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## PUBLIC NOTICE

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### REGULAR MEETING OF THE CITY COUNCIL OF WORLAND October 18, 2022

A regular meeting of the City Council of Worland, Wyoming met in the Council Chambers at Worland City Hall at 7:00 p.m. on October 18, 2022. Mayor James Gill presided and the Councilmembers in attendance were Kreg Lombard, Barbara Brookwell, Christy Schneider, William Worley, Wendy Fredricks and Mike Neuffer via telephone. Also present were Superintendent of Public Works, Nick Kruger; City Attorney, Kent Richins; Chief of Police, Gabe Elliott; Airport Manager, Lynn Murdoch; City Engineer Representative, Mike Donnell and Clerk/Treasurer Tracy Glanz. Councilmembers Adam Martinez and Kody DeMunbrun were absent.

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

Michael Sanchez 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.

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

The minutes of the October 4, 2022 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 October, before normal City Council approval on the first Tuesday of November and approve the Consent Agenda with Council Work Session Minutes of October 11, 2022, BAPC Minutes of October 12, 2022 and Payroll Voucher for the period October 7, 2022. PAY-ROLL 10/07/22 - \$66,581.69.  
By: Councilmember Worley.  
Second by: Councilmember Brookwell.  
Vote: The motion passed unanimously.

Ruth Dugger, Chamber of Commerce Director requested approval to close North 9th Street from the alley to Big Horn Avenue from 4:00 to 7:00 p.m. on October 31, 2022 for the annual trunk or treat and asked if the city could provide barricades.

Motion: to approve the closure of North 9th Street from the alley to Big Horn Avenue from 4:00 to 7:00 p.m. on October 31, 2022 for trunk or treat and provide barricades.  
By: Councilmember Lombard.  
Second by: Councilmember Brookwell.  
Vote: The motion passed unanimously.

Michael and Carly Sanchez with Mad Cyclez requested the closure of North 7th Street from the alley to Big Horn Avenue on October 31, 2022 with set up from 10:00-12:00 and a haunted walk from 4:00 to 9:00 p.m.

Motion: to approve the closure of North 7th Street from the alley to Big Horn Avenue from 10:00 to 9:00 p.m. on October 31, 2022 and provide barricades.  
By: Councilmember Lombard.  
Second by: Councilmember Fredricks.  
Vote: The motion passed unanimously.

Mayor Gill proclaimed October 16-22, 2022 as Friends of the Washakie County Library Week and thanked the Library Board for all that they do for city and county residents.

City Attorney Kent Richins updated the Council on the Ap-

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peal by Richard Kroger on the Board of Adjustment & Planning Commission (BAPC) decision on the proposed location of the ambulance service. All documents were filed yesterday with the District Court Clerk. The County proposed a location on Road 11 through special exemption and there was enough public interest at the first meeting of the BAPC that a public hearing was scheduled for the special exemption request. The BAPC ruled that the ambulance service met the requirements for the special exemption request and allowed the ambulance service at the proposed location. Mr. Kroger appealed that decision, and the District Court Clerk included the city in that appeal. City Attorney Richins filed a motion to remove the city from the case and that motion will be heard by the Judge next Tuesday. County Attorney John Worrall has also filed a motion to vacate the appeal due to lack of procedure by Mr. Kroger. City Attorney Richins asked if the Council agrees to the motion to remove the city from the appeal; the Mayor and Council agreed by consensus. The BAPC and/or Council may have an opinion on if the ambulance service should be located on Road 11, however, the BAPC had no reason to deny the request. Discussion followed on how the Council and BAPC are interrelated. City Attorney Richins explained that the BAPC provides minutes to the Council for ratification, however, the Council is ratifying that the board is doing their job and following code and not necessarily ratifying the decisions made by the board. The BAPC members are appointed by the Mayor and approved by the Council but they act independently of the Council. City Attorney Richins has been accused of representing the BAPC however he represents the Building Official, not the BAPC; "It would not be appropriate to represent the BAPC as I present cases to them on behalf of the Building Official who works for the city. The BAPC is an ancillary board, the city does not tell them what to do, but the city creates the rules that they follow. The BAPC decision on this issue is based on zoning code that allows this type of use in this zone. The city needs to maintain that there is a separation as we have no say in the decisions made by the BAPC. This is one of the arguments I will make before the judge; the Council did not make any decisions on this issue. This is a county issue, not a city issue." City Attorney Richins stated that under city code any decision of the BAPC will be appealed to the District Court. "Part of the problem the judge has, is how that appeal goes to District Court. Our code is silent on that, however there is a statute regarding appeals from an agency. I do not know who would be responsible for transmitting the record of appeal to the District Court if it were not the City Attorney and Clerk/Treasurer. Should the BAPC have its own attorney? The newspaper stated that I spoke to Mr. Kroger, but I have never spoken to Mr. Kroger, and I am not currently speaking to him. There is no position that the city should take on this issue. The next step in the appeal is to file a brief, but I will have nothing to say as we are not a party to the appeal and have no position." City Attorney Richins will revisit city code after the appeal process to clarify the appeal process. Mayor Gill commended City Attorney Richins and Clerk/Treasurer Glanz on the amount of time spent on this issue. Discussion followed.

