

City Council Proceedings
June 1, 2015

The governing body of the City of Powell met in regular session at 6:00 p.m. on June 1, 2015 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 Jim Hillberry, Josh Shorb, Floyd Young, Eric Paul and Tim Sapp. Absent Councilman John Wetzel.

City Officials: Administrator Zane Logan, City Clerk Tiffany Brando, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Police Sergeant Alan Kent and Parks Supt. Del Barton.

Approval of Agenda: Mayor Hillman called for the review and approval of the agenda. Mayor Hillman would like to add a Catering Permit for Red Zone under 2. C. Matters from the Public and also under Legal, Metzler Subdivision Boundary line adjustment. Councilman Young moved to approve the agenda as amended, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

Approval of Minutes: Mayor Hillman called for any additions or corrections to the May 18, 2015 regular meeting minutes which were distributed to council and posted at City Hall prior to the meeting. Councilman Hillberry moved to approve the minutes as posted, motion seconded by Councilman Young, unanimous approval, MOTION CARRIED.

Bills and Claims: Councilman Hillberry abstained from item #26. Councilman Young made a motion the bills be allowed and authorize the Treasurer to draw warrants for payment of the same, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

PUBLIC HEARING: Attorney Kitchen opened the public meeting for budget amendment FY 14-15 at 6:05P.M. No comments on the public hearing for the budget amendment Attorney Kitchen closed the public hearing at 6:06 P.M.

Resolution No. 4, 2015: A Resolution Providing for Appropriation of Unappropriated Surplus Funds and the Transfer of the Unencumbered and Unexpended Appropriation from FY 14-15 Budget.

Administrator Logan explained the narrative the Finance Director presented with the changes. Councilman Hillberry moved to approve Resolution No. 4, 2015, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

PUBLIC HEARING: Attorney Kitchen opened the public meeting at 6:06 P.M. for a Business Ready Community Grant. Ty Barrus, Director of Northwest Wyoming Treatment Center spoke on the proposed facility and the need they see to be able to grow and expand their business. Councilman Hillberry asked if they would keep the current property after the new facility is complete and Mr. Barrus said they will look to sell the current property on Julie Lane and the new facility will expand the occupancy of the facility from 10 to 20 clients. Andrew Whitlock, PEP project committee chair, spoke to this project fitting under the business retention and expansion part of economic development. Mr. Whitlock explained the grant amount will be for \$3 million for the purchase of land and the construction of the new facility. From economic development this facility will also fit under the healthcare for the underserved, create around 10 more jobs in the livable wage category and expand the infrastructure of the City of Powell. Leah Bruscano, NW Regional Director for Wyoming Business Council stated June 9th the Wyoming Business Council will be in Powell to do a site visit. Councilman Hillberry asked about information on the changes to revenue recapture and Ms. Bruscano explained they are looking at making changes and they will be taking public comments on it shortly and encouraged Council to voice opinions. Greg Bennett, Clinical Director for Northwest Wyoming Treatment Center informed Council on who they serve and what they have accomplished since opening in 2009. Mr. Bennett has found through working with youth sometimes they would have to be sent to another area for treatment and NWWTC allows them to stay in the Big Horn Basin. Through NWWTC they have found people do recover from and become productive members of society and at NWWTC they want to serve the people of Wyoming. Mr. Bennett stated that they have an 85% success rate and they are doing a lot of work to help adolescents and want to invest in their future to grow and serve more clients. No other comments Attorney Kitchen closed public hearing at 6:25 P.M.

