

REGULAR MEETING OF THE CITY COUNCIL
OF WORLAND, WYOMING
May 18, 2010

A regular meeting of the City Council of Worland, Wyoming convened in the Council Chambers in City Hall at 7:00 p.m. on May 18, 2010. Mayor Kreg Lombard presided and the Councilmembers in attendance were: Bud Callaham, Loyd Worley, Jerry Alexander, Lisa Fernandez, Kathy Newman, George Hazen and Michele Rideout. Also present were: Airport Manager/Superintendent of Public Works, Gary Thompson; Chief of Police, Greg Bankert; City Attorney, Kent Richins and Clerk/Treasurer, Tracy Glanz. Councilmembers Bob Nelsen and Justin Pfeiffer were absent.

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

Todd Scheuerman led the Council and visitors in the Pledge of Allegiance.

Motion: to approve the minutes of the regular meeting on May 4, 2010.

By: Councilmember Hazen.

Second by: Councilmember Worley.

Vote: The motion passed unanimously.

Motion: to approve the payroll for the period ending May 2, 2010; PAYROLL 5/2/10 - \$52,456.20.

By: Councilmember Hazen.

Second by: Councilmember Rideout.

Vote: The motion passed unanimously.

Mayor Kreg Lombard attended the Grand Opening Ceremonies at the Washakie Museum; the event was attended by over 1,400 people on Friday and Saturday. "The museum is a real gift to our community and we appreciate it." Mayor Lombard expressed his disappointment that more City officials were not in attendance for the opening.

Mayor Lombard asked for discussion and a motion on a loan application for funding from the Economic Development Financing Program. The application had been reviewed prior to the council meeting.

Motion: to deny the loan application submitted by Cross HVAC, Inc.

By: Councilmember Callaham.

Second by: Councilmember Fernandez.

Vote: The motion passed unanimously.

Mayor Lombard updated the Council on discussions with FEMA and asked for discussion on the proposal by Washakie County to apply for a Flood Mitigation Assistance Grant splitting the hard match of \$2,500.00 between the entities. Discussion followed.

Motion: to reject the proposal from Washakie County to split the costs associated with a Flood Mitigation Assistance Grant as the grant would not help mitigate the current flood map as per discussions with FEMA.

By: Councilmember Alexander

Second by: Councilmember Worley.

Vote: Members voting AYE: Alexander, Worley, Fernandez, Lombard, Rideout, Callaham, Newman; Members voting NAY: Hazen; the motion passed by a vote of 7-1.

Mayor Lombard asked for discussion and/or a motion to accept Option #1 of the Voluntary Retirement Buyout proposal; no decision was made.

Mayor Lombard requested an executive session after the business of the council members to discuss possible litigation and a personnel issue.

Mike Greear, Chairman of the Joint Powers Board for the Worland Community Complex Center (WCCC) and Steve Hunt, Director were in attendance to request a change to the Joint Powers Agreement removing the Town of Ten Sleep. Mr. Greear indicated that both Washakie County and the Town of Ten Sleep are open to this change. Mr. Greear proposed that the ownership and board representation would be 3/5ths County and 2/5ths City. Discussion followed. City Attorney Kent Richins asked for a formal letter from the Joint Powers Board and the Town of Ten Sleep. City Attorney Richins was also concerned about Ten Sleep not receiving their share of the one cent sales tax since they won't have an interest in the WCCC and recommended that if the Town of Ten Sleep was removed from the Agreement that each entity, the County and the City, have two appointed members and then agree on the final member making the representation on the board equal. City Attorney Richins recommended that the City look into this further before making any decisions.

Todd Scheuerman, Chairman of the Washakie Development Association (WDA) asked if the City would be interested in renting office space to WDA, since we have empty offices in the back of the building. Mayor Lombard indicated that the City was looking at moving the Superintendent of Public Works into those offices and asked for discussion. No decision was made.

