

City of Torrington )  
County of Goshen )  
State of Wyoming )

The Torrington City Council met in regular session on Tuesday, February 4, 2020 in the City Council Chambers at 436 East 22<sup>nd</sup> Ave. at 7:00 p.m. Present: Mayor Adams, Council Members Kinney and Law. Councilwoman Hill and Councilman Mattis were absent but excused. Also Present: Clerk/Treasurer Strecker, Attorney Eddington, Director of Public Works Harkins, Assistant Chief of Police Matthews, Building Official Estes, Fire Chief Petsch and Deputy City Clerk Anaya.

Mayor Adams called the meeting to order.

Building Official Estes led the Pledge of Allegiance.

Mayor Adams announced that Councilwoman Hill was scheduled to do a presentation regarding a class that she took last December relating to gun violence in schools and School Resource Officers, but indicated that due to her absence, the presentation will be postponed to a later date.

Councilman Law moved and Councilman Kinney seconded to approve the consent agenda which includes the minutes from the 01-21-20 Council meeting as published and all actions therein be ratified. Councilman Kinney inquired about the consent agenda and in specific its purpose being that minutes seem to consistently be the only item listed for approval. Attorney Eddington replied that the consent agenda is a meeting practice that was put into place by former Mayor Michael Varney several years ago to group routine business into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately. Motion carried unanimously.

Councilman Kinney moved and Councilman Law seconded to approve the agenda as presented. Motion carried unanimously.

Fire Chief Petsch presented for approval a Memorandum of Understanding (MOU) between the City of Torrington and the Goshen County Rural Fire District #3 (GCRFD3) for the purchase of an aerial structure fire truck. He commented that the GCRFD3 is going to submit an application to the State Land and Investment Board (SLIB) for Mineral Royalty Grant (MRG) funding to supply 75% of the estimated price of 1.4 million dollars to purchase the fire truck. The remaining 25% required cash match will be divided evenly between the two entities. Each individual entity will be required to commit to a maximum of \$175,000.00 (12.5%) to supply the remaining balance of the 1.4 million dollar estimated purchase price. Fire Chief Petsch indicated that demonstration vehicles are available for purchase at the end of each year. If the GCRFD3 can successfully be added to the list to purchase a demonstration vehicle rather than purchase brand new, the purchase price of the fire truck will be significantly cheaper. Fire Chief Petsch stated that he wants the fire truck to be functional but to also remain within the financial means of the two entities involved. He explained that the purchase of this type of fire truck is a necessity. The last Insurance Services Office (ISO) survey that was conducted identified that an aerial structure fire truck is the one apparatus that the GCRFD3 is lacking. The GCRFD3's current rating is the lowest rating possible due to the district not owning that specific type of equipment. Fire Chief Petsch commented that the main purpose for the purchase of the fire truck is to ensure firefighter safety while they attempt to protect the citizens of the community. He indicated that this type of specialized equipment will assist with forcible entry, elevating platform operations, and search and rescue tasks, which will in turn increase the potential for successful tactical outcomes and reduce the risk of danger. Mayor Adams commented on the fact that the fire department has been dispatched to some pretty serious structure fire calls in the past year alone that have required assistance from the Scottsbluff Fire Department and in specific their aerial structure fire truck. Fire Chief Petsch indicated that the GCRFD3 has relied on the assistance of the Scottsbluff Fire Department primarily because that is the closest location to Torrington that has that specific type of apparatus available. He stated that the next closest apparatuses in Wyoming are located in Cheyenne and Wheatland. Councilman Kinney inquired if the GCRFD3 will take their aerial structure fire truck, after its acquisition, to other communities in need. Fire Chief Petsch confirmed yes. The GCRFD3 is a part of a Mutual Aid Agreement with surrounding communities and will gladly assist where needed. Councilman Law moved and Councilman Kinney seconded to approve the Memorandum of Understanding (MOU) between the City of Torrington and the Goshen County Rural Fire District #3 (GCRFD3) as presented. Motion carried unanimously. Councilman Kinney asked for an explanation of the ISO rating. Building Official Estes replied that an ISO fire insurance rating is a score from 1 to 10 created for fire departments and their surrounding communities that indicates how well-equipped fire departments are to put out fires in that community. He stated that insurance companies use that score to help set home insurance rates, as a home that is less likely to be severely damaged or destroyed by fire is cheaper to insure. Councilman Law commented that it is extremely beneficial to the community that the fire department continue to actively improve their ISO score.

