Regular Council Meeting
Tuesday, December 3, 2019 at 7:00 pm

1) Call to order.
2) Pledge of Allegiance.
3) Invocation.
4) Roll call: Ward I: Kyle Larson, Cory Rota
   Ward II: Karla Borders, Rebecca Schatza
   Ward III: Mike Bailey, Tim Hancock
5) Declaration of quorum.
6) Approval of the Agenda.
7) Communication from the Floor – Citizen’s Comments.
8) Consent Agenda:
   • Approval of the Minutes – November 19, 2019 Regular Council Meeting.
   • Approval of the Minutes – November 19, 2019 Executive Session.
   • Approval of the Minutes – December 3, 2019 Finance Committee Meeting.
   • Approval of the Finance Committee Recommendations – December 3, 2019.
9) Public Hearing & Consideration of Retail Liquor License Transfer of Location Application: Ricci D. Larsen Living Trust.
10) Consideration of Ordinance No. 19-012, 2nd Reading: Vasco Addition De-annexation.
12) Elimination of Curbside Recycling Program.
13) Consideration of Resolution No. 1402: Sanitation Rate Adjustment.
15) Resolution No. 1403: Airport Landing Fee Adjustments.
16) Industrial Development Bonds.

Reports and Comments:
17) Council Committee Reports and Council Members’ Roundtable.
18) City Administrator’s Report.
19) Mayor’s Comments.
20) Executive Session – If Needed.
21) Adjourn.

“Excellence in Service to the Rendezvous City”
The regular meeting of the Riverton City Council was held on the above date and time, duly convened by Mayor Richard P. Gard at 7:00 p.m. City Council Members present were Karla Borders, Tim Hancock, Mike Bailey, Rebecca Schatza, Kyle Larson (telephonically) and Cory Rota. Council Member Rota led the pledge of allegiance and Mayor Gard conducted the invocation.

Roll call was conducted. Mayor Gard declared a quorum of the Council.

City Staff present: City Administrator Tony Tolstedt, City Clerk/Human Resource Director Kristin Watson, Public Works Director Kyle Butterfield, Chief of Police Eric Murphy, Finance Director Mia Harris, Community Development Director Eric P. Carr, and Administrative Assistant/Deputy City Clerk Megan Sims.

Approval of the Agenda – Council Member Borders moved, seconded by Council Member Bailey to approve the agenda as presented. Motion passed unanimously.

Communication from the Floor/Response to Citizen’s Comments – Jeremy Crews with Arts in Action board commented on the Arts Council meeting he attended and updated of upcoming events. Jasmine Wildcat, junior at the Riverton High School, approached the Council thanking the Mayor for proclaiming November as Native American Heritage Month.

Consent Agenda – City Clerk/Human Resource Director Kristin Watson read the consent agenda items by title only:
- Approval of the Minutes – November 5, 2019 Regular Council Meeting
- Approval of the Minutes – November 19, 2019 Finance Committee Meeting
- Approval of the Finance Committee Recommendations – November 19, 2019 claims to be paid in the amount of $189,276.19; manual checks in the amount of $29,055.23; and payroll / liabilities for 11/8/2019 in the amount of $203,246.19 for a total of $421,577.61; and Approval of the Municipal Court Report for the month of October 2019. Council Member Schatza moved, seconded by Council Member Bailey to approve the consent agenda as presented. Motion passed unanimously with Council Member Bailey abstaining from the Bailey’s line item on the claims approval list.

Board of Adjustment Variance Appeal: Jason Howard, Petition – Community Development Director Eric P. Carr reported of a variance request submitted by Jason Howard for an 80’ flag pole at 604 West Main St. Mr. Carr stated the Board of Adjustment heard the request on Thursday, November 7, 2019 and denied the variance request. Mr. Howard was present to appeal the Board of Adjustment decision. Grace Andrus approached the Council in opposition of the variance request. Council Member Hancock, seconded by Council Member Schatza to deny the variance request for an 80’ flag pole at 604 West Main St. Motion passed unanimously. It is the consensus of the Council to have staff draft an ordinance to address flag poles in the Municipal Code.

