

PUBLIC NOTICE

REGULAR MEETING OF THE CITY COUNCIL OF WORLAND November 17, 2020

A regular meeting of the City Council of Worland, Wyoming convened by Zoom Meeting and telephone at 7:00 p.m. on November 17, 2020. Mayor Jim Gill presided and the Councilmembers in attendance were Mandy Horath, Kenneth Shearer, Kreg Lombard, Keith Gentzler, Mike Neufer and Christy Schneider. Also present were: Chief of Police, Gabe Elliott; Airport Manager, Lynn Murdoch; Superintendent of Public Works, Brian Burky; City Attorney, Kent Richins; City Engineer Representative, Mike Donnell and Clerk/Treasurer Tracy Glanz. Councilmembers Kody DeMunbrun and Caleb Vigil were absent.

There were six (6) visitors present for this meeting of the City Council.

Mayor Gill reminded everyone online to mute themselves when not speaking and requested that all Councilmembers state their name when making or seconding a motion.

Councilmember Kenneth Shearer led the Council and Visitors in the Pledge of Allegiance.

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

Motion: to approve the agenda as presented.

By: Councilmember Shearer.

Second by: Councilmember Schneider.

Vote: The motion passed unanimously.

The minutes of the November 4, 2020 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 November, before normal City Council approval on the first Tuesday of December and approve the Consent Agenda with Council Work Session minutes of November 9, 2020 and Payroll Voucher for the period ending November 1, 2020; PAYROLL 11/1/20 - \$63,115.42. By: Councilmember Shearer.

Second by: Councilmember Schneider.

Vote: The motion passed unanimously.

Washakie County Commissioner Fred Frandson updated the Council on the Washakie County Library project; the lowest bid of Groathouse Construction, accepted by the County, was still over budget. The County has been looking at ways to reduce projects costs and requested that the Council waive the building permit fee of approximately \$8,166.00. "I do not do this lightly as I know the precedent it may set. The Building Official has offered suggestions to save the County money and it is appreciated." Mayor Gill asked the Council to recognize the positive relationship that exists between the City and the County for the betterment of our community and encouraged the Council to defer 50% of the building permit fee as the new Library will be a nice asset to the downtown business corridor.

Motion: to waive the full building permit fee for the Washakie County Library.

By: Councilmember Horath.

Second by: Councilmember Shearer.

Vote: The motion passed unanimously.

Commissioner Frandson thanked the Council for waiving the building permit fee.

Mayor Gill asked Commissioner Frandson to update the Council on the COVID-19 mask mandate discussed at the Commissioner meeting today. Commissioner Frandson informed the Council that the Public Health Officer issued Public Health Order 2020-02 mandating the use of masks in public for all of Washakie County. The Commissioners thought that they were discussing the issue of a possible mask mandate but found out that the order was submitted that morning prior to the Commission meeting without the input of the Commissioners. The Commissioners do not support a mask mandate, but if the Public Health Order is signed by the State Public Health Official and the State Attorney General it will be in effect. This raises concerns about enforcement of the mandate and how we are going to protect our businesses from harassment or assault. Commissioner Frandson stated again, that the Commissioners do not agree with the order. Mayor Gill agreed stating that our residents have the capacity to make a decision on whether to wear a mask or not and follow current regulations regarding social distancing and sanitizing. "Our businesses have the right to decide what is best for their business as far as masks." Commissioner Frandson will send a copy of the order to the Mayor and Clerk/Treasurer for distribution to the Council. Commissioner Frandson noted that Washakie County Public Health is arranging free drive through testing for COVID-19. This will increase the level of COVID-19 positive versus negative tests as the spike in COVID cases is partially due to the number of tests available. Commissioner Frandson thanked the Council again for waiving the Building Permit fee.

Justin Smith and CJ Grimes, Director of Tensleep Nowood Trailbreakers (TNT) presented information on a proposed Rotary Riverside Park Expansion and provided background information on TNT and their mission. That mission is to develop, enhance and maintain trails that are fun to hike, ride and ski. It encourages responsible use, personal well-being and economic benefit in Washakie County. Phase I of the proposed project is a ¾ mile loop trail on the north side of Rotary Riverside Park with surface types ranging from natural to durable. TNT recommends like-soil cement or crushed stone that will accommodate most users and hold up with minimal maintenance. A map was provided of the proposed trail. This trail could include added features such as side-loops from the main trail, including a log ride, rock garden, skinny, teeter-totter, jumps and whoop-de-dos. Phase II of the proposed project could include a Bike Park with a possible Pump Track and Jumps. This project is a great way to market Worland as a destination spot. With COVID-19 the timeline to complete the project is in the air, but if the City shows interest then TNT would try to complete Phase I in 2021. TNT would try to find all planning, design and construction costs for the project with operational maintenance costs kept to a minimum. Mayor Gill asked that TNT meet with the Rotary Club as they would be excited to hear about the project and thanked Mr. Smith and Mr. Grimes for their presentation.

