

City Council Proceedings October 19, 2009

The governing body of the City of Powell met in regular session at 7:00 p.m., October 19, 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, Jim Hillberry, Floyd Young, and Rex Sanders.
Absent: None
City Officials: City Administrator Zane Logan, City Clerk Ardyce Busboom, Public Service Mgr. Gary Butts, City Attorney Sandra Kitchen, and Deputy City Attorney Scott Kath.

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 8-B (Mayor/Council) – Cap Tax Committee report. This motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Approval of Minutes.

Mayor Mangold called for any additions or corrections to the Oct. 5th 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 Hillman and the vote was: AYE – Mangold, Shorb, 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 items #39 and #42, as did Councilman Hillberry on item #35 and Councilman Wetzel on item #59. Councilman Shorb made a motion that the bills be allowed and authorize the Treasurer to draw warrants for payment of same, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Matters From The Public

Sewer Service Agreements. J & R well Service, LLC submitted a request for connection to city sewer services for three J & R Well Service properties outside but adjacent to the corporate limits of the city. Councilman Hillberry moved to authorize connections and approve and execute Agreements for Extension of Municipal Sewer Services for these properties located at 789 Lane 9, 791 Lane 9, and 200 Hastings Horseshoe. This motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Mayor/Council Members

Mayor's Day Holiday. Mayor Mangold requested Council confirmation in declaring December 24th as the Mayor's Day holiday for 2009. Councilman Shorb moved to approve this designation which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Cap Tax Committee. Councilman Shorb updated Council on the recent cap tax committee meeting held in Meeteetse. Discussion included putting together a needs list with estimated costs for a cap tax proposal which would cover such things as a transfer station for Powell re-haul; a new garbage truck for Meeteetse; lining costs for the landfill cell or an endowment; and recycling facility retrofit and upgrades.

Legal

Liquor License Three-Day Suspension Dates. Attorney Kitchen informed Council that both Topolo Inc. and Lynn's Quick Stop have waived their due process hearings to challenge the validity of proposed three-day suspensions of their liquor licenses for accumulation of demerit points in a twelve month period as per city code. Mr. Karsten

Fisher of Topolo, Inc. requested Council consider the dates of Nov. 26, 27, and 28 for their 3-day suspension. Following discussion, Councilman Hillman moved to designate Nov. 27,

28, and 29 as the dates for Topolo's suspension which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Mr. Ron Elwood of Lynn's Service Inc. then requested Council consider the dates of Oct. 26, 27, and 28 for (Lynn's) Quick Stop 3-day suspension. Councilman Wetzel moved to approve these dates for the Quick Stop suspension which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Each suspension will be three full 24-hour periods each day from midnight to midnight and these establishments will be subject to suspension compliance inspections during this period.

Ordinance No. 17, 2009. Ordinance No. 17, 2009 was presented for first reading and was read by title and in full, 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.

Discussion followed and Council requested that the language "extreme temperatures" be added to paragraph E. of Section 6.04.070 and a typo correction made. Councilman Wetzel moved to approve this ordinance on first reading as corrected and amended, which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Administrative

Homeland Security Grant Award Agreement. Administrator Logan presented a grant agreement between the Wyoming Office of Homeland Security and the City for a grant in the amount of \$16,925.79 to cover security training and programs for the Police Dept. Councilman Wetzel moved to approve this agreement and authorize execution of same which motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Police Dept. Vehicle Bid Results. Administrator Logan reviewed bids received for one police vehicle and presented staff recommendation to approve the bid submitted by Fremont Chevrolet GMC of Lander for a 2010 Chevrolet Impala in the amount of \$21,635.00 and to reject bids received for Alternate #2. Councilman Wetzel moved to approve this bid and to reject all bids on Alternate #2 and authorize execution of contract documents, which motion was seconded by Sanders and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

Engineering Agreement – Absaroka Street Waterline and Upgrades. Administrator Logan reviewed an Engineering Agreement between Engineering Associates and the City for planning, design, grant acquisition and construction of the Absaroka Street Waterline and Miscellaneous Waterline Upgrades and recommended approval. Attorney Kitchen recommended that paragraphs B and C (Indemnification) under 6.10 on page 8 be removed and a paragraph on sovereign immunity be added. Councilman Wetzel moved to approve this agreement as amended and authorize execution of same, which motion was seconded by Hillberry and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

SLIB Consensus Funding Allocation. Administrator Logan reviewed a Resolution requesting reallocation of SLIB consensus funding for requested Cody and Meeteetse projects. Councilman Shorb moved to approve the reallocation requests of these two communities which motion was seconded by Wetzel and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

PAC Construction Update. Public Service. Mgr. Butts provided Council with a construction update on progress being made on the new aquatic center, including primer/painting, insulation, concrete deck and spray pad pours, and exterior wall washing. Council requested that another tour be scheduled for viewing progress on this facility.

General Announcements. Administrator Logan informed Council of the following: 1) Provided updates on recent meeting he attended for Wy. Municipal Power Agency and the Dry Forks bond closing; 2) Fall cleanup is scheduled to begin soon; 3) Admin. Logan and Sanitation Supt. Rood will be meeting with the County Commissioners on Tuesday to

discuss the Disposal Service Agreement; 4) The downtown sewer slip lining project bid opening is scheduled for October 22nd; and 5) Mayor Mangold noted that the centennial Homesteader Days event this past weekend was well attended.

There being no further business to be considered at this meeting, Councilman Shorb moved to adjourn which motion was seconded by Hillman. Mayor Mangold adjourned the regular meeting at 7:55 p.m.

ATTEST:

/s/ Ardyce Busboom
City Clerk

APPROVED:

/s/ Scott Mangold
Mayor