

PUBLIC NOTICE

REGULAR MEETING OF THE CITY COUNCIL OF WORLAND March 2, 2021

A regular meeting of the City Council of Worland, Wyoming convened at the Worland Community Center Complex at 7:00 p.m. on March 2, 2021. Mayor Jim Gill presided and the Councilmembers in attendance were Kreg Lombard, Barbara Brookwell, Wendy Fredricks, Mike Neuffer, William Worley, Scott Schaeffer, Christy Schneider and Adam Martinez. Also present were: Airport Manager, Lynn Murdoch; Chief of Police, Gabe Elliott; City Attorney, Kent Richins; City Engineer Representative, Mike Donnell; Streets & Sanitation Supervisor, Jeff Taylor and Clerk/Treasurer Tracy Glanz. Councilmember Kody DeMunbrun was absent.

There were four (4) visitors present for this meeting of the City Council.

Bruce Briggs led the Council and Visitors in the Pledge of Allegiance.

Mayor Gill declared a Quorum with Councilmember DeMunbrun excused and asked for approval of the agenda as presented.

Motion: to approve the agenda as presented.
By: Councilmember Worley.
Second by: Councilmember Schneider.
Vote: The motion passed unanimously.

The minutes of the February 16, 2021 regular meeting stand approved as published.

Motion: To approve all vouchers and authorize payment for payroll, utility charges, refunds for City Services, recording fees, postage and other miscellaneous items, during the month of March, before normal City Council approval on the first Tuesday of April and approve the Consent Agenda with Warrant Registers for February, 2021 and Payroll Vouchers for the periods ending February 21, 2021 and February 28, 2021; PAYROLL 2/21/21 - \$62,934.55; PAYROLL 2/28/21 - \$4,026.23.

CITY OF WORLAND/UTILITIES COMMISSION FEBRUARY 2021

Big Horn Co-Op, Supplies, \$203.88 ; Big Horn Heating & Cooling, Services, \$85.00 ; Blair's Market, Supplies, \$32.26 ; Bloedorn Lumber, Supplies, \$18.48 ; Bobcat of the Big Horn Basin, Parts, \$155.90 ; Bomgaars, Supplies, \$287.15 ; Buer Electric, Services, \$2,180.00 ; Butch's Plumbing, Services, \$1,146.32 ; CARQUEST Auto Parts, Parts, \$3,492.52 ; City Clerk - Petty Cash, Postage, \$45.96 ; Cloud Peak Veterinary Services, Boarding, \$650.00 ; Custom Delivery Service, Shipping, \$44.51 ; Desert Mountain Corp., Supplies, \$4,348.55 ; Ditch Witch, Parts, \$242.32 ; Eagle Engineering, Engineering, \$7,916.67 ; Energy Laboratories, Services, \$428.00 ; Evident, Inc, Supplies, \$159.65 ; Frandson Safety, Parts/Supplies, \$807.79 ; Frontier Tire, Repairs, \$4,510.56 ; Hasco Industrial Supply, Supplies, \$1,608.95 ; Hawkins, Inc., Chlorine, \$30.00 ; Honnen Equipment, Parts, \$97.94 ; IACP, Membership, \$190.00 ; Kennedy Ace Hardware, Hardware, \$579.67 ; Machinery Power & Equipment, Parts, \$939.57 ; Motor Supply, Inc., Parts, \$807.64 ; Mountain West Computers, Supplies, \$49.99 ; Newman Traffic Signs, Supplies, \$1,740.92 ; Norco, Inc., Supplies, \$290.00 ; Northern Wyoming Daily News, Advertising, \$1,217.82 ; Northwest Pipe Fittings, Inc., Parts, \$14,268.88 ; O'Reilly Auto Parts, Parts, \$23.07 ; One Call of Wyoming, Tickets, \$46.75 ; Serlkay Printing, Supplies, \$540.89 ; Signs Of Sutherland, Services, \$71.00 ; Stanard & Associates Inc., Services, \$240.00 ; Stotz Equipment, Parts, \$93.52 ; Tacoma Screw Products, Supplies, \$319.43 ; Team Laboratory Chemical, Supplies, \$3,766.00 ; Tommerup Machine , Services, \$2,275.80 ; US Identification Manual, Updates, \$82.50 ; USA Blue Book, Supplies, \$264.50 ; Valli Information Systems, Maintenance, \$238.76 ; Washakie County Clerk, Supplies, \$3,000.00 ; Washakie County Treasurer, Officer/Salary, \$1,230.30 ; Worland Cleaners & Supply, Inc., Supplies, \$325.54 ; Worley Welding & Repair, Repairs, \$278.83 ; WY-Test, Testing, \$72.00.