Clerk/Treasurer Tracy Glanz presented Resolution #2020-7:

Resolution #2020-7

A RESOLUTION AUTHORIZING SUBMISSION OF A CORONAVIRUS RELIEF GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE CITY OF WORLAND.

FOR THE PURPOSE OF:

Reimbursement of necessary and unbudgeted expenses incurred due to the COVID19 pandemic under the Coronavirus Relief Grant Program (CRG)

WHEREAS, the Governing Body for the City of Worland desires to participate in the CORONAVIRUS RELIEF GRANT program to assist in financing this request; and

WHEREAS, the Governing Body of the City of Worland recognizes the need for the request; and
WHEREAS, the Coronavirus Relief Grant program requires that certain criteria be met, as described in the State Loan and Investment Board's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and

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WHEREAS, if any of the disbursed grant funds are later deemed to not comply with the SLIB criteria or the criteria of the CARES Act, the grant applicant agrees to repay the ineligible grant funds within 15 days of such finding to the Office of State Lands and Investments.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Worland

that a grant application in the amount of \$789,194.00 Be submitted to the State Loan and Investment Board for consideration at the next Board meeting after application processing to assist in funding the City of Worland COVID-19 pandemic response.

BE IT FURTHER RESOLVED, that Tracy A. Glanz, Clerk/Treasurer is hereby designated as the authorized representative(s) of the City of Worland to act on behalf of the Governing Body on all matters relating to this grant application.

PASSED, APPROVED AND ADOPTED THIS 17th day of November 2020

James R. Gill, Mayor

ATTEST:

Tracy A. Glanz, Clerk/Treasurer

Clerk/Treasurer Glanz asked for a motion to approve the CARES Act Application.

Motion: to approve the CARES Act Application to the State Land & Investment Board.

By: Councilmember Lombard.

Second by: Councilmember Shearer.

Councilmember Schneider asked for discussion and read through the covered costs listed in the Certification Statement of the grant application and wanted to know how we are justifying the police officers salary in the application. The application narrative refers to the police department being deemed essential personnel dedicated to COVID-19 response measures for the purpose of public safety and spend over 51% of their time due to COVID-19 related issues. Councilmember Schneider asked what those services were that the Officers don't normally do. Chief of Police Gabe Elliott stated that discussions were held about this issue among Department Heads and Washakie County personnel, who also applied for personnel costs in their grant application. The concept of wearing masks, taking temperatures twice a day, and changing our protocol on every call including ambulance calls have changed how we respond based on the information received at dispatch. These types of applications have been presented to the State Land & Investment Board (SLIB) by other law enforcement agencies across the state and approved by SLIB. Just because we are applying for these funds does not mean it is approved. We still have to go through the approval process. Councilmember Horath referred to the application indicating that we did not budget for this, and while we did not budget for any raises we already budgeted for police department salaries and benefits. There is equipment and PPE included in this application that were not budgeted for. Clerk/Treasurer Glanz responded that there is language in the regulations allowing municipalities to apply for the wages and benefits for the police department or any employee wages that apply to the COVID-19 pandemic. Mayor Gill asked if the Council if they are going to ask the Commissioners if they applied for money they should not have. Councilmember Horath stated that the City is not responsible for the County's finances.

Motion: to approve the SLIB CARES Act application.

By: Councilmember Lombard

Second by: Died for lack of second.

