

REGULAR MEETING OF THE CITY COUNCIL  
OF WORLAND, WYOMING  
October 7, 2014

A regular meeting of the City Council of Worland, Wyoming convened in the Council Chambers in City Hall at 7:00 p.m. on October 7, 2014. Mayor Dave Duffy presided and the Councilmembers in attendance were: Keith Gentzler, Bud Callaham, Jim Gill, Michele Rideout, Mandy Horath, Dennis Koch, Bob Nelsen, Marcus Sanchez and Lisa Fernandez. Also present were: Chief of Police, Gabe Elliott; City Attorney, Kent Richins; Airport Manager/Superintendent of Public Works, Wayne Hill; City Engineer Representative, Mike Donnell and Clerk/Treasurer, Tracy Glanz.

There were fourteen (14) visitors present for this meeting of the City Council.

Sami Pierce, Tessa McClain and Addisyn Winkler of Daisy Troop led the Council and visitors in the Pledge of Allegiance.

Mayor Duffy declared a quorum present and asked for review and approval of the agenda.

Motion: to approve the agenda as presented.

By: Councilmember Callaham.

Second by: Councilmember Koch.

Vote: The motion passed unanimously.

The minutes of the September 16, 2014 regular meeting were approved as published.

Mayor Duffy requested approval of the consent agenda.

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 Warrant Register for September 2014, Payroll Vouchers for periods ending September 14, 2014, September 28, 2014 and September 30, 2014; WARRANT REGISTER - \$341,265.81; PAYROLL 9/14/14 - \$58,049.14; PAYROLL 9/28/14 - \$56,821.07; PAYROLL 9/30/14 - \$3,347.70.

By: Councilmember Fernandez.

Second by: Councilmember Nelsen.

Vote: The motion passed unanimously.

City Attorney Kent Richins announced that it was the time and place to open bids for the Worland Hydraulic Gate Project.

<b>COMPANY</b>	<b>Located In</b>	<b>BID</b>
SWI	Powell, Wyoming	\$ 94,775.00

The bid was given to Airport Manager/Superintendent of Public Works Wayne Hill for review.

Mayor Duffy read a proclamation for the American Legion Auxiliary designating October 7<sup>th</sup> through November 11<sup>th</sup> Poppy Weeks as Wanda Johnson handed out poppies to all present.

Dale Farley stated that he owned a business in Worland located across the street from Haskell Furniture called Dale's Automotive and the building has a small apartment on the back. "The code doesn't say I can live there and it doesn't say I can't live there, it is a grey area and I would like to petition to have the code amended to allow me to live in the apartment." Mayor Duffy stated that the council does not take action on citizen's concerns until the council has had time to research the request; however, an amendment to that zone would require an ordinance change and the process would start with the Board of Adjustment & Planning (BAPC) and involve notice to adjacent property owners and a public hearing. City Attorney Richins provided a background on the process that Mr. Farley had been through including his appearance before the BAPC who declined approval to live in the apartment based on the Building Officials' interpretation of the code. This is not a principally permitted use and not allowed in the zone in question. Once the Building Official made a decision then Mr. Farley's position would be to appeal to the BAPC which he has not done yet. The appeal rights expired some time ago, but there would be no objection to allowing Mr. Farley to appeal at this time. The BAPC is considering this in other areas in town but have not reached a decision. If the BAPC agrees with Mr. Farley's argument then they will allow him to live in the apartment, if they do not agree, then Mr. Farley's alternative is to appeal to the District Court. If the appeal to the BAPC fails, another way it could be handled is to petition to the BAPC to amend the ordinance to allow living in a business in a B2 zone. The BAPC could then make a recommendation to the Council to change the ordinance which requires three (3) readings and public input. Mr. Farley thought he should address the council first before going through the appeal process to let the Council know what he wanted to do. The last major overhaul of the zoning ordinance was in 1985 so it may be need to be changed in conjunction with the pending revision to the Comprehensive Master Plan. Discussion continued; Mr. Farley was not happy with the outcome of the BAPC meeting but agreed to go through the recommended appeal process.

James Seckman, CPA presented the audited financial statements for the City of Worland for fiscal year ending June 30, 2014; the report was positive, with strong reserve strength.

Councilmember Koch requested that the city consider placing signs in the downtown area (Railway to 14<sup>th</sup> Street, and Robertson Avenue to Coburn Avenue) to support the current ordinance which limits parking to two (2) hours. The ordinance cannot be enforced without signage. There has been frustration finding a parking space downtown especially when there are residents parking "for sale" vehicles on the street. Discussion followed. Chief of Police Gabe Elliott stated that the two (2) hour parking limitation is unreasonable for the downtown area since there have been no calls for service for parking problems and limited parking will require proactive enforcement. Chief of Police Elliott presented an outline of state statute on parking issues and recommended that we adopt state statute as our current ordinance is outdated and obsolete. City Attorney Richins suggested that language be added to an ordinance dealing with cars parked for a long period of time in the downtown area.

Motion: to direct the City Attorney, Chief of Police and a committee that they may appoint to draft an ordinance adopting state statute for parking and rescind the current ordinance.

By: Councilmember Callaham.