TOTAL REGULARS\$61,445.79

Aflac, Insurance, \$676.35 ; AT & T, Long Distance , \$481.80 ; Big Horn Co-op, Gasoline, \$2,486.34 ; Big Horn Water, Rental, \$150.00 ; Big Horn Reg. Joint Powers Board, Monthly EDU, \$31,979.52 ; Big Horn Rural Electric, Electrical Charges, \$47.52 ; Blue Cross Blue Shield, Insurance, \$77,342.12 ; Colin Koepf, Overpayment, \$83.14 ; Daniel & Lynda Franklin, Deposit Refund, \$70.55 ; Dearborn National, Insurance, \$150.41 ; Eagle Engineering, Services, \$6,722.05 ; Eastside Sinclair, Fuel, \$150.30 ; FasCorp, Compensation, \$7,840.00 ; Fort Dearborn Life Insurance, Disability Insurance, \$373.67 ; Gill, Jim, Cell Phone Expense, \$40.00 ; High Plains Power, Inc., Power, \$1,467.10 ; Internal Revenue Service (IRS), Payroll Tax Deposit, \$43,661.50 ; Kenco Security & Technology, Alarm, \$104.00 ; Kennedy ace, Restitution, \$22.03 ; Murdoch Oil, Inc., Gasoline/Diesel, \$2,137.37 ; NCPERS Wyoming, Insurance, \$120.00 ; Pinnacle Bank, Visa Charges, \$2,115.35 ; Rocky Mountain Power, Electricity, \$14,500.14 ; Rocky Mountain Power - Local, Crane Contract, \$1,437.00 ; Ron' Sanitation, Pioneer Square, \$1,900.00 ; Sagebrush Sports, Management, \$14,166.66 ; Smith, Paul, Restitution, \$50.00 ; Steve Kapptie, Overpayment, \$140.58 ; T - O Engineers, Taxi Lane C, \$123.70 ; T - O Engineers, Federal/State, \$2,968.43 ; Tia Macias-Johnson, Deposit Refund, \$18.75 ; Range, Phone Service, \$1,451.72 ; U.S. Postmaster, Feb. Billing/Postage, \$813.18 ; Verizon Wireless, Cell Phone Service, \$910.52 ; Washakie County Clerk of Court, Child Support, \$860.07 ; Wash. Co Solid Waste, General Waste, \$19,225.20 ; Washakie County Treasurer, General Purpose Tax-State, \$98,031.59 ; Washakie County Treasurer, Comm Center/Crim Justice, \$22,015.67 ; Washakie County Treasurer, Property Tax, \$170.37 ; Washakie County, Primary 2020, \$1,933.40 ; Wyoming Dept. of Workforce, Unemployment, \$434.80 ; Wyoming Dept. of Workforce, Workers' Comp, \$1,083.49 ; Wyoming Gas Company, Services, \$3,421.94 ; Wyoming Retirement Systems, Retirement, \$30,511.26 ; Wyoming State Supreme Court, Technology Fee, \$395.00 ; Wyoming Water Association, Membership, \$500.00 ; 71 Construction, TaxiLane C, \$479.83 ; 71 Construction, Federal/State Taxilane C, \$11,516.28.

TOTAL SPECIALS \$407,280.70
GRAND TOTAL \$468,726.49
\$ (179,003.58)
\$289,722.91

By: Councilmember Schaeffer.
Second by: Councilmember Schneider.
Vote: The motion passed unanimously.

Donnie Bjorhus with Sagebrush Sports, LLC gave the Council an update on the Golf Course for the upcoming season. The season kickoff will be on March 21, 2021 at the Country Club with event schedules and league sign up available. The course clean-

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up day is scheduled for March 27, 2021; we had a great turn out last year with volunteers from the golfing community. The Golf Foundation has generated enough funding to purchase new stone tee signs for all eighteen (18) holes. Volunteers will be installing the signs once the ground thaws. Mr. Bjorhus looked at getting GPS for all the new golf carts, but that idea was not feasible. Instead Sagebrush Sports is using a golf app with GPS that will be more efficient than email and an easier way to keep in contact with those who use the facility.

Bruce Briggs with Rendezvous Lounge requested approval to extend the hours of operation to 24 hours for retail liquor licenses on March 13th, October 30th, November 26th and December 31st, 2021. Mr. Briggs requested a fifth day sometime in June, 2021 due to the loss of revenue over COVID-19. This event would include a street dance and would start in the afternoon with music into the evening. Outdoor events would end no later than midnight and the extended hours of operation could continue inside the establishment. Chief of Police Gabe Elliott had no issues with the original request and requested that the Rendezvous contact surrounding property owners about the possible street dance in June. City Attorney Kent Richins reminded the Council that State Statute allows only four (4) days for the 24 hour extension.