Attorney Eddington read Resolution No. 2020-3 authorizing the submission of a Ground Water Exploration Grant application to the Wyoming Water Development Commission (WWDC). Director of Public Works (DPW) Harkins stated that a ground water grant application in the amount of \$120,000.00 will be submitted to the WWDC with a cash match amount of \$40,000.00 being provided from the City

Water Fund. He commented that this resolution authorizing the submission of a grant application to the WWDC is the result of the update on the Level One WWDC Study presented to the Mayor and Council at the 01-21-20 Council meeting by Bruce Perryman with AVI Engineering. During his update, Mr. Perryman indicated to the Mayor and Council that AVI Engineering is recommending that the City acquire an emergency well to be another municipal production well to be installed close to the treatment plant, near Pioneer Park or adjacent to Well 15. In its initial findings, the firm discovered that the one segment that the City is at risk on involves the twenty-four inch transmission line that goes out to the golf course wells. If there was ever a break on that transmission line, the City only has Well 15 that pumps directly into the distribution system. The additional production well recommended by AVI Engineering to be installed would serve as a backup to Well 15 to ensure that high demands are properly being met even in emergency type situations. Mayor Adams inquired about the eligible costs for this specific type of grant and in specific questioned if the grant funding will only cover the surveying, exploration and determination of a feasible location for an additional municipal production well but not the actual cost of the well itself. DPW Harkins confirmed yes. The City can pursue Level Two and Level Three Studies through the WWDC to receive funding to actually drill the well at a later date. Councilman Kinney moved and Councilman Law seconded to approve Resolution No. 2020-3 as presented. Motion carried unanimously.

Attorney Eddington read by title AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 5.14 OF THE TORRINGTON MUNICIPAL CODE, 2020 REVISIONS, RELATING TO SMOKING REGULATIONS FOR INDIVIDUALS UNDER THE AGE OF 21. He stated that the three ordinances being presented for approval are amendments to ordinances that already exist. The primary update is the increase in legal age from 18 to 21 years of age for all relevant sections with the addition of a few buzz words such as vape type cigarettes and electronic cigarettes. Attorney Eddington indicated that the actual substance of the ordinances themselves has not changed. Councilman Law inquired if the amendments being made to the ordinances will initiate problems for law enforcement or create issues elsewhere. Attorney Eddington replied no, the proposed amendments are strictly for clarification purposes and will make it easier on law enforcement. Councilman Law stated that he wants to publicize that the amendments being proposed are to update local City ordinances to be compliant with federal laws. Attorney Eddington concurred and commented that it is all based on health, use and recognized studies as well. Councilman Law moved and Councilman Kinney seconded to approve the ordinance on first reading as presented. Motion carried unanimously.

Attorney Eddington read by title AN ORDINANCE AMENDING AND RE-ENACTING SECTION 9.28.010. OF THE TORRINGTON MUNICIPAL CODE, 2020 REVISIONS, RELATING TO GIVING OR FURNISHING TOBACCO OR SMOKING APPARATUS TO AN INDIVIDUAL UNDER THE AGE OF 21. He stated that the violation of this particular section is commonly seen and prosecuted the most in Municipal Court and reiterated that buzz words such as vape type cigarettes, electronic cigarettes and smoking apparatus were added with the proposed amendments. Councilman Kinney moved and Councilman Law seconded to approve the ordinance on first reading as presented. Motion carried unanimously.