Public Hearing & Consideration of Ordinance No. 19-012, 1st Reading: Vasco Addition Deannexation – Community Development Director Eric P. Carr presented Ordinance No. 19-012 on first reading which addresses de-annexation of a parcel of land in the SE1/4 NE1/4 of Section 15, T. 1 N., R. 4 E., W.R.M., described as Vasco Addition, R&R management, Brada Parcels. City Clerk/Human Resource Director Kristin Watson read Ordinance No. 19-012 by title only. Council Member Schatza moved, seconded by Council Member Bailey to open the public hearing. Motion passed unanimously. There being no one to address the Council, Council Member Bailey moved, seconded by Council Member Schatza to close the public hearing. Motion passed unanimously. Council Member Hancock moved, seconded by Council Member Rota to adopt Ordinance No. 19-012 on first reading. Motion passed unanimously.
Public Hearing & Consideration of Ordinance No. 19-013, 1st Reading: Motorized Skateboards – City Administrator Tony Tolstedt presented Ordinance No. 19-013 on first reading which addresses repealing Chapter 10.40. City Clerk/Human Resource Director Kristin Watson read Ordinance No. 19-013 by title only. Council Member Rota moved, seconded by Council Member Hancock to open the public hearing. Motion passed unanimously. There being no one to speak, Council Member Hancock moved, seconded by Council Member Borders to close the public hearing. Motion passed unanimously. Council Member Hancock moved, seconded by Council Member Borders to adopt Ordinance No. 19-013 on first reading. Motion passed unanimously.

Bid Award: Wide Area Mower – Fleet / Sanitation Supervisor Brian Eggleston reported on bids received for the purchase of a wide area rotary mower. Mr. Eggleston stated the City received two bids and an alternate bid with Stotz Equipment being the lowest and most responsive bid in the amount of $53,700.00. Council Member Borders moved, seconded Council Member Schatza to award the purchase of the 2019 John Deer wide area mower to Stotz Equipment in the amount of $53,700.00. Motion passed unanimously.

Consideration of Lease Amendment: Verizon – City Administrator Tony Tolstedt presented an amendment of a lease agreement with current lessor, CommNet Cellular Inc. d/b/a Verizon Wireless. The request is for an additional tower at the existing site within the original footprint. Council Member Schatza moved, seconded by Council Member Hancock to approve the amended lease agreement with Verizon Wireless as presented. Motion passed unanimously.

One Percent Project Update – Public Works Director Kyle Butterfield presented to the Council on the 2019 One Percent projects that were completed. Mr. Butterfield briefly discussed each project which includes: Gannett Dr Road Repair, College View Concrete, E Bell St Sanitary Sewer and Road Rehabilitation, Village Dr Rehabilitation, and S 8th St E Rehabilitation. Also reviewed were the project costs verses estimates. Mr. Butterfield thanked City staff – Dawn Wilhelm (previously employed by the City), Brendan Thoman and Monty Nordwick on their diligent work throughout the construction season and expressed gratitude for the Council and the FORCC Committee. No action was taken.

Council Committee Reports & Council Members’ Roundtable – Council Member Schatza commented on the Community Engagement Committee she attended; Council Member Rota commented on the Holiday Festival; Council Member Bailey commented on the Governor’s business forum that he attended and commented on the FORCC Committee; Council Member Hancock commented on the Veteran’s Park memorial for CSM Kevin Griffin; and Council Member Borders informed the Council of the 15th Annual Festival of Trees.

City Administrator’s Report – City Administrator Tony Tolstedt commented on upcoming meetings; informed Council of the upcoming WAM Winter Conference in February; commented on Veteran’s Park and increasing security; and commented on current legislative discussions.

Mayor’s Comments – Mayor Richard P. Gard commented on the ribbon cutting for the completion of the North Federal Blvd project; thanked Ms. Jenni Wildcat for the ability to meet with tribal members; commented on the RVID meeting he attended; expressed his appreciation of City Staff; commented on a Lander City Council meeting he attended; commented on the Community Engagement Committee meeting; and request that the community make the City aware of the head count of deer in City limits.