Clerk/Treasurer Glanz asked if the Council did not want to apply for the equipment and other items listed on the application. Councilmember Schneider thought the application should be amended and asked when it needed to be submitted. Clerk/Treasurer Glanz stated that it had to be submitted tomorrow stating that she did not think it would be an issue, it has not been approved by SLIB. "There is \$1.1 million allocated to the City of Worland, and I hate to leave that on the table." Councilmember Schneider asked to hear from City Attorney Richins and thought that the wages and benefits should be allocated by a percentage instead of all of them. Chief of Police Elliott stated that this is no different than what has been submitted by all other agencies. "The City is still going to have to pursue the equipment part of the application since the County got approved for the same equipment, if we don't get the same equipment we will have two separate systems running in the same building. We know this has been approved for other agencies, and the city will eventually have to pay for the other application items if we do not apply for that portion of the application." Clerk/Treasurer Glanz argued that the police department wages and benefits question need to be justified to the SLIB Board, "I do not understand why the Council would not want \$600,000.00. It is fiscally irresponsible to not ask for that money since it is allocated to the City of Worland." Councilmember Schneider said it is a question of integrity in my mind. "Just because everyone else is doing it does not mean we should." Chief of Police Elliott asked if the Council proposal was to lose the portion of this request for the wages and benefits and continue with the Equipment and PPE. Councilmember Schneider asked if we could come up another figure for wages and benefits by a percentage. Chief of Police Elliott responded that the department is doing things a little bit different throughout the day, every call is treated differently and it would be hard to provide a percentage or number for that. The 51% has been put out there by the regulations and through the other agency applications. Clerk/Treasurer Glanz stated the application would be reduced to \$183,039 with just the equipment and PPE request. Councilmember Neufer asked how long the application has been out and asked why the Council was just seeing it the day of the Council meeting. Clerk/Treasurer Glanz stated that it was brought to the Council at the Work Session last week and that the delay was due to getting the equipment and PPE numbers together. "I apologize for the lateness but I did not think it would be that much of an issue for the Council knowing that other entities applied for the same thing and have been awarded the grants." Councilmember Lombard felt that this is necessary for our city, the amount of money that we can receive through this grant. Councilmember Horath stated she is not against the equipment but does not want to take federal money, "it is not free and I want hard facts or an exact percentage of what we have attributed to COVID-19 not just 51%." Chief of Police Elliott reiterated that it is hard to provide a number or exact percentage. The city was not provided additional guidance on this application. Councilmember Horath asked if other employee's wages and benefits should be included on the application, all workers have changed the way they do business. The percentage should be related to Worland directly. Mayor Gill stated that it was decided in our budget meeting that the Police Department is different from regular employees as they are allowed overtime where regular city employees are not why isn't that difference included here? Councilmember Horath said that the police department was included in eliminating overtime. Councilmember Shearer asked if there is a chance we will not be awarded all that we are requesting. Clerk/Treasurer Glanz replied that the application still has to be approved by SLIB. City Engineer Representative Donnell stated that SLIB will give the money to someone else if we don't apply for what is allocated to us. Councilmember Lombard asked why we would not apply for it and leave it for someone else.

Mayor Gill asked for a motion to amend the grant application by eliminating the wages and benefits for police officers; the application would be for the amount of \$183,039.00.

Discussion continued on if the language in the application should be changed on police department wage and benefits. Councilmember Lombard asked if this is defunding the police department. Councilmember Schneider replied, we are not acting on this application as presented because it is an integrity issue.

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City Attorney Richins stated that he is interested in being as fiscally responsible as anyone and that the police department deals with COVID-19 on a daily basis. "We are getting into "wordsmithing" here. I understand that if we say all the wages are due to COVID-19 that is not right, but I think there is a way we can get some of this money. Certainly the equipment and PPE should be obvious requests and I also think it is obvious that the police department has incurred additional expense beyond the budget that we should ask for. It is ridiculous that we would not go for some of this money. I believe that we should apply for the equipment and PPE requests plus money for the police department." Councilmember Lombard stated that our police department is essential and under scrutiny in everything they do, we need to keep the people that we have. "I think we should keep the wages and benefits in and apply for the full amount."

Motion: to approve the CARES Act Application as presented.

By: Councilmember Schneider.

Second by: Councilmember Lombard.

Vote: Members voting AYE: Schneider, Gentzler, Lombard, Gill, Neufer, Shearer; Members voting NAY: None; Members ABSTAINING: Horath; the motion passed by a vote of 6-0-1.

Councilmember Horath stated she did not want her name associated with the grant application.

Clerk/Treasurer Glanz requested approval to use Wyoming State Archives to store important documents like minutes, ordinances and resolutions dating back to 1906. The items will be scanned and the cost to the city is \$.04 per gigabyte per month which normally runs about \$6.00 to \$10.00 per quarter. This amount can be absorbed in the budget. Additional records will be added for preservation. There is an agreement that needs to be signed between the City and the State that has been reviewed and approved by City Attorney Richins.