Attorney Eddington read by title AN ORDINANCE AMENDING AND RE-ENACTING SECTION 8.60.010. OF THE TORRINGTON MUNICIPAL CODE, 2020 REVISIONS, RELATING TO TOBACCO PRODUCTS PROHIBITED ON CITY PROPERTY. He stated that the modifications to this particular ordinance are primarily semantic and language updates. Mayor Adams indicated that he received a few questions in regards to this specific ordinance from employees who currently step outside of a City building to smoke. In specific, they inquired how the ordinance amendments will affect them. Mayor Adams commented that stepping outside of a City building is still technically considered being on City property, therefore, per ordinance stipulations it is prohibited. He stated that these stipulations also apply to chewing or using tobacco products and indicated that if the ordinance is approved, the Mayor and Council will expect all supervisors to enforce it. Councilman Law inquired if the affected employees will need to step off of the curb and onto the street in order to abide by the ordinance regulations. Attorney Eddington confirmed yes, that would technically place them off of City property. Councilman Law moved and Councilman Kinney seconded to approve the ordinance on first reading as presented. Councilman Kinney questioned if Section 8.60.010. A. includes vape type cigarettes, electronic cigarettes and smoking apparatuses as previously discussed. Attorney Eddington replied yes. Those products are defined in Section 5.14.010. and the section in question specifically states that the use of products as defined by City Ordinance 5.14.010. are prohibited in or on all signed and owned City personal and real property. Motion carried unanimously.

Director of Public Works (DPW) Harkins presented the bid results for the 2020 Crack Fill Project. He stated staff recommended awarding the bid to Knife River of Cheyenne, Wyoming in the amount of \$39,974.00 and reserve \$2,026.00 (5.1%) for contingency for a project total of \$42,000.00. DPW Harkins commented that the project consists of routing out specified cracks and applying 43,450 LF of hot mix joint sealant to the following City Streets: East E Street – 17<sup>th</sup> Avenue/20<sup>th</sup> Avenue (8,200 LF), East E Street – 21<sup>st</sup> Avenue/26<sup>th</sup> Avenue (14,050 LF), Main Street – 28<sup>th</sup> Avenue/30<sup>th</sup> Avenue (3,200 LF), Park Lane Drive – East G Street/Park Avenue (6,900 LF) and 28<sup>th</sup> Avenue – 27<sup>th</sup> Avenue/East L Street (11,100 LF). He indicated that a bid opening was held on January 29, 2020 for the project and seven contractors

submitted bids in conformance with the bidding requirements. The two low bidders, Knife River and Paul Reed Construction bid the exact same amount of \$39,974.00. However, due to Wyoming preference, it is recommended that the bid be awarded to Knife River. DPW Harkins stated that the contractor will be given 30 days to complete the project with a substantial completion date of April 24, 2020. Councilman Kinney moved and Councilman Law seconded to award the bid to Knife River of Cheyenne, Wyoming in the amount of \$39,974.00 and reserve \$2,026.00 (5.1%) for contingency for a project total of \$42,000.00 as presented. Motion carried unanimously.