Executive Session - Council Member Schatza moved, seconded by Council Member Bailey to convene into Executive Session for the purpose of personnel at 8:47 p.m. Motion passed unanimously. Mayor Gard invited in City Administrator Tony Tolstedt and City Clerk/Human Resource Director Kristin Watson. Council Member Hancock moved, seconded by Council Member Bailey to reconvene into regular session at 9:04 p.m. Motion passed unanimously.

Adjourn – There being no further business to come before the Council, Mayor Gard adjourned the Regular Council meeting at 9:05 p.m. There was no objection from the Council.
CITY OF RIVERTON, WYOMING

________________________
Richard P. Gard
Mayor

ATTEST:

________________________
Kristin S. Watson
City Clerk/Human Resource Director

Publication Date:
CITY COUNCIL STAFF REPORT

TO:     His Honor the Mayor and Members of the City Council
FROM:    Kristin S. Watson, City Clerk/Human Resource Director
THROUGH: Anthony L. Tolstedt, City Administrator
DATE:    November 27, 2019
SUBJECT: Transfer of Location Application for a Retail Liquor License for Ricci D. Larsen Living Trust d/b/a The Tipsy Tulip.

Recommendation: That Council approves the Transfer of Location of a Retail Liquor License for Ricci D. Larsen Living Trust for the remainder of the 4/1/19 – 3/31/20 liquor licensing term.

Background: Pursuant to statutory requirements, as well as the Riverton Municipal Code, any changes to the ownership and/or location of a retail liquor license must be approved by the local licensing authority.

Discussion: On November 15, 2019, staff received a transfer of location application for a retail liquor license submitted by Ricci D. Larsen Living Trust as follows:

From:
200 Ricci D. Larsen Living Trust – non-operational
Building located at 1615 Gannett Dr., Lot 1, Block 2, Gilpatrick Subdivision, City of Riverton, Fremont County, Wyoming

To:
200 Ricci D. Larsen Living Trust d/b/a The Tipsy Tulip
Building located at 409 E Main St., Lots 7 & 8, Block 18, Original Town of Riverton, Fremont County, Wyoming

This application has been certified as complete by the Wyoming Liquor Division, the proper fees have been paid, and proper notice to the public has been advertised. Therefore, staff recommends Council’s approval of the transfer of location application of a retail liquor license, as described above.

Alternative: Deny the application submitted for a Retail Liquor License Transfer of Location based on the following criteria pursuant to RMC 5.04.170, in part:

“… A license or permit shall not be issued, renewed or transferred if the city council finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit;
3. The number, type and location of existing licenses or premises meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be set or satisfied by the issuance, renewal or transfer of the license or permit; or

5. Any other reasonable restrictions or standards which may be imposed by the city council shall not be carried out by the issuance, renewal or transfer of the license or permit.

…”

**Budget Impact:** The budget impact with the proposed recommendation is revenue of $100 from the application fee.
NEW OR TRANSFER LIQUOR LICENSE OR PERMIT APPLICATION

To be completed by City/County/Gentleman: Local License #: 200
License Fees: Annual Fee: $ —— —— Date filed with clerk: 11/15/19
Prorated Fee: $ —— —— Advertising Dates: (2 Weeks)
Transfer Fee: $100.00 11/20/2019 & 11/24/2019
Publishing Fee: $ 71.50 Hearing Date: 12/3/2019
Publishing Fee Direct Billed to Applicant: ☐
License Term: 12/14/2019 Through 03/31/2020
Month Day Year Month Day Year

LICENSING AUTHORITY: BY ORDER OF THE CITY OF RIVERTON NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.

