

REGULAR MEETING OF THE CITY COUNCIL
OF WORLAND, WYOMING

December 15, 2009

A regular meeting of the City Council of Worland, Wyoming convened in the Council Chambers in City Hall at 7:00 p.m. on December 15, 2009. Mayor Kreg Lombard presided and the Councilmembers in attendance were: Jerry Alexander, Kathy Newman, Bud Callahan, Loyd Worley, Lisa Fernandez, Bob Nelsen and Michele Rideout. Also present were: Chief of Police, Greg Bankert; Airport Manager/Superintendent of Public Works, Gary Thompson; City Attorney, Kent Richins; City Engineer Representative, Sherman Allred; Building Official Ron Vanderpool and Clerk-Treasurer, Tracy Glanz. Councilmembers George Hazen and Justin Pfeiffer were absent.

There were nineteen (19) visitors present for this meeting of the City Council.

Airport Manager/Superintendent of Public Works Gary Thompson led the Council and visitors in the Pledge of Allegiance.

Motion: to approve the minutes of the regular meeting on December 1, 2009.

By: Councilmember Alexander.

Second by: Councilmember Fernandez.

Vote: The motion passed unanimously.

Motion: to approve the payroll for the periods ending December 1, 2009 and December 4, 2009; PAYROLL 12/1/09 - \$56,590.29; PAYROLL 12/4/09 - \$2,922.79.

By: Councilmember Alexander.

Second by: Councilmember Worley.

Vote: The motion passed unanimously.

Mayor Lombard informed the Council that he had spent several hours interviewing candidates for the Council Member opening in Ward 3 and stated it had not been an easy decision. Mayor Lombard appointed Michele Rideout as Councilmember for Ward 3 and asked Mrs. Rideout to give a little bit of background information about herself to the Council.

Councilmember Bob Nelsen asked about the State Statute stating that the vacancy shall be filled by the governing body. City Attorney Kent Richins gave his interpretation of the statute, stating that the wording "governing body" includes the Mayor and that an appointment is generally made by the Mayor; every department head, every commission member, every office and officials are appointed by the Mayor. The City Attorney's interpretation is that the Mayor shall appoint and the council shall approve, by motion, the appointment. There is no case law that indicates otherwise. Councilmember Nelsen said it is a "grey area". Councilmember Nelsen and

Councilmember Bud Callaham stated that they had been asked by constituents why they weren't given the opportunity to have input. Discussion followed. Mayor Lombard stated that it would be very difficult to get the whole governing body involved in making the selection without someone taking the lead in the process. Councilmember Nelsen suggested that a committee be formed. Mayor Lombard stated that any changes to the current process should have come up after the last appointment not during an appointment. Councilmember Worley stated that he had a problem voting for someone that he hasn't had a chance to talk to. Councilmember Lisa Fernandez replied that Councilmember Worley hadn't talked to her prior to appointment but voted for her. Councilmember Worley agreed and said that the general public was questioning why the Council was just rubber stamping. Mayor Lombard stated that no one had to rubber stamp it, that each councilmember had a vote in the process. Mayor Lombard reminded the Council that the names of the candidates had been released so each councilmember did have a chance to talk to each one if they chose to do so. Councilmember Callaham stated that it was not the Council's responsibility to contact the candidate. City Attorney Richins recommended that Mayor Lombard ask for a motion from the floor. Councilmember Alexander stated that there was not a problem with appointing Mrs. Rideout and said there were other issues that did not need to be dealt with tonight.

Motion: to approve the appointment of Michele Rideout as Councilmember in Ward 3.

By: Councilmember Alexander.

Second by: Councilmember Fernandez.

Mayor Lombard asked for a voice vote; AYE: Newman, Alexander, Fernandez;

Councilmember Nelsen stated prior to voting that Councilmember Callaham was attempting to reach Councilmember George Hazen by telephone so that he could vote on the motion. Mayor Lombard stated that was fine, but thought that Councilmember Hazen should have been involved in the discussion about the appointment in order to vote. Mayor Lombard asked City Attorney if Councilmember Hazen needed to be present. Mayor Lombard stated that there was a policy stating that Councilmembers were supposed to call the Clerk/Treasurer or the Mayor if they were going to be absent. Councilmember Nelsen asked where this was in writing. Mayor Lombard stated that it was in the Executive Directives and Policies Manual. Mayor Lombard stated that he thought the Councilmember should be here or at least notify us that they weren't going to be here. Councilmember Nelsen asked if Councilmember Hazen's vote would be honored. City Attorney Richins questioned Clerk/Treasurer Glanz about the policy asking if it stated anything about the Councilmember's right to vote, Clerk/Treasurer Glanz stated that it did not. City Attorney Richins stated that he did not want to deny Councilmember Hazen the right to vote but it would have been nice for him to be here and listen to the conversation. Councilmember Nelsen said that work also comes first when you are working for a living. Councilmember Fernandez asked why then was she