Director of Public Works (DPW) Harkins presented the bid results for the 2021 Chip Seal Placement. He stated staff recommended awarding the bid to Topkote, Inc. of Yankton, South Dakota in the amount of \$108,392.50 and reserve \$4,107.50 (3.8%) for contingency for a project total of \$112,500.00. DPW Harkins commented that the project consists of applying 45,235 SY of chip seal to the following City Streets for pavement preservation: Ancha Vista Road – West C Street/Monte Vista Road (3,590 SY), Buena Vista Road – West C Street/Grande Vista Road (4,435 SY), East E Street – 17<sup>th</sup> Avenue/20<sup>th</sup> Avenue (4,700 SY), East E Street – 21<sup>st</sup> Avenue/26<sup>th</sup> Avenue (8,100 SY), Linda Vista Road – West C Street/Monte Vista Road (3,400 SY), Loma Vista Road – West C Street/Monte Vista Road (3,610 SY), Monte Vista Road – West C Street/Rio Vista Road (7,760 SY), Park Lane Drive – East G Street/Park Avenue (3,100 SY), 25<sup>th</sup> Avenue – West C Street/Main Street (4,025 SY) and Torrington Cemetery Roads (2,515 SY) – Double Chip Seal. He indicated that a bid opening was held on January 29, 2020 for the project and four contractors submitted bids in conformance with the bidding requirements. DPW Harkins stated that the contractor will be given 30 days to complete the project with a substantial completion date of September 18, 2020. Councilman Law inquired if Topkote, Inc. is the contractor that defaulted on the chip seal placement contract that was awarded last year. DPW Harkins confirmed no, that contractor was Croell, Inc. of Douglas, Wyoming. He stated that Croell, Inc. will be commencing with the specific chip seal placement project that they were awarded last year on July 6, 2020. They have been penalized liquidated damages and will continue to get penalized as soon as they officially start the project. Councilman Kinney inquired about the substantial completion date for Croell, Inc. DPW Harkins responded that he anticipates that they will complete the project fully in two, no more than three days, as they will get penalized \$1,000.00 per day until the work is completed. Councilman Kinney questioned if the September 18, 2020 substantial completion date for Topkote, Inc. is practical. He commented that it seems to him that September is too late in the year to be completing this type of project. DPW Harkins replied that chip seal placement projects usually occur mid to late August and confirmed that a September completion date will not be problematic. Councilman Law moved and Councilman Kinney seconded to award the bid to Topkote, Inc. of Yankton, South Dakota in the amount of \$108,392.50 and reserve \$4,107.50 (3.8%) for contingency for a project total of \$112,500.00 as presented. Motion carried unanimously.

The bills from 01-22-20 to 02-04-20 were presented for payment. Councilman Kinney moved and Councilman Law seconded to approve the bills for payment as presented. Motion carried unanimously.

Mayor Adams asked for public comments, questions or concerns. None were heard.

Councilman Law moved and Councilman Kinney seconded that there being no further business to come before the Mayor and Council to adjourn at 7:36 p.m. Motion carried unanimously.

The following bills were approved for payment: 67634 Void;67678 MERITAIN HEALTH INC. premium-ins/life admin 35389.09;67679 CITY OF TORRINGTON c/o PINNACLE BANK health reserve non-insured employer premium/MT positions 12053.78;67680 REGIONAL CARE INC. select flex admin 88.00; 67681 SOUTH TORRINGTON WATER & SEWER DISTRICT museum-water/sewer 63.00;67682 STANDARD INSURANCE CO premium-long term disability 2103.27;67683 TORRINGTON EMPLOYEES INSURANCE premium,select flex contributions 88579.69;67684 CENTURYLINK data line 41.29;67685 WY DEPT OF REVENUE sales/lodging tax 16719.66;67686 WY RETIREMENT SYSTEMS retirement 65169.59;67687 WY RETIREMENT SYSTEMS Torr Vol EMT Pension 45.00;67688 WY DEPT OF WORKFORCE SERVICES workers compensation 17735.33;67689 MARTINEZ, MERCEDES L. final bill-deposit return 15.29;67690 GOSHEN HELP final bill-deposit return 197.40;67691 WALTER D. PUGH final bill-credit return 119.85;67692 WAGNER, CATHLEEN C. final bill-deposit return 210.51;67693 SUSAN MCGUIRE final bill-deposit return 63.11;67694 BARBARA KAPPELMANN final bill-deposit return 64.62;67695 MICHAEL A. MILHOUSE final bill-deposit return 25.27;67696 BELL PARK TOWER final bill-credit/deposit return 44.64;67697 21ST CENTURY EQUIPMENT LLC ac/heat te & knob 48.85;67698 ARROW ELECTRIC OF TORRINGTON limit switch repl-baler 150.00;67699 ARIZONA MACHINERY wear plate,lining 104.88;67700 BLOEDORN LUMBER CO-TORRINGTON wall plates,edger,elec cord,connector,tape,paint tray/pails,carpet cleaner, stain,coupling,roller covers,brush,buckets 119.37;67701 BOMGAARS SUPPLY INC. sawzall blade,clamp, swivel casters,bolt hook,wood boring bit,bow rakes,air fresheners,bolts,rain bibs,bungee/extension/protie cords,cutting wheels,dog food,boots 437.48;67702 BORDER STATES INDUSTRIES INC. caps,unit hubs,extension rings,bucket sticks,canisters,led lights/bulbs,cutouts,meter bases,conduit,ground rod clamp,tap connector 3338.04;67703 BROWN CO saw blade,woodcutter chaps 291.90;67704 BROWN, KENNETH T. Municipal Court Associate Judge 100.00;67705 CITY OF TORRINGTON 1099 tax forms 21.29; 67706 COMMUNITY HOSPITAL ambulance supplies 153.89;67707 CONTRACTORS MATERIALS INC. lens