Motion: to approve extending the hours of operation to 24 hours for retail liquor licenses on March 13th, October 30th, November 26th and December 31st, 2021.
By: Councilmember Neuffer.
Second by: Councilmember Lombard.
Vote: The motion passed unanimously.

Mayor Gill made the following statement: "Citizens of Worland, dissent is a constitutional right. However, the dissent, political or otherwise should be done in a respectful manner. Certainly our children passing by a flying flag, poster or other means of expression outside of the home should not be exposed to the derogatory word or words seen displayed in given situations in the City of Worland. That is nothing short of gutter politics and beyond party affiliations." Mayor Gill asked City Attorney Richins to explain further. City Attorney Richins explained that Mayor Gill is referring to signage displayed on a house within the city limits. There is another sign outside the city limits about eight (8) miles north of town. This is a nationwide issue as well as in the Big Horn Basin. The political atmosphere has established a license to say and do whatever you want and get away with it. In researching the Constitution, basically the right of free speech can only be censored if the wording is considered "fighting words". The United States Supreme Court has held that under the Fighting Words Doctrine offensive language can be censored only if it (1) constitutes a personally abusive epithet; (2) addressed in a face-to-face manner; (3) to a specific individual; and (4) uttered under such circumstances that the words have a direct tendency to cause an immediate violent response by the ordinary, reasonable recipient. Other examples of the Fighting Words Doctrine are as follows: words which produce a clear and present danger are unprotected; words which invite dispute and cause unrest are protected; words that create an incitement to riot which creates a clear and present danger are not protected; and, words that are a direct personal insult or an invitation to exchange fisticuffs are not protected. Arguably the signs do not match with the description of the Fighting Words Doctrine as they are not directed at an individual. Residents are offended by the signage but the City cannot do anything, including issuing a citation or asking for removal of the sign because of free speech.

Clerk/Treasurer Tracy Glanz requested ratification of the transfer of the liquor license from 221 North Tenth, LLC to Bailey Enterprises, Inc. (name change); the public hearing for the transfer was held at the last Council meeting but the transfer was not specifically mentioned. There were no comments from the public.

Motion: to ratify the transfer of the liquor license from 221 North Tenth, LLC to Bailey Enterprises, Inc.
By: Councilmember Worley.
Second by: Councilmember Lombard.
Vote: The motion passed unanimously.

City Attorney Richins presented Ordinance #857 for second reading:

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, INCREASING THE CITY OF WORLAND SEWER RATES FOR THE WYOMING BOYS SCHOOL TO ESTABLISH DEPRECIATION RESERVE FOR FUTURE LINE MAINTENANCE AND REPLACEMENT BY SUPPLEMENTING SECTION 23-63 BY ADDING A NEW SUBSECTION "D" OF THE WORLAND CITY CODE. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

City Attorney Richins explained that the sewer reserve charge will be put into a reserve account to be used when an expense to replace the sewer line to the Wyoming Boys School (WBS) exceeds \$12,000.00. There has been no response from WBS.

Motion: to approve Ordinance #857 on second reading.
By: Councilmember Lombard.
Second by: Councilmember Brookwell.
Vote: Members voting AYE: Schaeffer, Lombard, Fredricks, Martinez, Gill, Schneider, Brookwell, Worley; Members voting NAY: Neuffer; Members ABSTAINING: None; the motion passed by a vote of 8-1-0.

Clerk/Treasurer Glanz presented Resolution #2021-2:

A resolution authorizing the City of Worland to join with other political subdivisions of the State of Wyoming as a Participant ("Participant") in the Wyoming Cooperative Liquid Assets Securities System "Wyoming CLASS" (the "Trust") to pool funds for investment.

WHEREAS, W.S. 9-4-831 authorizes political subdivisions of the state of Wyoming as defined therein under W.S. 9-4-831(a) ("Political Subdivisions") to invest in eligible securities as defined in W.S. 9-4-831 ("Legal Investments"); and

WHEREAS, W.S. 9-4-831(a) (viii) authorizes Political Subdivisions to invest jointly with other investors in a commingled fund of Legal Investments; and

WHEREAS, the Trust is a statutory trust formed under the laws of the State of Wyoming in accordance with W.S. 17-23-114 and it is the intent and purpose of the Trust to provide for the investment in only those Legal Investments for Political Subdivisions in accordance with W.S. 9-4-831; and

WHEREAS, U.S. Bank National Association is custodian for the Trust ("Custodian") and all eligible securities of the Trust are held through the Custodian; and

WHEREAS, it is in the interest of the Participants to permit

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their respective cash balances to be invested in the Trust; and

WHEREAS, the City of Worland a Political Subdivision, desires to become a Participant in the Trust.