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

Councilmember Sanchez would like the city decide what they are going to do with the street closure done by Resolution in 2001 as a temporary closure (parts of South 3<sup>rd</sup> Street and Coburn Avenue). A seven (7) foot fence with barb wire has been put up and the street has not been maintained. This business is located in a residential neighborhood with industrial growth and while it does provide a great economic service to the city they seem to have a sense of entitlement to the street(s). City Attorney Richins presented an outline for the council to consider on the street vacation process, the history of when the street closure happened and the options available to council by statute. City Attorney Richins recommended that the Council get public input on the possible street vacation and that if a street vacation is done it be done by ordinance requiring three (3) readings and reiterated caution in moving forward whatever the decision. There has been a letter of request made by Earl Bower Farms to vacate the street but the process requires that they submit a petition signed by all the property owners involved. There are other things to consider in a street vacation including utility easements for those utilities located in the street. Discussion followed about the city needing to be business friendly and the fact that the street(s) in question have been closed for thirteen (13) years. It was also noted that neighborhoods evolve and we need to evolve with them. Clarification was made that the issue is with the developer not the business located there; it was stated that the developer is making money off a city street(s). Councilmembers will review the information presented, possibly view the area in question and bring the issue back up for discussion at a later date.

City Attorney Richins presented Ordinance #817 for third and final reading:

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, PERTAINING TO THE REGULATION OF SOLID WASTE AND MAINTENANCE OF PROPERTY BY REPEALING ARTICLE 1 AND ARTICLE 11 OF CHAPTER 11 OF THE WORLAND CITY CODE AND REPLACING SAID ARTICLES WITH EXHIBIT "A" ATTACHED HERETO; AND BY AMENDING PORTIONS OF ARTICLE III. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED.

City Attorney Richins explained a change made to the ordinance since the last reading. The change pertains to point of collection found in Section 11-9. Discussion followed about getting refuse containers off the sidewalk and the problem with refuse containers placed on the wrong side of the street and/or alley.

Motion: to amend Ordinance #817 as presented.  
By: Councilmember Koch.  
Second by: Councilmember Gill.  
Vote: The motion passed unanimously.

Motion: to approve Ordinance #817 on third and final reading as amended.  
By: Councilmember Callahan.  
Second by: Councilmember Gill.  
Vote: The motion passed unanimously.

Chief of Police Elliott informed the Council that Cheri Bundren has organized a cancer awareness event to be held on Saturday, October 11<sup>th</sup> from 11:30 to 12:30 and is looking for anyone who is interested in participating in the walk.

Airport Manager/Superintendent of Public Works Hill stated that the developer of Bomber Peak has paved the last section of roadway, the east section of Hillcrest and have installed the proper amount of paving on the street. The city will need to accept the roadway into the city to begin the one (1) year warranty period.

Motion: to accept the final paving on the east section of Hillcrest in Bomber Peak to start the one (1) year warranty period.

By: Councilmember Nelsen.

Second by: Councilmember Gentzler.

Vote: The motion passed unanimously.

Airport Manager/Superintendent of Public Works Hill proposed that the council consider approval of a snow removal emergency route on the south side of Big Horn Avenue from 15<sup>th</sup> Street to Washakie; parking would be prohibited for a period of time during or after snowfall so that the city could eliminate snow and ice from gutters. WYDOT will be contacted to see if this would be allowed and a report made at the next meeting. This route should also include South 15<sup>th</sup> Street to the hospital and around Railway to the Fire Department. This would have to have signage and be included in the Street Ordinance.

The bid for the Worland Airport Hydraulic Gate Project appeared to be in order and was recommended for approval contingent upon final review by GDA Engineers.

Motion: to award the bid to SWI for the Worland Airport Hydraulic Gate Project contingent upon final review by Airport Manager/Superintendent of Public Works Hill and GDA Engineers.

By: Councilmember Callahan.

Second by: Councilmember Koch.

Vote: The motion passed unanimously.

City Engineer Representative Mike Donnell reported on the WYDOT project on West River Road; the city will be placing blueboard insulation on the water line as needed. The pre-construction meeting will be held on October 17<sup>th</sup> at 10:00 AM at City Hall with the contractor and WYDOT. The Bureau of Reclamation has not responded to our letter about the water issue at the Golf Course.

Councilmember Horath invited all to attend the football game Friday night where they will be celebrating "Pink Out Night". All proceeds will go to a Worland Football Fanatics member battling cancer.

Councilmember Sanchez stated that he certainly didn't want another business to leave Worland "but if a highly industrialized organization is going to grow and be in a residential neighborhood then I believe they have a responsibility to give back. Whether giving back in restructuring, relocating and if need be compensation to those adjacent neighbors. To say that it's okay if a resident leave or relocate on their own because that's the price they have to pay for

big business to be there...I think it sends the wrong message to those businesses. We all have a responsibility to make sure that we are doing what we are supposed to do to keep everybody kind of happy. We have had a lot of discussion about chickens more than we've had on this street issue. It is a big deal to me because it is in my Ward and I see how they are growing and taking over that neighborhood. It is becoming a highly industrial area with a lot of chemicals and diesel, and growing so much that they are parking their stuff over here. There comes a time when a business has to consider that they have outgrown their space and they need to consider doing something else. They are growing and I applaud them for doing that but it should not be at the expense of the neighbors."

There being no further business to come before the Council the meeting adjourned at 8:45 p.m.

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David M. Duffy, Mayor

ATTEST:

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Tracy A. Glanz, Clerk/Treasurer