Applicant: Rocio D. Larson
Trade/Business Name (dba): The Tipsy Tulip
Building to be licensed/Building Address: 401 E Main Street
Riverton WY 82501 USA
Mailing Address: 211 Hill Street
Riverton WY 82501
Business Telephone Number: 307-856-4444 Fax Number: ( )
E-Mail Address: rocio.larson307@gmail.com
Brief legal description and the zoning of the licensed building or site for licensed building: W.S. 12-4-102 (a) (vi) Lot 7X8, Block 18, Original Town of Riverton, Fremont County, Wyoming Commercial

FILING FOR
☐ NEW LICENSE
☑ TRANSFER OF LOCATION
☐ TRANSFER OWNERSHIP
FORMERLY HELD BY:

FILING IN (CHOOSE ONLY ONE)
☑ CITY OF: Riverton
☐ COUNTY OF:

FILING AS (CHOOSE ONLY ONE)
☐ INDIVIDUAL
☐ PARTNERSHIP
☐ LLC
☐ CORPORATION
☐ LTD PARTNERSHIP
☐ ORGANIZATION
☐ OTHER

TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)
☐ RETAIL LIQUOR LICENSE
☐ ON-PREMISE ONLY (BAR)
☐ OFF-PREMISE ONLY (PACKAGE STORE)
☑ COMBINATION ON/OFF PREMISE (BOTH BAR & PACKAGE STORE)
☐ RESTAURANT LIQUOR LICENSE
☐ BAR AND GRILL
☐ LIMITED RETAIL (CLUB)
☐ VETERANS CLUB
☐ FRATERNAL CLUB
☐ GOLF CLUB
☐ SOCIAL CLUB
☐ MICROBREWERY
☐ WINERY
☐ DISTILLERY SATELLITE
☐ WINERY SATELLITE
☐ COUNTY RETAIL or SPECIAL MALTE BEVERAGE PERMIT
☐ SPECIAL DESIGNATIONS
☐ CONVENTION FACILITY
☐ CIVIC CENTER/EVENT CENTER/PUBLIC AUDITORIUM
☐ GOLF CLUB
☐ GUEST RANCH
☐ RESORT

To Assist the Liquor Division with scheduling inspections: WHEN DO YOU OPERATE?
☑ FULL TIME (e.g. Jan through Dec) ☐ SEASONAL/PART-TIME
(specify months of operation) DAYS OF WEEK (e.g. Mon through Sat) HOURS OF OPERATION (e.g. 10a - 2a)
from ________ to ________ from ________ to ________

ALL APPLICANTS MUST COMPLETE QUESTIONS 1-7

1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (iii)
   (a) OWN the licensed building?
   ☐ YES (own)
   ☐ YES (lease)
   If Yes, please submit a copy of the lease and indicate:
   (i) When the lease expires, located on page ______ paragraph ______ of lease.
   (ii) Where the Sales provision for alcoholic or malt beverages is located, on page ______ paragraph ______ of lease.
   (MUST contain a provision for SALE OF ALCOHOLIC or MALTE BEVERAGES.)
2. To operate your liquor business, have you assigned, leased, transferred or contracted with any other person (entity) to operate and assert total or partial control of the license and the licensed building? W.S. 12-4-601 (b)  

- [ ] YES  
- [x] NO

3. Does any manufacturer, brewer, rectifier, wholesaler, or through a subsidiary affiliate, officer, director or member of any such firm: W.S. 12-5-401, 12-5-402, 12-5-403  

(a) Hold any interest in the license applied for?  
- [ ] YES  
- [ ] NO

(b) Furnish by way of loan or any other money or financial assistance for purposes hereof in your business?  
- [ ] YES  
- [ ] NO

(c) Furnish, give, rent or loan any equipment, fixtures, interior decorations or signs other than standard brewery or manufacturer's signs?  
- [ ] YES  
- [ ] NO

(d) If you answered YES to any of the above, explain fully and submit any documents in connection there within:

4. Does the applicant have any interest or intent to acquire an interest in any other liquor license issued by this licensing authority? W.S. 12-4-103 (b)  

- [ ] YES  
- [ ] NO

If "YES", explain: ____________________________

5. If applicant is filing as an Individual, Partnership or Club; W.S. 12-4-102 (a) (ii) & (iii)

Each individual, partner or club must complete the box below.