Resolution No. 6, 2015: A Resolution Authorizing Submission of Application to the Business Ready Community Grant and Loan Program for a Business Committed Grant Project on Behalf of the Governing Body for the City of Powell. Councilman Paul moved to approve Resolution No. 6, 2015 and authorize all necessary signatures, motion seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

Matters from the public:

Softball Association Seasonal Beer permit: Pudge Fagan representing the Powell Men's Softball Association would like to address some of the issues they have had in the past. Mayor Hillman let them know he spoke with the Recreation Director and he was concerned with the misuse of alcohol on the premise. Mr. Fagan stated they have a new appointed board for the Softball Association and are willing to enforce the area and would like to become more active with the association as previous

boards have done. Parks Supt. Del Barton spoke with Chief Eckerdt and the agreement has changed slightly on the location area due to the logs being removed. Mayor Hillman reminded Mr. Fagan if problems arise the Council does have the authority to revoke the license. Councilman Shorb made a motion to approve Softball Association Seasonal Beer permit, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Food Truck Discussion: Kaye Rhoads wanted to speak to Council on the proposed changing of the operation times for transient vendors including food trucks. Ms. Rhoads explained they are not considered permanent and this is a concern for the brick and mortar business and the ordinances of the City should protect them. Ms. Rhoads feels that by extending these hours for food trucks and door to door salesman it will not help businesses downtown, and would ask the ordinance to stay unchanged. Alva Gonzales part owner of Pepe's also spoke on the change to the ordinance. Ms. Gonzales feels they should keep the ordinance as is and does not think food trucks follow the same rules as restaurants. Ms. Gonzales feels the Council should not give special ordinance changes for one vendor who may not be here long. Attorney Kitchen explained if the vendor is in the same spot for more than 90 days they are no longer considered a transient vendor.

Catering Permit: James Andrews with The Red Zone is asking for a catering permit for P.E.O. Sisterhood on June 12th and 13th in the Yellowstone Building at NWC. Councilman Young moved to approve the permit, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

Committee Updates were given from Councilman Shorb on Planning & Zoning and Councilman Young on Tree Board.

Legal:

ORDINANCE NO. 6, 2015: Read by Attorney Kath by title only; An Ordinance Adopting Chapter 17.31 of the Powell City Code Establishing a B-N Neighborhood Business Zone. Councilman Young moved to approve Ordinance No. 6, 2015 on third reading, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 7, 2015: Read by Attorney Kath by title only; An Ordinance Amending Section 17.32.020 of the Powell City Code by Modifying Permitted uses and Adding Section 17.32.110 Prohibiting the Future Designation of the I-L Limited Industrial District Zone in all Future Developments. Councilman Paul moved to approve Ordinance No. 7, 2015 on third reading, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 10, 2015: Read by Attorney Kath by title only; An Ordinance Adopting Chapter 17.34 of the Powell City Code by Establishing an I-R Restricted Industrial District Zone. Councilman Sapp moved to approve Ordinance No. 10, 2015 on third reading, motion seconded by Councilman Young, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 11, 2015: Read by Attorney Kitchen by title only; An Ordinance to Provide for the 2015-16 Budget for the City of Powell, Wyoming for Fiscal Year Beginning the First Day of July, 2015 and Ending the 30th Day of June 2016. Councilman Hillberry moved to approve Ordinance No. 11, 2015 on second reading a, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 12, 2015: Read by Attorney Kitchen by title only; An Ordinance Repealing Section 5.08.110 of the Powell City Code Pertaining to Alcohol Beverage Licenses and Restriction Upon Number of Licenses. Councilman Paul made a motion to approve Ordinance No. 12, 2015 on third reading, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 13, 2015: Read by Attorney Kitchen by title only; An Ordinance Amending Section 13.08.070 of the Powell City Code by Amending Said Section to Include as a Grounds for Disconnection of Water Service Non-Payment of Sewer Service Charges Consisting of a Combined Customer Charge Based on Water Meter Size and a Commodity Charge Based on Quantity of Water Used. Councilman Hillberry moved to approve Ordinance No. 13, 2015 on second reading, motion seconded by Councilman Young, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 14, 2015: Read by Attorney Kitchen by title only; An Ordinance Amending Section 15.12.180 of the Powell City Code by Increasing Rates Charged for Power. Leslie Bennet addressed Council on the utilities in the area and thanked staff for answering all her questions in the front office. Ms. Bennet expressed concern on the base rates increase and she is opposed to the increase. Mayor Hillman and Administrator Logan explained the base rate is paying for normal operation and maintenance of the system on the utility service the City is providing. This is paying for the utility to be at the customer disposal. Mayor Hillman stated no one likes to increase utility rates or pay for the increase it is just the cost of providing the service. Councilman Shorb moved to approve Ordinance No. 14, 2015 on second reading motion seconded by Councilman Young, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 15, 2015: Read by Attorney Kitchen by title only; An Ordinance Enacting Section 13.04.080 of the Powell City Code Pertaining to Application of Payments Received by the City for Utility Services. Councilman Hillberry made a motion to approve Ordinance No. 15, 2015 on second reading,