City Attorney Kent Richins presented Ordinance #787 for second reading.

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, INCREASING THE FRANCHISE FEE AND EXTENDING THE TERM OF THE FRANCHISE OF TCI CABLEVISION OF WYOMING, INC., D/B/A AT&T CABLE SERVICES BY AMENDING THE FRANCHISE AGREEMENT. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

Motion: to pass Ordinance #787 on second reading.

By: Councilmember Newman.

Second by: Councilmember Fernandez.

Vote: Members voting AYE: Alexander, Fernandez, Lombard, Rideout, Newman;
Members voting NAY: Hazen, Worley, Callaham; the motion passed by a vote of 5-3.

City Attorney Kent Richins presented Ordinance #788 for second reading.

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, INCREASING THE FRANCHISE FEE OF WYOMING GAS COMPANY, A DIVISION OF NATURAL GAS PROCESSING CO., A WYOMING CORPORATION, BY AMENDING THE FRANCHISE AGREEMENT. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

Motion: to pass Ordinance #788 on second reading.

By: Councilmember Newman.

Second by: Councilmember Fernandez.

Vote: Members voting AYE: Alexander, Fernandez, Lombard, Newman; Members voting NAY: Hazen, Worley, Callaham, Rideout; the motion failed by a vote of 4-4.

City Attorney Richins asked for an explanation on why the Ordinance failed. Councilmembers Worley, Callaham and Hazen did not want to increase costs to the voters by raising the franchise fees. Clerk/Treasurer Tracy Glanz stated that the Council has said several times that they want to balance the budget, "if you want to balance the budget then you have to increase your revenues." Discussion followed.

City Attorney Kent Richins presented Ordinance #789 for first reading.

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, INCREASING THE FRANCHISE FEE OF PACIFICORP, AN OREGON CORPORATION, BY AMENDING THE FRANCHISE AGREEMENT. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

Motion: to pass Ordinance #789 on first reading.

By: Councilmember Alexander.

Second by: Councilmember Newman.

Vote: Members voting AYE: Alexander, Fernandez, Lombard, Callaham, Newman;
Members voting NAY: Hazen, Worley, Rideout; the motion passed by a vote of 5-3.

Under further discussion regarding the vote on the Ordinances presented, Councilmember Hazen thought the City should not have ordinances at all and that we

should get rid of all the City ordinances. Discussion continued on this issue as well as what to do with Ordinance #788. City Attorney Richins stated that Ordinance #788 can be brought back for a vote only by someone who voted no, otherwise it is dead. Discussion followed.

Motion: to pass Ordinance #788 on second reading.

By: Councilmember Hazen.

Second by: Councilmember Alexander.

Vote: Members voting AYE: Hazen, Alexander, Fernandez, Lombard, Callaham, Newman; Members voting NAY: Worley, Rideout; the motion passed by a vote of 6-2.

Clerk/Treasurer Glanz presented amendments to the preliminary budget; the following amendments correct line items, decrease the costs of employee benefits due to the health insurance deductible plan chosen and decrease the Dispatch Center budget due to use of reserves by the County.

To increase line item 10-51-130 Employee Benefits from \$22,416 to \$23,991.

To decrease line item 10-52-130 Employee Benefits from \$24,908 to \$24,509.

To decrease line item 10-53-130 Employee Benefits from \$13,014 to \$12,793.

To decrease line item 10-55-130 Employee Benefits from \$143,590 to \$141,656.

To increase line item 10-56-130 Employee Benefits from \$75,201 to \$78,482.

To decrease line item 10-58-130 Employee Benefits from \$276,945 to \$273,117.

To decrease line item 10-61-130 Employee Benefits from \$43,953 to \$43,444.

To decrease line item 51-40-130 Employee Benefits from \$127,285 to \$125,679.

To decrease line item 51-41-130 Employee Benefits from \$25,761 to \$25,092.

To decrease line item 52-40-130 Employee Benefits from \$126,300 to \$124,526.