City Attorney Kent Richins requested an executive session at the end of the Council meeting to discuss possible litigation.

Airport Manager Lynn Murdoch updated the Council on the Wildlife Fence Project with a planned start date of November 21, 2022 and completion date in February. The parts for the gate are on back order and will not be available until February; all other work will be done prior to the gate installation.

Superintendent of Public Works Nick Kruger reported that the parks crew is continuing to close the restrooms in city parks; all restrooms will be closed by next week. The crew is working with contractors to pothole and lay asphalt as needed on utility cuts.

Chief of Police Gabe Elliott informed the Council that the Parade of Lights is scheduled for December 3, 2022 at 6:00 p.m. The police department helped Westside School with their emergency evacuation plan, it went very smooth. The school safety program

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at Westside School was a success with the police department and sheriff's department receiving kudos from the Superintendent of Schools. It was noted that the city had not received a request to close the bars for 24 hours this calendar year; Chief of Police Elliott talked to a few of the bars and the dates requested are October 29, November 29 and December 21, 2022.

Motion: to approve extending the hours of operation to 24 hours for retail liquor licenses on October 29th, November 29th and December 31st, 2022.

By: Councilmember Lombard.  
Second by: Councilmember Brookwell.  
Vote: Members voting AYE: Lombard, Fredricks, Gill, Neuffer, Brookwell, Worley; Members voting NAY: None; Members ABSTAINING: Schneider; the motion passed by a vote of 6-0-1.

City Engineer Representative Donnell reported that the 2022 double gutter/street project is wrapping up; all fourteen (14) sites are constructed with asphalt finishing needed at five (5) sites. The contractor did an excellent job on the project which is funded by the general purpose tax. With seven (7) sites done on the mid-block fire hydrant line replacement project, there are five (5) sites left to complete. This project will help in updating our mapping system. Big Horn Regional Joint Powers Board meets tomorrow night at 6:30 p.m. to continue discussions on the Burlington extension.

Superintendent of Public Works Kruger mentioned that the Big Horn Regional mainline had a problem last week and Worland supplied water south of town for their system. The city also provided water for the South Big Horn Water users when they had a leak on their system.

Clerk/Treasurer Tracy Glanz presented a payment arrangement form used by Utility billing and proposed a change to the form allowing for only two (2) payment options instead of four (4) and adding language that would allow one utility payment arrangement in a twelve month period. Clerk/Treasurer Glanz provided information on how the payment arrangements work and the problems created by allowing four payments versus two. Additionally, the shut off list is growing and doubled this last month.

Motion: to approve the changes to the utility billing payment arrangement form.

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

Motion: to enter executive session at 7:34 p.m. to discuss possible litigation.

By: Councilmember Worley.  
Second by: Councilmember Lombard.  
Vote: The motion passed unanimously.

Motion: to leave executive session at 7:47 p.m.  
By: Councilmember Fredricks.  
Second by: Councilmember Worley.  
Vote: The motion passed unanimously.

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

Motion: to adjourn the meeting at 7:47 p.m.  
By: Councilmember Fredricks.  
Second by: Councilmember Brookwell.  
Vote: The motion passed unanimously.

James R. Gill, Mayor

ATTEST:  
Tracy A. Glanz, Clerk/Treasurer

October 27, 2022