clean towelettes 27.00;67708 CUMMINS INC. planned generator maintenance 6547.69;67709 DECKER, STEVE food grade grease,road patch 1291.20;67710 DENT, DAVID A. business after hours catering reimb 499.57;67711 DOOLEY ENTERPRISES INC. ammunition 3326.65;67712 DOWL LLC professional services, retainage 2663.05;67713 EMERGENCY MEDICAL PRODUCTS INC. ambulance supplies 249.12;67714 ENERGY LABORATORIES INC. lab test 52.00;67715 FASTENAL CO vests,bleach,batteries,sweeper, washers,strut channel,pipe/clamps,post base,nuts,cross corner angles 323.96;67716 FIVE STAR PRINT & PROMO envelopes,W2 forms 87.93;67717 FLOYD'S TRUCK CENTER INC. harness-adptr wshr pmp, reservoir w/s wiper w/ sensor,nozzle/tube assembly-wiper 112.66;67718 G & L CONCRETE concrete 459.00;67719 GW MECHANICAL INC. toilet repair 158.71;67720 USABLUEBOOK alum catch basin tube w/ vactor flange 233.95;67721 IDEAL LINEN/ BLUFFS FACILITY SOLUTION liners,towels,torkmatics, cleanser,tuberculocidal 1105.92;67722 INDUSTRIAL DISTRIBUTORS hex nuts 3.20;67723 KATH BROADCASTING CO LLC tower rent 75.00;67724 L I E A P - STATE OF WY final bill-deposit return 190.56; 67725 LAW ENFORCEMENT SEMINARS LLC registration-internal affairs investigation seminar 700.00; 67726 LONG BUILDING TECHNOLOGIES INC. clean/sanitize ice machine,repl water filter 691.00;67727 MAILROOM FINANCE INC. neopost postage 716.75;67728 MATHESON TRI-GAS INC. electrodes,nozzles, drag shields,miller nozzle (flush/recess),contact tip 210.28;67729 MCKEE, KAREN R. & MARTIN B. printing on safety vests 137.00;67730 MCMASTER-CARR SUPPLY CO pipe fittings-reducers,nipples 54.55; 67731 MIDWEST CONNECT neopost ink cartridge 270.00;67732 MOUNTAIN STATES PIPE & SUPPLY CO INC. 100w ERTs 5588.83;67733 MS LORRI CAR WASH car wash tokens 50.00;67734 NEWCOMB, JEREMY repl heater 1900.00;67735 NORTHWEST INSTRUMENT & CONTROLS INC. oxygen sensor 404.42;67736 NORTHWEST PIPE FITTINGS INC. valve boxes/drop lids,compression unions 171.80;67737 O'REILLY AUTO ENTERPRISES LLC air/oil filters,semi-met pad,brake fluid,light bar,marker light,door lock,brake rotor, ceramic pads,tpms sensor,manifold set,o-rings,wiper blades 515.31;67738 ONE CALL OF WY tickets for CDC code TRG 58.75;67739 ENVIRO SERVICES INC. lab analysis 90.00;67740 THE L L JOHNSON DIST CO bedknives,bedknife fairway,fan drive assembly,hydraulic fluid 1012.60;67741 PRINT EXPRESS INC. receipts,business cards,tee time books,ups 802.30;67742 REGENCY MIDWEST VENTURES LIMITED PARTNER travel expense-lodging 356.00;67743 ROSE BROTHERS INC. air/fuel filters,element assembly, flap,blade 327.06;67744 SAM'S