To decrease line item 52-41-130 Employee Benefits from \$25,558 to \$24,892.

To decrease line item 53-40-130 Employee Benefits from \$135,164 to \$131,643.

To decrease line item 10-58-355 Dispatch Center from \$198,242 to \$158,000.

Motion: to approve the budget amendments.

By: Councilmember Newman.

Second by: Councilmember Alexander.

Vote: The motion passed unanimously.

Motion: to approve the preliminary budget as amended.

By: Councilmember Callaham.

Second by: Councilmember Alexander.

Vote: Members voting AYE: Alexander, Worley, Fernandez, Lombard, Rideout, Callaham, Newman; Members voting NAY: Hazen; the motion passed by a vote of 7-1.

Clerk/Treasurer Glanz requested donation of sick leave for an employee at City Hall who has been sick and has not yet accrued sick leave.

Motion: to approve donation of one day of sick leave from employees at City Hall.

By: Councilmember Callaham.

Second by: Councilmember Worley.

Vote: The motion passed unanimously.

Clerk/Treasurer Glanz presented a letter from the CultureFest Committee with several requests including a request to allow the closure of 12th Street to 14th Street behind the WCCC and allow an exception to the Open Container law within the closed off area on June 12, 2010 from 7 a.m. to 7 p.m. Discussion followed.

Motion: to approve closing 12th Street to 14th Street behind the WCCC and allow an exception to the Open Container law within the closed off area on June 12, 2010 from 7AM to 7PM.

By: Councilmember Callaham.

Second by: Councilmember Worley.

Vote: The motion passed unanimously.

Clerk/Treasurer Glanz updated the Council on the Worland Urban Systems Advisory Committee meeting held on April 14, 2010.

Airport Manager/Superintendent of Public Works Gary Thompson informed the Council that the Airport just completed a FAA inspection and passed with flying colors. There were two (2) write-ups; both have been corrected. Superintendent Thompson complimented Airport Supervisor Lynn Murdoch on the excellent job she did with the inspection.

Chief of Police Greg Bankert updated the Council on the Traffic Safety Commission meeting and asked for motions to approve their recommendations.

Motion: to place a 30 MPH speed limit sign at the 300 block of Robertson for westbound traffic and one at the 200 block of Robertson for eastbound traffic.

By: Councilmember Fernandez.

Second by: Councilmember Hazen.

Vote: The motion passed unanimously.

Motion: to approve placing stop signs at 12th and Coburn as well as 12th and Culbertson making these intersections a four way stop.

By: Councilmember Alexander.

Second by: Councilmember Callaham.

Vote: Members voting AYE: Alexander, Worley, Fernandez, Lombard, Rideout, Callaham, Newman; Members voting NAY: Hazen; the motion passed by a vote of 7-1.

Chief of Police Bankert presented a Travel Request for Sgt. Tom Brase to attend "Gunsite" training in Paulden, Arizona. Sgt. Brase would pay the registration fee of \$1,200.00 and the city would cover fuel and meal costs at a total estimated cost to the City of \$923.40.

Motion: to approve the Travel Request for Sgt. Tom Brase to attend "Gunsite" training in Paulden, Arizona on June 12th through June 20th, 2010.

By: Councilmember Callaham.

Second by: Councilmember Alexander.

Vote: The motion passed unanimously.

Chief of Police Bankert invited all to attend the retirement party for Capt. Andy Williams on Tuesday, May 25th, 2010 at 2 p.m. at the Law Enforcement Center.

Under Business of Commissions:

Motion: to ratify and approve the actions of the boards and commissions of the City of Worland.

By: Councilmember Worley.

Second by: Councilmember Callaham.

Vote: The motion passed unanimously.

Under Business of the Council:

Councilmember Alexander asked if the scaffolding in front of City Hall couldn't be moved until the work could be done. Clerk/Treasurer Glanz will see that it is moved.