questioned as to her ability to represent her Ward when she was appointed because she had a family. Councilmember Fernandez asked which came first family, work or council. Councilmember Fernandez continued that if a Councilmember was unable to work and represent their Ward in the way it should be represented then maybe they shouldn't be on the Council. City Attorney Richins asked if Councilmember Hazen was available; Councilmember Callaham said he quit calling. Councilmember Nelsen said there was no point because the vote wouldn't be honored. Councilmember Nelsen said a precedent had already been set by allowing Councilmember Pfeiffer to vote by telephone. City Attorney Richins asked who said the vote wouldn't be honored. Councilmember Nelsen said "you said it wasn't in the rules so we won't accept it". Mayor Lombard said if it is in the rules it's one thing if it isn't in the rules let's go on with it. City Attorney Richins said he didn't know of any reason why Councilmember Hazen couldn't vote and Clerk/Treasurer Glanz stated there was nothing in the policy stating he could not vote. Mayor Lombard reiterated that Councilmember Hazen had not been in on this discussion and that is a very important issue; "I feel if somebody is going to vote they need to listen to everybody on the council, that's only fair". City Attorney Richins stated that Councilmember Hazen should have the right to vote if he could be reached on the telephone. Councilmember Nelsen again questioned City Attorney Richins, stating he thought this was a "grey area". City Attorney Richins stated that it was not, that Councilmember Pfeiffer had been allowed to vote by telephone in the past, but he had also been in on the discussion prior to any vote. City Attorney Richins stated again that he would not deny a Councilmember a vote. City Attorney Richins stated that if Council wanted to get Councilmember Hazen on the phone and discuss it with him then he didn't have a problem with that. Mayor Lombard agreed with that 100% but stated that Councilmember Hazen needed to have full information from everyone involved. Councilmember Worley thought the issue should be tabled until Councilmember Hazen could attend a council meeting. City Attorney Richins stated that there was a motion on the floor with a second. Mayor Lombard asked City Attorney Richins how to proceed and City Attorney Richins stated he did not want to proceed without giving Councilmember Hazen the right to vote. Discussion continued about the candidate interview process and Mayor Lombard again asked City Attorney Richins how to proceed. City Attorney Richins stated that there was a motion and a second on that motion; "Councilmember Hazen isn't present, we vote".

Mayor Lombard continued with the vote; NAY: Nelsen, Callaham and Worley; Mayor Lombard voted AYE to break the tie. The motion passed by a vote of 4 to 3.

City Attorney Richins gave the Oath of Office to newly appointed Councilmember Michele Rideout. The Mayor and Council welcomed Mrs. Rideout.

Mayor Lombard requested an executive session at the close of the meeting to discuss personnel issues.

Mayor Lombard informed the Council that the City will receive \$68,796.00 in grant funding from the Wyoming Business Council to update City Hall.

Mayor Lombard asked that the first meeting in January be moved to Thursday, January 7, 2009 to allow people to spend more time with their families over the holiday.

Motion: to change the January 5, 2009 regular Council Meeting to January 7, 2009.

By: Councilmember Alexander.

Second by: Councilmember Newman.

Vote: The motion passed unanimously.

Chief of Police Greg Bankert presented Community Service Awards to five (5) individuals for their continued assistance to the Worland Police Department Field Training Program. Sergeant Gabe Elliott recommended the following people who were given plaques: Alice Duffy, Joe Martinez, John Elliott, Rondo Hernandez and Greg Alcaraz. Chief of Police Bankert thanked the volunteers stating "it truly is an honor to work with you; the Police Department couldn't accomplish our goals without you".

Steve Hunt, Director of the Worland Community Complex Center (WCCC) asked that the City renew the agreement between the City of Worland, the Recreation Board and the WCCC. This agreement provides that the City will maintain the grounds for the WCCC, the WCCC will waive all fees for use of the facility by the Rec Board and the Rec Board will help fund repairs at City Parks. Superintendent of Public Works Gary Thompson stated that the agreement has worked well in the past.

