

## **City Council Proceedings October 5, 2009**

The governing body of the City of Powell met in regular session at 7:00 p.m., October 5, 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 Clerk Ardyce Busboom, PSM Gary Butts, Finance Director Annette Thorington, City Engineer Sean Christensen, City Attorney Sandra Kitchen, and Deputy City Attorney Scott Kath.

### **Approval of Agenda**

Mayor Mangold called for review and approval of the agenda. Councilman Young moved to approve the agenda with the addition of a report on the WAM Fall Board Meetings under Mayor/Council Members. This motion was seconded by Shorb and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

### **7:00 p.m. Public Hearing – Transfer of Ownership and Location of Retail Liquor License.**

Attorney Kitchen opened a public hearing for consideration for the transfer of ownership and location of Retail Liquor License #17 (SHS, Inc.) to Red Eagle Oil, Inc. d/b/a Red Eagle Food Store #9. No public comments were received at the meeting and written comments submitted were taken under consideration. This hearing was closed at 7:03 p.m. Councilman Hillberry moved to approve this transfer of ownership and location which motion was seconded by Hillman 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 Sept. 21st 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 Young 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. Councilman Wetzel noted he would abstain from discussion and voting on item #61, as did Councilman Hillberry on item #23. 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 Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

### **Mayor/Council Members**

**WAM Fall Board Meeting Report.** Councilman Hillberry and Mayor Mangold reviewed items discussed during the meetings, including proposed assessment of city owned property, juvenile justice program, and integrated solid waste programs and transfer stations. Councilman Hillberry provided Council with copies of waste management planning reports submitted to the DEQ.

### **Legal**

**Land Purchase Agreement – Gluten Free Oats, LLC.** Attorney Kitchen reviewed a land purchase agreement between the City (on behalf of Gluten Free Oats, LLC) and TPV for the purchase of Lot 12, Block 2 Homestead Industrial Park. This agreement is contingent upon grant approval of Gluten Free Oats WBC grant application. Councilman Hillman moved to approve this agreement and authorize execution 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.

**Lease Agreement and Development Agreement – Gluten Free Oats, LLC.** Attorney Kitchen reviewed a real estate lease agreement between the City and Gluten Free Oats, and a Development Agreement between the City and Gluten Free Oats promoting economic development in the City. Statutory language will be added for clarification. Both agreements will be null and void if Gluten Free Oats grant application is not approved and awarded. Councilman Wetzel moved to approve these agreements and authorize execution

of same which motion was seconded by Hillman and the vote was: AYE – Mangold, Shorb, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Committee/Board/Commission Matters**

**Bike Path Planning.** Mr. John Campbell of the Planning & Zoning Commission presented a mapped proposal for bike safety pathways throughout the City. City Clerk Busboom recommended that this proposal be submitted to city staff for review of proposed routes and traffic patterns, street widths, assess budgetary costs, etc. City Engineer Christensen and Street Supt. Butts will prepare for staff review and bring back to Council.

**Administrative**

**Agreement – City/Capstone Construction.** City Clerk Busboom presented an agreement between the City and Capstone Construction for additional street construction work requested by the City for Avenue C to be incorporated into the street work being completed by the developer for Water Tower West 3<sup>rd</sup>. Councilman Hillberry noted he would abstain from discussion and voting on this issue. 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, Young, and Sanders; NAY – None; ABSTAIN – Hillberry; MOTION CARRIED.

**General Announcements.** City Clerk Busboom informed Council of the following: 1) The management team and supervisors completed a 5-day workshop last week on supervision and management; 2) Administrator Logan is in Denver completing the second part of the bond closure for the Dry Forks Station and will provide a full report at the next meeting; 3) The pink cancer awareness lights are going up downtown at the base of the trees – not only a good cause but also a compliment for the City’s holiday lighting program; 4) Mayor Mangold touched on further topics discussed at the WAM fall board meeting held in Wheatland.

There being no further business to be considered at this meeting, Councilman Wetzel moved to adjourn which motion was seconded by Shorb. Mayor Mangold adjourned the regular meeting at 7:35 p.m.

ATTEST:

/s/ Ardyce Busboom  
City Clerk

Mayor

APPROVED:

/s/ Scott Mangold