

City Council Proceedings  
April 18, 2016

The governing body of the City of Powell met in regular session at 6:00 p.m. on April 18, 2016 in the Council Chambers of City Hall. Mayor Hillman opened the meeting and led those in attendance in reciting the Pledge of Allegiance. Mayor Hillman called the meeting to order and the following were present: Mayor Don Hillman, Council Members John Wetzel, Lesli Spencer, Tim Sapp and Eric Paul. Absent were Council Members Floyd Young and Jim Hillberry.

City Officials: City Administrator Zane Logan, City Clerk Tiffany Brando, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath and Chief of Police Roy Eckerdt

Approval of Agenda: Mayor Hillman called for the review and approval of the agenda. Mayor Hillman asked to add under matters from the public Noise Variance for H & G Foundations and to remove under Mayor/Council Recognize Army Recruits to a later meeting. Councilman Wetzel moved to approve the agenda as amended, motion seconded by Councilman Sapp abstained from voting, unanimous approval, MOTION CARRIED.

Approval of Minutes: Mayor Hillman called for any additions or corrections to the April 4, 2016 regular meeting minutes which were distributed to council and posted at City Hall prior to the meeting. Councilman Wetzel moved to approve the April 4, 2016 minutes as posted, motion seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

Bills and Claims: Councilman Wetzel abstained from item #58 Powell Tribune and Councilwoman Spencer abstained from item #39 Keele Sanitation. Councilman Paul made a motion the bills be allowed and authorize the Treasurer to draw warrants for payment of the same, motion seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

Matters from the Public:

Request for 24Hr Bar Openings made by Jennifer Leiser owner of Backstreet Pub on behalf of the bar owners. Ms. Leiser stated the 24HR bar openings will be June 25<sup>th</sup>, July 30<sup>th</sup>, October 29<sup>th</sup> and December 31<sup>st</sup>. Councilman Wetzel asked Chief Eckerdt how the events were last year and he stated they had no problems. Councilwoman Spencer moved to approve the 24HR bar openings for 2016, motion seconded by Councilman Wetzel, unanimous approval, MOTION CARRIED.

Gestalt Studios at the Polar Plant is hosting a USS Job Event May 21 & 22, 2016 and is asking for a waiver of open container, an Entertainers permit for a band and a catering permit from WYOld West Brewing. Erin Johnson owner of Gestalt spoke on behalf of the event. The purpose is to raise money for the green space project in the open lot. They will have contractors come in and build projects and then the following day they will auction them off. They will have the lot fenced off for both days and on May 22<sup>nd</sup> they will have a beer garden open to the public and Kaylen Beasley will play Sunday evening. Mayor Hillman asked if they would be doing the building on Sunday during the church service and Ms. Johnson stated they planned on starting at 8:30 a.m. and are willing to adjust times if needed. Councilman Paul asked if she owned the lot and she said she owns one of the lots and the other owner is helping with the event as well. Chief Eckerdt's concern on the entertainers permit was the history of the neighborhood and it is right up against homes. Chief Eckerdt did stated that since LaVina's new owners took over it has been a lot quieter and they have done a great job. Councilman Wetzel stated he would be willing to give it a try and Mayor Hillman would like Ms. Johnson to work something out with the church across the street as to not conflict with their service. Councilman Wetzel informed her to be aware of the area and keep the noise down. Councilman Wetzel moved to approve Resolution No. 3, 2016 for a waiver of open container for May 21 & 22, an entertainers permit for May 22 and a catering permit for May 22, motion seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

Request for catering permit by LaVina's for June 24<sup>th</sup> at Gestalt for a class reunion. Councilman Wetzel moved to approve catering permit, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Request for Powell Valley Recycling Garbage Fees: Marynell Oechsner on behalf of Powell Valley Recycling spoke to council on challenges PVR has been facing this last year and how they are trying to keep the doors open and looking at ways to cut costs. Ms. Oeschner stated in the last month PVR has signed up for City garbage services and at this time would like to request a waiver of those fees of \$77.58 a month. She stated that the first seven months of the year PVR has not been running in the black. Mayor Hillman asked who picked up their garbage before and Ms. Oeschner stated Two Tough guys and they were charging significantly more. Councilman Wetzel stated that from the City's stand point many other non-profits also have garbage pick-up and that the sanitation is an enterprise fund that needs to be self-sufficient and cannot support waiving those fees. Mayor Hillman agreed that it

could become a slippery slope as well. Councilman Sapp also agreed. Mayor Hillman called for a motion and request was denied for lack of a motion.