Councilmember Newman thanked the Department Heads, City Engineer Representative, City Attorney and Clerk/Treasurer for making changes in the budget as recommended.

Motion: to enter into executive session at 8:53 p.m. to discuss possible litigation and a personnel issue.

By: Councilmember Alexander.

Second by: Councilmember Callaham.

Vote: The motion passed unanimously.

The Council recessed at 8:53 p.m. and reconvened at 8:57 p.m.

Motion: to leave executive session at 9:21 p.m.

By: Councilmember Callaham.

Second by: Councilmember Rideout.

Vote: The motion passed unanimously.

Councilmember Worley asked the Council to reconsider the Retirement Buyout Options. Discussion followed.

Motion: to approve Option #2 of the Voluntary Retirement Buyout proposal.

By: Councilmember Alexander.

Second by: Councilmember Fernandez.

Vote: Members voting AYE: Alexander, Worley, Fernandez, Lombard, Rideout, Callahan; Members voting NAY: Hazen, Newman; the motion passed by a vote of 6-2.

Clerk/Treasurer Glanz introduced Resolution #2010-7:

A RESOLUTION AUTHORIZING THE MAYOR TO OFFER FINANCIAL INCENTIVES TO INDUCE CERTAIN ELIGIBLE EMPLOYEES TO RETIRE FROM THE CITY OF WORLAND DURING FISCAL YEAR 2010-2011.

WHEREAS, the City of Worland is currently experiencing declining revenues and it is necessary that the City implement certain measures to reduce its expenses.

WHEREAS, the City of Worland recognizes that offering financial incentives to induce certain eligible city employees to retire from the City will result in financial savings to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WORLAND, WYOMING:

1. That upon adoption of this resolution and subject to the terms and conditions hereof, the Mayor of the City of Worland shall be authorized to offer financial incentives to certain personnel of the City of Worland as inducements for said employees to retire from service during fiscal year 2010-2011.

2. The funds necessary to implement this resolution shall be expended from the General, Water, Sewer and Sanitation funds subject to the wage allocation of the eligible employee up to a maximum of One Hundred Thirty-Nine Thousand One Hundred Seventy-Nine Dollars and Forty-three Cents (\$139,179.43). No amount in excess of One Hundred Thirty-Nine Thousand One Hundred Seventy-Nine Dollars and Forty-three Cents (\$139,179.43) shall be expended from these funds for the purposes of this Resolution without the further approval of the Governing Body.

3. This Resolution pertains to employees of the City of Worland who are eligible for a retirement buyout under the following parameters set by the Governing Body:

- a) The employee must have at least ten (10) years of service with the City; and

- b) The employee must be at least fifty-nine (59) years of age; and
- c) The employee must sign the Release & Waiver Agreement within 45 days of receipt thereof;

4. In exchange for an agreement to retire from service, the Mayor is hereby authorized to offer the following:

- (a) A maximum of one thousand dollars (\$1,000.00) per year of service paid in a lump sum, to each City employee who is eligible for the retirement buyout;
- (b) A maximum amount not to exceed Seven Thousand Three Hundred Forty-Eight Dollars and Eighty Cents (\$7,348.80) paid in a lump sum, to each employee who is eligible for the retirement buyout;
- (c) These amounts can be paid as a lump sum or in two (2) payments, one in July and one in January at the discretion of the retiree.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010.

Kreg Lombard, Mayor

ATTEST:

Tracy A. Glanz, City Clerk

Motion: to pass, approve and adopt Resolution #2010-7 as amended.

By: Councilmember Worley.

Second by: Councilmember Alexander.

Vote: Members voting AYE: Alexander, Worley, Fernandez, Lombard, Rideout, Callahan; Members voting NAY: Hazen, Newman; the motion passed by a vote of 6-2.

There being no further business, the meeting adjourned at 9:30 P.M.

Kreg Lombard, Mayor

ATTEST:

Tracy A. Glanz, Clerk-Treasurer