motion seconded by Councilman Paul, Aye- Hillman, Hillberry, Young, Sapp, Paul and Nay- Shorb, MOTION CARRIED.

ORDINANCE NO. 16, 2015: Read by Attorney Kitchen by title only; An Ordinance Amending Section 13.04.080 Pertaining to Discontinuance of Utility Service by Enacting a new Subparagraph A & to Provide for Termination of Utility Services when a Customer has Failed to Complete a Utility Application and Pay Required Deposit. Councilman Shorb moved to approve Ordinance No. 16, 2015 on second reading, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 17, 2015: Read by Attorney Kitchen by title only; An Ordinance Amending Sections 13.12.190 and 13.12.210 of the Powell City Code by Increasing Rates and Charges for City Water and Bulk Water. Councilman Shorb moved to approve Ordinance No. 17, 2015 on second reading, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 18, 2015: Read by Attorney Kitchen by title only; An Ordinance Amending Section 13.08.090 of the Powell City Code by Increasing Rates and Charges for City Sewer. Councilman Young moved to approve Ordinance No. 18, 2015 on second reading, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 19, 2015: Read in full by Attorney Kitchen: An Ordinance Repealing Subparagraph D of Section 5.28.070 Pertaining to Limitation of Transient Merchants Conducting Business Between the Hours of 8:00 A.M. and 8:00 P.M. Only. Councilman Paul spoke with Chief Eckerdt on the issue and had a few concerns on not having hours for door to door sales and if hours are lifted it takes the enforcement out of the officer’s hands. Mayor Hillman said he is not in favor of repealing this ordinance. Councilman Young spoke on behalf of the phone calls he received most concerned with door to door sales. Councilman Paul is opposed to the thought of protecting one business over another, but door to door sales are not favorable and need to have that restriction. Ordinance No. 19, 2015 died for lack of a motion.

Metzler Subdivision boundary line adjustment information was given to Council by Attorney Kath and was recommended at the last P&Z meeting. Councilman Shorb made a motion to approve and authorize all signatures, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Administrative:

MOU Powell Community Garden was presented by Parks Supt. Del Barton. Patty Mansfield with the community garden gave an update and thought the agreement worked very well. Parks Supt. Barton stated no changes from the previous year, but expecting changes with the new water pump and the arboretum at Veteran’s Park. Councilman Hillberry moved to approve and authorize signatures, motion seconded by Councilman Floyd, unanimous approval, MOTION CARRIED. Camera Clifton with the Soroptimist of Powell expressed their excitement to have the Community Garden ad apart of this year’s garden tour.

Gluten Free Oates Phase 2 Bids were opened last week and the low apparent bidder was Heart Mountain Construction, LLC with a bid of \$999,995.00 and is a qualifying bid. Administrator Logan let Council know that Seaton Smith is available to answer questions. Councilman Shorb asked the timeline for the project and Mr. Smith said it is 150 construction days. Councilman Hillberry moved to approve the bid for Heart Mountain Construction, LLC and authorize necessary signatures, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

General Announcements: Administrator Logan gave and update the Wyoming Business Council will be here June 9th from 2-3:30 P.M. for their site visit and the next agenda deadline will be June 9th at 2:00 P.M. for the June 15th meeting. Councilman Young said he would be gone for the next meeting.

There being no further business to be considered at this meeting, Councilman Paul moved to adjourn, seconded by Councilman Shorb, unanimous approval, MOTION CARRIED. Mayor Hillman adjourned the regular meeting at 7:21 p.m.

APPROVED:

Mayor

ATTEST:

City Clerk