NOW, THEREFORE, it is hereby RESOLVED by the Governing Body of this Political Subdivision as follows:

1. The City of Worland hereby approves, adopts, and thereby joins as a Participant with other Political Subdivisions pursuant to the Wyoming CLASS Indenture of Trust dated May 29, 2020, as amended from time-to-time, the terms of which are incorporated herein by this reference and a copy of which shall be filed with the minutes of the meeting at which this Resolution was adopted; and

2. The Custodian, acting as a depository, is hereby designated as a depository for the funds of this Political Subdivision which shall be invested in the Trust on behalf of its general fund and all other accounts, and the Key Contact is directed and authorized to execute any and all depository forms and resolutions of said Custodian, and that said resolutions are adopted as reflected thereon. The application of U.S. Bank National Association to become a depository is hereby accepted.

3. The Key Contact and Authorized Signatories are those persons listed on the Trust Registration Form attached hereto and incorporated herein. The Authorized Signatories are authorized by the Participant to direct the investment of such Participants' investment funds and to take all such actions deemed necessary or desirable to carry out the activities otherwise authorized by this Resolution, subject to the Authorized Signatories' obligation to take such actions only in the name of and for the benefit of this Participant.

4. The Key Contact and Authorized Signatories may be changed from time-to-time by written notice to Wyoming CLASS.

The undersigned hereby certifies that the City of Worland has enacted this Resolution, or another form of Resolution, a copy of which is enclosed, and that such Resolution is a true and correct copy of the original which is in my possession.

PASSED, APPROVED AND ADOPTED THIS 2nd day of March, 2021.

James R. Gill, Mayor

ATTEST:
Tracy A. Glanz, Clerk/Treasurer

Clerk/Treasurer Glanz explained that this Resolution will allow the Clerk/Treasurer to participate in Wyoming CLASS, an investment pool. This is a liquid account and the yield is higher than other investment opportunities.

Motion: to pass, approve and adopt Resolution #2021-2.
By: Councilmember Schneider.
Second by: Councilmember Lombard.
Vote: The motion passed unanimously.

Mayor Gill noted that the Board of Adjustment & Planning Commission (BAPC) and the Worland Community Center Complex Board minutes are in the council packet for review.

Chief of Police Elliott informed the Council about the Field Training Officer (FTO) program that every new Officer goes through for fourteen (14) weeks prior to attending the police academy. The program is under restructuring to make sure we are doing things right. Sgt. Sean Duffy and Sgt. Kent Lombard will attend FTO training and Captain Newton and myself will attend the Sheriff's and Chief's Association Leadership Conference next month. Firearm training is also coming up.

Clerk/Treasurer Glanz informed the Council that the city received \$590,738.00 in CARES funding through the State Land Investment Board (SLIB) as per the application filed in December, 2020.

City Attorney Richins updated the Council on the property located at 624 South 5th Street; this is the property that Mr. & Mrs. Richards complained about a few months ago. A trial was held in Municipal Court last week, the property owner was found guilty and fined \$750.00 (the most allowed by statute). Building Official Randy Adams testified at the trial and did a wonderful job as a witness. The property was transferred to a new owner prior to the trial and after speaking with the new owner, he intends to demolish the apartment building. If he does not, the city will have to abate the property. The city did what it could for the surrounding property owners, including the Richards. Councilmember Neuffer thanked City Attorney Richins for taking care of this issue.

City Engineer Representative Mike Donnell reported that the kickoff meeting for the water line replacement project behind the new ACE Hardware building is tomorrow. The line will be pipe burst in the alley between South 16th and South 17th Street. If DEQ approves the permit, the sewer outfall project should be advertised on March 18, 2021 for bid opening on April 6, 2021. This week we checked all the mid-block fire hydrant lines and found one with a basement window close to the water line; the hydrant and water line was already replaced.

Streets and Sanitation Supervisor Jeff Taylor informed the Council that the last artesian leak was repaired on February 24, 2021 and the line pressured and water back online February 25, 2021. The city will be seeding (land reclamation) the artesian line dig sites this spring as per BLM requirements. The city crew is continuing to work on blading ice in gutters around town and replaced a curb stop on Russell Avenue where a main valve burst. The preconstruction meeting for city officials, contractors and utility representatives will be held tomorrow to start the water line replacement project behind ACE Hardware. Mayor Gill thanked Jeff Taylor for stepping up while the Superintendent of Public Works position is vacant.

Mayor Gill noted that the Municipal Court Report and Building Permit Summary for February, 2021 are in the Council packet for review.

There being no further business to come before the Council, Mayor Gill asked for a motion to adjourn.

Motion: to adjourn the meeting at 7:37 p.m.
By: Councilmember Neuffer.
Second by: Councilmember Worley.
Vote: The motion passed unanimously.

James R. Gill, Mayor

ATTEST:
Tracy A. Glanz, Clerk/Treasurer

March 11, 2021