Motion: to approve the use of Wyoming State Archives and authorize the Mayor to sign the agreement.

By: Councilmember Neufer.

Second by: Councilmember Shearer.

Vote: The motion passed unanimously.

Airport Manager Lynn Murdoch provided information on the Taxilane C Project and the liquidated damages to be assessed to 71 Construction for going over the allotted time frame for the project. The amount is calculated on extra expenses incurred by T-O Engineers and would be deducted from the last payment to the Contractor. The contract with T-O Engineers would be amended to include the liquidated damage amount of \$8,228.22.

Motion: to approve and assess liquidated damages to 71 Construction and amend the T-O Engineering contract.

By: Councilmember Lombard.

Second by: Councilmember Schneider.

Vote: The motion passed unanimously.

City Attorney Richins presented the Lease Agreement with Worland Fire Protection District (WFD) for land located at Railway Park and at 982 15 Mile Road. This lease is issued for a term of five (5) years. The City provides water, sewer and sanitation at both buildings and in return the WFD agrees to provide the city and its inhabitants with fire protection. The city is also listed as an additional insured on their insurance. This lease would be effective January 1, 2021. City Attorney Richins recommended that this lease agreement be approved.

Motion: to approve the lease agreement by and between the City of Worland and the Worland Fire Protection District.

By: Councilmember Shearer.

Second by: Councilmember Lombard.

Vote: Members voting AYE: Schneider, Gentzler, Lombard, Gill, Neufer, Shearer; Members voting NAY: None; Members ABSTAINING: Horath; the motion passed by a vote of 6-0-1.

City Attorney Richins updated the Council on two (2) properties that are unkept one located at the 1400 block of Coburn and the other on South 5th Street. The property owner at 1400 Coburn has been taken to court before and they have been cited again. A trial was held, where former Ordinance Officer Naomi Harris testified and the property owner was found guilty of a public nuisance. A fine was issued of \$750.00 with \$250 suspended if paid in full by November 24, 2020. The property owner can be cited and fined again if the property is not cleaned up and the fine paid; the fine can be issued on a daily basis if necessary. City Attorney Richins stated that a lot of the items stored illegally on the property have been transported to another part of the city. City Attorney Richins complimented both Naomi Harris and neighbor John McMartin on their testimony. The property on South 5th was discussed at a prior Council meeting with the Richards; the process has taken place with no response from the property owner so they were cited and brought into court. The property owner pled not guilty. City Attorney Richins called the property owner and the property owner indicated that the city is violating their rights. Municipal Court has been suspended again due to the recent increase in COVID-19 cases and the trial will be delayed until February, 2021. City Attorney Richins reminded the Council that the best the city can do is fine the property owner, there is no jail time. However, we are trying to work with the property owner outside of court to get the property cleaned up.

Superintendent of Public Works Brian Burky informed the council that there is a Big Horn Regional Joint Powers Board meeting tomorrow night and the Board will be discussing a possible raise in the EDU rate and bulk water rate. This will affect all residents of the City of Worland. The specifics of the discussion will be brought back to the Council in December. The crew finished the paving project today; all road work is done for the season. The Trim A Tree event is going well and the outlets downtown are getting fixed.

City Engineer Representative Mike Donnell reported that the Culbertson Avenue Project is shut down for the year; with grinding at South 2nd & Culbertson Avenue, additional asphalt work and chip sealing to complete in the spring. Work has started on the other SLIB grant to replace three (3) Wastewater Treatment Pumps and lining or replacing 1,000 feet of the big 24" sewer pipe and three manholes. A subdivision ordinance will be brought to the Council within the next few months for approval. Building Official Randy Adams and City Engineer Representative Donnell will be attending a webinar on GIS water systems on Thursday.

Chief of Police Elliott thanked the Council for their approval of the CARES Act Grant Application, "we worked hard to find the means to help our economic situation. This equipment will help our police department and help the courts including municipal court with a lot less personal contact."

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

Motion: to adjourn the meeting at 8:35 p.m.

By: Councilmember Lombard.

Second by: Councilmember Schneider.

Vote: The motion passed unanimously.

James R. Gill, Mayor

ATTEST:

Tracy A. Glanz, Clerk/Treasurer

November 26, 2020