CLUB/SYCHRONY BANK furniture spray 36.88;67745 SCHLAGEL MANUFACTURING INC. dumpster bottom replacements,repair part for baler 3971.20;67746 VALLEY MOTOR SUPPLY air/oil filters,conventional greens,pigtail,knock sensor,starter,core returns,wiper blades,bearing kit,spindle dust cap,grease,trailer connector,air fresheners,marker paint,batteries,hyd fittings/hoses,fuel,lube/transmis 3390.56;67747 SMITTY'S REPAIR SERVICE oxygen/CO2 exchanges, machine brass wear ring,baler stuffer repairs 1370.84;67748 SNOW CREST CHEMICALS LLC hot water closed loop contract 125.00;67749 HIGH PLAINS FIRE PROTECTION sprinkler inspections 125.00;67750 TORRINGTON AMBULANCE BLS CPR certifications 770.00;67751 TORRINGTON FIRE DEPT professional services 800.00;67752 TORRINGTON OFFICE SUPPLY return,appointment book,calendar refill,planners, toner cartridges,expanding hanging pockets,desk pads,exec monthly cont,pens,binders,batteries,report covers,master file jackets,paper,labels,stamps/stamp pad refills,envelopes,memo book,wheel caster set, office chairs 3793.07;67753 TRANSWEST FORD LLC repairs,water pump,inspection 66.41;67754 TROPHY CREATIVE LLC engraved award plaques 498.78;67755 CENTURLINK TVFD phone,data lines 2841.59; 67756 CENTURLINK services not covered under contract 225.00;67757 VALLEY MERCANTILE CO INC. spark plugs 4.78;67758 VERIZON WIRELESS credit,cell phones,data-tablets/hotspots,camera 1570.66; 67759 GRAINGER garage door 3-button station 47.79;67760 WAMCO LAB INC. full chronic toxicity test, CO2 atmosphere control ph creep 2100.00;67761 WEST WINDS TREE SERVICE power line tree clearance, clean up all brush piles 7125.00;67762 WY ASSOC OF MUNICIPALITIES WAM Winter Conference registration fees 560.00;67763 WY ASSOC RURAL WATER 2020 voting membership 450.00;67764 WY MACHINERY fork,water pump,core charge,seals,gasket,hose,o-rings,clamp,shims,strip-wear,plate, washer-hard,capscrew,scraper maint 5635.88;67765 WY WATER ASSOCIATION 2020 membership dues 500.00;67766 TY LEE JONES final bill-deposit return 58.29;67767 BOSLEY MANAGEMENT final bill-credit return 28.22;67768 CIRCUIT COURT OF GOSHEN CO payroll withholding 369.81;67769 CITY OF TORRINGTON payroll withholding 997.30;67770 DENT, DAVID A. Golf Pro Payable 31.32;67771 FAMILY SUPPORT REGISTRY payroll withholding 235.97;67772 GOSHEN CO DISTRICT COURT CLERK payroll withholding 100.00;67773 GREAT-WEST TRUST CO LLC payroll withholding 2186.00;67774 MERIDIAN TRUST FEDERAL CREDIT UNION payroll withholding 50.00;67775 NEW YORK LIFE payroll withholding 369.37;67776 WY CHILD SUPPORT ENFORCEMENT payroll withholding 262.61