to approve this agreement and authorize execution of same, which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**Disposal Service Agreement.** Administrator Logan reviewed a proposed Disposal Service Agreement between the Park County Commissioners and the City. This agreement is for a one-year term, setting tipping fees at \$90/ton, with waste delivered to the Powell Landfill Disposal Site. Councilman Wetzel moved to approve this agreement, with the correction of a typo on page 4, and authorize execution of same, which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**Memorandum of Agreement – Boys and Girls Club.** Administrator Logan reviewed this MOA which states the City’s willingness to work with Boys and Girls Clubs of Park County in support of the programs, services, and activities they provide. Councilman Shorb moved to approve this cooperative agreement and authorize execution of same which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**Downtown Sewer Lining Bids.** Administrator Logan and Engineer Christensen reviewed bids received for the sewer lining project for the downtown area and recommended that due to irregularities and inconsistencies, all bids be rejected and the project re-bid. Following discussion, Councilman Young moved to reject all bids received for this project, which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED. Councilman Shorb then made a motion authorizing the re-bidding of this project which motion was seconded by Young and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Young, and Sanders; NAY – None; MOTION CARRIED.

**General Announcements.** Administrator Logan informed Council of the following: 1) Provided quarterly revenue and expenditure reports for review; 2) Noted that the street sweeper is in for repair; 3) Downtown holiday decorating has begun; 4) Alley cleanup is continuing and will be finished soon; 5) Mayor Mangold noted that the centennial committee is participating in Veteran’s Day ceremonies on Nov. 11<sup>th</sup>, and reminded Council of the 4 p.m. work session and the 6 p.m. legislative dinner, both scheduled for Nov. 12th .

There being no further business to be considered at this meeting, Councilman Hillman moved to adjourn which motion was seconded by Wetzel. Mayor Mangold adjourned the regular meeting at 7:36 p.m.

APPROVED:

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Mayor

ATTEST:

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City Clerk