

## PUBLIC NOTICE

### REGULAR MEETING OF THE CITY COUNCIL OF WORLAND November 19, 2019

A regular meeting of the City Council of Worland, Wyoming convened in the Council Chambers in City Hall at 7:00 p.m. on November 19, 2019. President of the Council Mandy Horath presided and the Councilmembers in attendance were Kreg Lombard, Kody DeMunbrun, Keith Gentzler, Christy Schneider, Mike Neuffer, Caleb Vigil, Delayne Renner and Gary Gerber via telephone. Also present were: City Attorney, Kent Richins; Airport Manager, Lynn Murdoch; Chief of Police, Gabe Elliott; City Engineer Representative, Mike Donnell; Superintendent of Public Works, Brian Burky; Building Official, Randy Adams and Clerk/Treasurer Tracy Glanz.

There were eighteen (18) visitors present for this meeting of the City Council.

Councilmember Kody DeMunbrun led the Council and Visitors in the Pledge of Allegiance.

President of the Council Horath declared a Quorum, with Mayor Jim Gill excused, and requested approval of the agenda.

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

The minutes of the November 5, 2019 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 14, 2019 and Payroll Voucher for the period ending November 3, 2019; PAYROLL 11/03/19 - \$67,856.14.

By: Councilmember Gentzler.  
Second by: Councilmember DeMunbrun.  
Vote: The motion passed unanimously.

President of the Council Horath announced the Public Hearing to hear comment on the application for the transfer of a restaurant liquor license from Magdalena Martinez dba Ranchito to Somer Torrez dba Ranchito Mexican Restaurant. President of the Council Horath opened the public hearing at 7:03 p.m. Hearing no comments, the hearing closed at 7:04 p.m.

Motion: to approve the transfer of the restaurant liquor license from Magdalena Martinez dba Ranchito to Somer Torrez dba Ranchito Mexican Restaurant.  
By: Councilmember Lombard.  
Second by: Councilmember Schneider.  
Vote: The motion passed unanimously.

Scott Fritzier, Chairman of the Board of Adjustment & Planning Commission (BAPC) stated that the Washakie County Historical Preservation Commission is applying for a Certified Local Government (CLG) Grant from the National Park Service and requested approval of the Letter of Support. This grant will facilitate a survey of our historical area downtown and give us an idea of what is available within the opportunity zones.  
Council Minutes 11/19/2019 Page 2

Motion: to approve and authorize the Mayor and/or President of the Council to sign the Letter of Support for the CLG Grant application.  
By: Councilmember Lombard.  
Second by: Councilmember Vigil.  
Vote: The motion passed unanimously.

Scott Fritzier, Chairman of the BAPC updated the Council on the possibility of the city sponsoring a mural project like the one done in Casper, Wyoming only on a smaller scale. This project would involve a local artist and rely on donations and grant funding to paint a mural on private or public property. It would be a community bonding project by asking residents to participate in painting the paint by number mural. The BAPC would like the Council's input through the process. President of the Council Horath asked that preliminary plans be brought back to the Council when available. Mr. Fritzier mentioned that ServeWyoming is helping with the project.

Debbie Larkins with the Chamber of Commerce requested approval to close North 9th Street for a chili feed from 3:00 p.m. until after the Parade of Lights on December 7, 2019. The Chamber is working on a firework display as well, and fireworks may be set off during the parade if approved by the Council and Fire Chief Kocher.

Motion: to approve the closure of North 9th Street from 3:00 p.m. until after the Parade of Lights and allow fireworks contingent upon the approval of Fire Chief Kocher and Chief of Police Elliott.  
By: Councilmember Schneider.  
Second by: Councilmember Lombard.  
Vote: The motion passed unanimously.

Ms. Larkins stated that there would not be a helicopter at the parade.

Kara Anderson of Goose's Liquor requested approval to close South 8th Street during the Parade of Lights on December 7, 2019 from 4:00 p.m. until the parade is over. Chili, hot cocoa and hot apple cider will be served; no alcohol. Chief of Police Elliott had no concerns.

Motion: to approve the closure of South 8th Street from the alley to Big Horn Avenue from 4:00 p.m. until after the Parade of Lights on December 7, 2019.  
By: Councilmember Neuffer.  
Second by: Councilmember Renner.  
Vote: The motion passed unanimously.

Bill Hill, an individual from the Mountain View Subdivision, read a letter requesting a collaborative effort between the in city and out of city residents in paying the depreciation reserve, stating that the out of city residents pay more for the service they receive and do so willingly.

Don Viktorin with the Hillcrest Subdivision asked where the money for the 124% rate difference went over the last 30 years. It is not the fault of the subdivision that the city did not set up a reserve as required by law. The increase to my water bill is not that much with the proposed depreciation reserve, but the proposed increase to my sewer bill is a 32% increase. Mr. Viktorin stated

## PUBLIC NOTICE

that we are not really objecting to the proposed depreciation reserve fee, but objecting to the fact that in city residents are not being charged the same fee when we have been paying the 124% all along. City residents may wonder why we are on city water and sewer; we were forced to go onto city sewer by the DEQ and EPA, so districts were formed to pay for the infrastructure with grants and loans. It was thought that as long as these residents had sewer, water infrastructure and streets should be included and paid for by the district. The outlying residents are prepared to take the heat, instead of the city, for everyone being charged the same proposed depreciation reserve.

