

City Council Proceedings
May 18, 2015

The governing body of the City of Powell met in regular session at 6:00 p.m. on May 18, 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: Director of Public Works Gary Butts, City Clerk Tiffany Brando, City Attorney Sandra Kitchen, Finance Director Annette Thorington and Parks Supt. Del Barton.

Approval of Agenda: Mayor Hillman called for the review and approval of the agenda. Councilman Young moved to approve the agenda, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

Approval of Minutes: Mayor Hillman called for any additions or corrections to the May 4, 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. Minutes from the May 5th and May 6th Budget Work Sessions were distributed to council and post at City Hall. Councilman Young moved to approve the May 5th and 6th Budget Work Session minutes, motion seconded by Councilman Sapp, unanimous approval, MOTION CARRIED.

Bills and Claims: Councilman Shorb abstained from item #47 Park County Weed & Pest. Councilman Shorb made a motion the bills be allowed and authorize the Treasurer to draw warrants for payment of the same, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

Matters from the public:

Request for waiver of banner permit fees for Relay for Life Fundraiser. Gerald Sanford addressed Council on the benefit. Councilman Young made a motion to approve the waiver of banner permit fees, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Discussion of ordinance 5.28.070 (D) was brought to council by Steve and Brenda Mattson who spoke on opening a food trailer in Powell and want to fill a need for early breakfast and late night service on Friday and Saturday. Councilman Paul stated he is not in favor of limiting how a business markets itself. Councilman Shorb is concerned with consequences for the rest of the transient vendors and would like to get input from the Police Chief. Mayor Hillman would like to appoint Councilman Shorb and Paul to a subcommittee on the ordinance to meet with the Police Chief. Councilman Hillberry would like to have an ordinance for the next meeting for first reading to start with as to not hold up the business. Council directed Attorney Kitchen to draft an ordinance repealing 5.28.070 (D) and re-lettering the section.

Request for catering permit for WYOld West Brewing at the Fairgrounds June 13th for a benefit. Councilman Paul moved to approve, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

Request for a wavier of open container Resolution No 5, 2015 at Plaza Diane for a graduation party. Council expressed concerns with the private event being downtown and how to control others from attending; they also expressed concern for a graduation party and setting a good example. Request was denied for lack of a motion.

Softball Association Seasonal Beer permit: Parks Supt. Barton commented on the request and has seen numerous violations of the permit and the agreement with the recreation district by the players and fans. Parks Supt. Barton said both himself and the recreation district have expressed concerns to the Police Chief on the issue, and also have pictures supporting evidence of the violations of the permit. Councilman Paul feels the police should be able to enforce this agreement between the Softball Association since it is signed off by the City. Council said this is a problem and the Softball Association needs to have a way to police themselves as well. Councilman Shorb expressed they have had issues in the past and the problem gets fixed, but then it slowly comes back around and he would like to see someone from the Softball Association present to discuss how they will deal with the permit violations. Kyle Ninker with Hansel and Gretel's stated the Police do walk through at all the bars and it would be a good idea to show their presence at the softball fields when they have a permit as well. Councilman Sapp made a motion to table the item until the next meeting when a member of the Softball Association will be present, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

Legal:

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

ORDINANCE NO. 7, 2015: Read by Attorney Kitchen 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 Young moved to approve Ordinance No. 7, 2015 on second reading, motion seconded by Councilman Hillberry, unanimous approval, MOTION CARRIED.

ORDINANCE NO. 10, 2015: Read by Attorney Kitchen 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 second reading, motion seconded by Councilman Hillberry, 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 on first reading and post in lieu of reading, motion seconded by Councilman Young, 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 second reading, motion seconded by Councilman Young, 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 on first reading and post in lieu of 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. Councilman Shorb moved to approve on first reading and post in lieu of reading, motion seconded by Councilman Paul, 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. Finance Director Thorington explained how the software posts the payments. Councilman Shorb was concerned about shut off procedures with this ordinance. Councilman Young made a motion to approve on first reading and post in lieu of reading, motion seconded by Councilman Sapp, 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. Finance Director Thorington gave the background and examples of how this ordinance would be used. Councilman Young moved to approve on first reading and post in lieu of 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 on first reading and post in lieu of 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 Shorb moved to approve on first reading and post in lieu or reading, motion seconded by Councilman Young, unanimous approval, MOTION CARRIED.

Administrative:

USDA Community Facilities Grant application was explained by Christine Bekes PEP Director and is for replacing the east ramp at City Hall. The grant will cover 55% of the cost of the project. The grant is a Federal grant but is with funds given to the State of Wyoming. Councilman Hillberry moved to approve

and authorize the necessary signatures, motion seconded by Councilman Paul, unanimous approval, MOTION CARRIED.

Bid award for asphalt services discussed by DPW Butts and received two bids with the winning bid being Wild West Construction with \$92/ton. Councilman Paul moved to approve and authorize all necessary signatures, motion seconded by Councilman Shorb, unanimous approval, MOTION CARRIED.

Bid award for chip seal discussed by DPW Butts and received two bids with the winning bid being Wild West Construction with \$3.00/sq. yd. Councilman Hillberry moved to approve and authorize all necessary signatures, motion seconded by Councilman Young, unanimous approval, MOTION CARRIED.

Bid award for slurry seal discussed by DPW Butts and received one bid from Intermountain Construction for \$1.70/ sq. yd. Councilman Young moved to approve and authorize all necessary signatures, motion seconded by Councilman Paul, unanimous approval. MOTION CARRIED.

General Announcements: DPW Butts updated Council on the ongoing street projects.

There being no further business to be considered at this meeting, Councilman Paul moved to adjourn, seconded by Councilman Young, unanimous approval, MOTION CARRIED. Mayor Hillman adjourned the regular meeting at 7:13 p.m.

APPROVED:

Mayor

ATTEST:

City Clerk