Request for noise variance for H & G Foundations race series at the fairgrounds April 30, May 7, May 28, June 18, August 13, September 3, September 24 and October 22. Kyle Ninker spoke on behalf of the foundation and will be holding a series of events that include 8 bump n run races, 2 demo derby's and a mud drag race. The first race was on April 16 and they were done by 7:45 p.m., but want to have the noise waiver in the event they last longer or have delays. Initially they asked for 11 p.m. but would be fine to have it until 10 p.m. Councilman Paul asked if last year had a derby that lasted after 11 p.m. and Mr. Ninker recalled it was over about 9:45, but they had to load cars after and that can be noisy. Council asked if Chief Eckerdt had any input and he said only concern is it is against a residential area and in the past have received complaints. Councilman Wetzel made a motion to approve the season for a waiver of noise until 10 p.m., motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Mayor/Council

Employment Agreement: Mayor Hillman asked to approve Zane Logan employment agreement for City Administrator and extend another year through June 30, 2018. Councilman Wetzel made a motion to approve employment agreement for Zane Logan, motion seconded by Councilman Sapp, unanimous approval, MOTION CARRIED. Administrator Logan thanked Council for extending one more year.

Legal

ORDINANCE NO. 1, 2016: An Ordinance Amending Section 2.28.010 of the Powell City Code by Modifying the Number of Members of the Airport Advisory Commission from Five Members to Three Members and Designating the Mayor or his Designee as an Ex-Officio Member. Ordinance was read by title only by Attorney Kitchen. Councilman Sapp moved to approve Ordinance No. 1, 2016 on third and final reading, motion seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

Administrative:

Land Lease Agreement between the City of Powell and Wyoming 1-park Limited Partnership was explained by Administrator Logan and it extends the lease until 2033. Attorney Kitchen explained there were some changes in the lease from the original the City requested and those have all been agreed upon and legal has reviewed the lease. Councilman Wetzel moved to authorize all necessary signatures for the land lease agreement between the City of Powell and Wyoming 1-park Limited Partnership, motion seconded by Councilwoman Spencer, unanimous approval, MOTION CARRIED.

2<sup>nd</sup> Amendment to Gluten Free Oats Phase 2: Administrator Logan explained the amendment and last fall the Council had agreed to a loan for GFO from economic development fund to help with unexpected overage costs and that will end up being \$88,000 slightly less than was originally approved. Seaton Smith Owner of GFO is available if there are any questions. Mr. Smith thanked the City and the State for the project and is excited about moving forward and getting set to move right in. Councilman Wetzel moved to approve and authorize signatures on the 2<sup>nd</sup> amendment to phase 2 real estate lease with option to purchase for Gluten Free Oats, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

General Announcements: Administrator Logan thanked Council for approving his agreement and let them know he attended the Western Area Public Power Association meeting last week and they are looking at the load in the basin to adjust for the future. Administrator Logan said the good news for Powell is the substation was built in 1993 has an option to have 115,000 volts or 69,000 volts so either way they upgrade it will be an easy change for Powell. He informed council the commons awning replacement is up and the draft budget for FY 16/17 will be available next week. The ramp in front of City Hall will be replaced starting April 19<sup>th</sup> so to use the 3<sup>rd</sup> Street door until complete. Mayor Hillman gave an update on Councilman Hillberry.

There being no further business to be considered at this meeting, Councilman Wetzel moved to adjourn, seconded by Councilman Sapp, unanimous approval, MOTION CARRIED. Mayor Hillman adjourned the regular meeting at 6:39 p.m.

APPROVED:

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Mayor

ATTEST:

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City Clerk