Mike Siegfried, a resident of the West River Road District, asked if the line that comes from the west tank to the city is a transmission line and if the line that goes north from the tank to Big Horn Regional is a line that has been used when there have been water supply issues. City Engineer Representative Mike Donnell stated that this is one of three (3) transmission lines into the city. Mr. Siegfried asked why 97 residents on West River Road are being asked to replace a transmission line that feeds the whole City of Worland. The residents of West River Road benefit from the line but so do all the in city residents. City Attorney Kent Richins stated that the law requires that the city create a depreciation reserve to replace these lines at a future date. The city should have been collecting this reserve for years. Mr. Siegfried asked again why 97 people are responsible for creating that reserve. City Attorney Richins stated that all lines benefit each other, but there is a difference between in city and out of city residents according to the law and based on density. The 124% pays for the day to day maintenance of these lines. City Attorney Richins reminded everyone that this proposed fee will only be used once an occurrence reaches \$17,000 for water and \$12,000 for sewer. Mr. Siegfried asked if the water cost the city anything. City Engineer Representative Donnell stated that it did not, it is the infrastructure that costs, all the water belongs to the state. City Attorney Richins stated that there are a lot more people in the city to pay for the day to day maintenance of the lines and maintain a reserve versus 97 residents paying for miles of lines to be maintained or replaced. Mr. Siegfried stated that a water line is more apt to leak with more taps on the line. City Attorney Richins reiterated that this money is solely for the use of the out of city residents, the in city residents will receive no benefit from it. Mr. Siegfried asked if there was a set limit on the amount to be received. City Attorney Richins stated that it would not be prudent to set a limit now as the city does not know if grant funding will be available in the future. If a line would have to be replaced before we have sufficient reserves, then the City of Worland would have to get a loan. Mr. Siegfried stated again that the proposed fee should be spread out to all residents, in city and out of city, since it benefits all residents.

Jerry Kysar reported that he did not receive the letter and that the proposed depreciation reserve fee is b\*\*\*\*\*. This whole country pays for everything they do with grants, the Packerville Subdivision paid for their own water and sewer lines with loans. The out of city residents are paying 124% for rates, "We are not your n\*\*\*\*\* (racial slur); President of the Council Horath said "I do not appreciate that comment." Mr. Kysar again stated "we are not your n\*\*\*\*\* (racial slur) and are not paying all your wages. This is a vindictive reaction to the refusal to annex into the city." President of the Council Horath informed Mr. Kysar that he would speak respectfully to all in attendance or he would be asked to leave the Council Chambers. Mr. Kysar stated I would rather see the residents in the rural areas take care of their own lines since the city outsources most of their work anyway for line repairs. The city has not done anything on my water or sewer lines as far as repairs over the last 30 years. There are a lot of things the city could do to save money including outsourcing the Building Department to the Fire Department and outsource the duties of the City Engineer. I would like to know of an instance when someone from the city has been out to fix lines in Packerville.

Tom Eller, a resident on Road 11, asked where the 124% (out of city rate) is going. "That money should have been put into reserves for the last 30 years. City Attorney Richins stated that the additional 124% went to day to day operation and maintenance. We paid for the infrastructure for the water and sewer lines and the city acted as a pass-thru for payment of the loans. The city did not give us water or sewer or pay for that infrastructure.

Bill Hill asked for clarification on the ordinance, if a subdivision came into the city would the depreciation reserve fee continue? City Attorney Richins stated that it would not as the ordinance applies to out of city users, not in city users.

Dennis and Darlene Goyn, residents of West River Road, asked what happened to the \$1.00 per month assessment collected over the last 25 years by the City for the West River Road Improvement District. Clerk/Treasurer Tracy Glanz stated that the assessment is deposited into the West River Road Improvement District bank account, the city does not keep that money. Mr. Skinner sent a letter to the city indicating there was approximately \$5,000.00 in the account. Clerk/Treasurer Glanz stated that through her software the \$1.00 per month assessment has been done since at least 2011. President of the Council Horath suggested that Mrs. Goyn contact Mr. Skinner about the account since the city has nothing to do with it. Mr. Goyn asked about the district as a viable entity. City Attorney Richins stated that the district may not have been dissolved legally but realistically when there is not an operating board, the district is defunct. Mr. Goyn thought that the estimate of costs to repair a line were too high stating that he had two (2) leaks fixed on his line that would have cost approximately \$1,400 had the work not been done on a voluntary basis. Superintendent of Public Works Burky stated that repairs cost between \$2,000 and \$17,000 based on the complexity of the problem. The leaks on Hillcrest recently were more complex and required a lot of hours and work. President of the Council Horath reiterated that this reserve will not be touched unless the cost per incident is over \$17,000 (water).