Motion: to approve renewing the agreement with the WCCC and Recreation Board for another year.

By: Councilmember Nelsen.

Second by: Councilmember Callaham.

Vote: The motion passed unanimously.

Carli Florez presented a letter and petition addressed to FEMA regarding the recent changes to the floodplain map, the increase in insurance rates and the restrictions on development of the properties within the floodplain. The petition requests a change in the Flood Insurance Rate Map (FIRM) removing all commercial and residential properties west of Airport Road and north of Washakie Avenue in Worland from the floodplain allowing for a decrease in insurance rates and a less restrictive development process. Ms. Florez requested that the governing body sign the letter to FEMA.

Motion: to support the effort to change the floodplain map and sign the letter addressed to FEMA.

By: Councilmember Callaham.

Second by: Councilmember Newman.

Vote: The motion passed unanimously.

Jim Steinmetz presented a letter regarding his utility bills for apartments he owns at South 9th and Grace and asked for a refund on his water bill. Discussion followed.

Motion: to recommend to the Council to allow Mr. Steinmetz to remove the six (6) meters and replace them with a 1" master meter at the owners expense, changing the properties to a commercial rate. No refund will be issued since the properties fell under the correct rate schedule.

By: Councilmember Nelsen.

Second by: Councilmember Alexander.

Vote: The motion passed unanimously.

Councilmember Jerry Alexander asked when the fencing would be put up around the canal through town. Superintendent of Public Works Thompson stated that the fences will be put up after the canal does maintenance in the spring.

City Attorney Kent Richins presented Ordinance #782 for first reading.

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, REVISING VARIOUS REGULATIONS PERTAINING TO CITY STREET AND ALLEY EXCAVATIONS BY AMENDING AND SUPPLEMENTING PORTIONS OF CHAPTER 19 OF THE WORLAND CITY CODE. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

City Attorney Richins asked Building Official Ron Vanderpool to explain the proposed ordinance. Discussion followed. A motion was withdrawn to pass Ordinance #782 on first reading after Councilmember Nelsen requested additional time to review the ordinance.

Clerk/Treasurer Tracy Glanz requested that the hiring freeze be lifted to allow the hiring of a clerk at City Hall. Discussion followed.

Motion: to lift the hiring freeze one time and allow the Clerk/Treasurer to advertise and hire a clerk at City Hall.

By: Councilmember Alexander.

Second by: Councilmember Newman.

Vote: AYE - Rideout, Fernandez, Alexander, Newman and Lombard; NAY – Nelsen, Callaham and Worley. The motion passed by a vote of 5 to 3.

Chief of Police Bankert informed the Council that a Traffic/Safety meeting was held and that official minutes will be provided at the next Council meeting.

Councilmember Kathy Newman asked for clarification on why the Police Department purchased SUV's instead of cars. Chief of Police Bankert explained that last year the Department had to borrow a 4WD vehicle to get around due to the

inclement weather. Mayor Lombard added that he had also donated his personal 4WD vehicle to be used by the Department.

Superintendent of Public Works Thompson requested approval to write bid specs for a new mower for the Parks Department. The expense has been approved in the current budget.

Motion: to approve putting out bid specs for a new mower for the Parks Department.

By: Councilmember Callahan.

Second by: Councilmember Worley.

Vote: The motion passed unanimously.

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

By: Councilmember Alexander.

Second by: Councilmember Nelsen.

Vote: The motion passed unanimously.

Under Business of the Council:

Councilmember Fernandez said she spoke to the family with the hearing impaired child and they thanked the City for the signage.

Councilmember Alexander thanked Chief of Police Bankert for recognizing citizens in the community.

Councilmember Newman gave kudos to the citizens who have decorated for Christmas and mentioned how nice the store fronts looked downtown.

Motion: to enter into executive session at 8:32 p.m. to discuss personnel issues.

By: Councilmember Alexander.

Second by: Councilmember Nelsen.

Vote: The motion passed unanimously.

Motion: to close the executive session at 8:47 p.m.

By: Councilmember Worley.

Second by: Councilmember Callaham.

Vote: The motion passed unanimously.

Councilmember Bud Callaham would like to see the City recognize a student for reacting quickly to save the life of a boy by performing CPR. Chief of Police Bankert recommended that the City award a commendation to be presented by the Council. The Council approved awarding the commendation.

There being no further business, the meeting adjourned at 8:52 P.M.

Kreg Lombard, Mayor

ATTEST:

Tracy A. Glanz, Clerk-Treasurer