Jerry Kysar asked if the city is going to put a limit on the reserve collected. President of the Council Horath stated that this Council cannot bind future councils and reminded Mr. Kysar that construction costs keep rising.

With no further comments from the public, President of the Council Horath asked City Attorney Richins to present Ordinance #850 for second reading.

City Attorney Richins presented Ordinance #850 for second reading explaining that the ordinance changed in the per resident fee for West River Road, Sorenson Industrial and City Limits East from \$20.86 to \$14.88 per resident. Councilmember Renner asked why the formula was changed. Clerk/Treasurer Glanz indicated that a mistake was made on the original cost worksheet; the auditor made the changes accordingly. The ordinance sets up a depreciation reserve per resident of \$10.72 per month in Hill-

## PUBLIC NOTICE

crest, Packerville, Ponderosa and Anderson Subdivisions. These reserves will be put in a separate account to be accessed only for the purpose of replacing or repairing the lines in those subdivisions for repairs or replacement over \$17,000.00.

Mr. Goyn asked if we can find the money set aside for West River Road, can we apply that to the city's fund and get the assessment reduced. City Attorney Richins stated that the Council may consider that option.

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, INCREASING THE CITY OF WORLAND WATER RATES FOR NON-CITY RESIDENTS TO ESTABLISH DEPRECIATION RESERVE FOR FUTURE LINE MAINTENANCE AND REPLACEMENT BY SUPPLEMENTING SECTION 23-37-4 BY ADDING A NEW SUBSECTION "F" OF THE WORLAND CITY CODE. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

Motion: to approve amending Ordinance #850 on second reading.  
By: Councilmember Lombard.  
Second by: Councilmember Vigil.  
Vote: The motion passed unanimously.

Motion: to approve Ordinance #850 on second reading as amended.  
By: Councilmember DeMunbrun.  
Second by: Councilmember Renner.  
Vote: The motion passed unanimously.

City Attorney Richins presented Ordinance #851 for second reading explaining that the ordinance establishes a depreciation reserve on sewer accounts for out of city residents. The depreciation reserve will not be used unless a repair, break or replacement exceeds \$12,000.00 and it establishes a depreciation reserve per resident of \$12.88 per month in Hillcrest, South Flat, Packerville, Sunset, Mountain View, Sorenson Industrial and Lane 14 Subdivisions. These reserves will be put in a separate account to be accessed only for the purpose of replacing or repairing the lines in those subdivisions.

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

Motion: to approve Ordinance #851 on second reading.  
By: Councilmember Lombard.  
Second by: Councilmember Vigil.  
Vote: The motion passed unanimously.

Clerk/Treasurer Glanz informed the Council that the restaurant liquor license account for New Dynasty Restaurant has been deactivated by the Wyoming Liquor Division due to multiple issues including ownership and sales tax license problems. The business was sold to a new owner in July, 2019 and the new owner has been operating under the old liquor license, which is not legal. The city was notified in October of the new ownership and an application for transfer of the license was picked up by the new owner but never returned. Clerk/Treasurer Glanz recommended that the Council suspend the license until the license is transferred and sales tax issues are resolved. The new owner may not want a liquor license.

Motion: to suspend the restaurant liquor license of Tong's International Group, LLC dba as New Dynasty Restaurant.  
By: Councilmember Gentzler.  
Council Minutes 11/19/2019 Page 6

Second by: Councilmember DeMunbrun.  
Vote: The motion passed unanimously.

Airport Manager Lynn Murdoch requested approval of Addendum A to the contract with T-O Engineering on the Widen Taxilane C Project. This project was bid last year and all bids received were over the amount funded by the grant. This Addendum will allow for rebidding of the project and payment of the associated costs for the rebid.

Motion: to approve and authorize the Mayor/President of the Council to sign Addendum A to the Five Year Generalized Agreement by and between the City of Worland and T-O Engineers.  
By: Councilmember Gentzler.  
Second by: Councilmember Renner.  
Vote: The motion passed unanimously.

President of the Council Horath read the Small Business Saturday Proclamation urging the residents of our community to support small businesses and merchants on November 30, 2019, Small Business Saturday.

Airport Manager Murdoch reported that the airport work on snow removal and so far the equipment is running. The utility work for the Widening of Taxilane C is done.

City Engineer Representative Donnell informed the Council that there is a Big Horn Regional (BHR) meeting tomorrow night and mentioned that BHR has "project service areas" and each project service area has to pay for their infrastructure and their own costs; not unlike what the city is proposing in the ordinances presented tonight.

City Attorney Richins thanked the Council for their assistance and support in dealing with the proposed ordinances.

Councilmember Gentzler asked Superintendent of Public Works Burky to thank the city crew for the snow removal done last week.

There being no further business to come before the Council, President of the Council Horath asked for a motion to adjourn.

Motion: to adjourn the meeting at 8:00 p.m.  
By: Councilmember Renner.  
Second by: Councilmember Schneider.  
Vote: The motion passed unanimously.

Mandy Horath, President of the Council

ATTEST:  
Tracy A. Glanz, Clerk/Treasurer

November 28, 2019