<table>
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<tr>
<th>True and Correct Name</th>
<th>Date of Birth</th>
<th>Residence Address No. &amp; Street City, State &amp; Zip</th>
<th>Residence Phone Number</th>
<th>Have you been a Domiciled resident for at least 1 year and not claimed residence in any other state in the last year?</th>
<th>Have you been Convicted of a Felony Violation?</th>
<th>Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?</th>
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(If more information is required, list on a separate piece of paper and attach to this application.)

6. If the applicant is a Corporation, Limited Liability Company, Limited Liability Partnership or Limited Partnership; W.S. 12-4-102 (a) (iv) & (v)

Each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, and every officer, and every director must complete the box below.

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<tr>
<th>True and Correct Name</th>
<th>Date of Birth</th>
<th>Residence Address No. &amp; Street City, State &amp; Zip</th>
<th>Residence Phone Number</th>
<th>No. of Years in Corp or LLC</th>
<th>% of Corporate Stock Held</th>
<th>Have you been Convicted of a Felony Violation?</th>
<th>Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark J. Larsen</td>
<td>1/1/61</td>
<td>201 Hill St., Riverton, WY 82501</td>
<td>851-8888</td>
<td>5</td>
<td>3%</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Ricci D. Larsen</td>
<td>1/1/61</td>
<td>201 Hill St., Riverton, WY 82501</td>
<td>851-8888</td>
<td>5</td>
<td>100%</td>
<td>YES</td>
<td>NO</td>
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(If more information is required, list on a separate piece of paper and attach to this application)
7. BAR AND GRILL LICENSE:
   Have you submitted a valid food service permit or application? W.S. 12-4-413 (a) □ YES □ NO

8. RESTAURANT LICENSE:
   (a) Give a description of the dispensing room(s) and state where it is located in the building. W.S. 12-4-408 (b)
   (e.g. 10 x 12 room in SE corner of building):
   □ YES □ NO

   (b) Have you submitted a valid food service permit or application? W.S. 12-4-407 (a) □ YES □ NO

   (c) Have you attached a drawing of the establishment that includes the restaurant dispensing room(s)? W.S. 12-4-410 (f) □ YES □ NO

9. RESORT LICENSE:
   Does the resort complex:
   (a) Have an actual valuation of at least one million dollars, or have you committed or expended at least one million dollars ($1,000,000.00) on the complex, excluding the value of the land? W.S. 12-4-401(b)(i)
   □ YES □ NO

   (b) Include a restaurant and a convention facility which will seat at least one hundred (100) persons? W.S. 12-4-401(b)(ii)
   □ YES □ NO

   (c) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with at least one hundred (100) sleeping rooms? W.S. 12-4-401(b)(iii)
   □ YES □ NO

   (d) If no on question (c), have a ski resort facility open to the general public in which you have committed or expended not less than 10 million dollars ($10,000,000.00)? W.S. 12-4-401(b)(iv)
   □ YES □ NO

   (e) Are you contracting/leasing the food and beverage services? W.S. 12-4-403(b)

1. If Yes, have you submitted a copy of the food and beverage contract/lease?
   □ YES □ NO

10. MICROBREWERY LICENSE:
    Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii)
    □ YES □ NO

    (a) If "YES", please specify type: □ RETAIL □ RESTAURANT □ RESORT □ BAR AND GRILL □ WINERY

11. WINERY LICENSE:
    Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii)
    □ YES □ NO

    (a) If "YES", please specify type: □ RETAIL □ RESTAURANT □ RESORT □ BAR AND GRILL □ MICROBREWERY

12. LIMITED RETAIL (CLUB) LICENSE:
    FRATERNAL CLUBS W.S. 12-1-101(a)(iii)(B)
    (a) Has the fraternal organization been actively operating in at least thirty-six (36) states? □ YES □ NO

13. LIMITED RETAIL (CLUB) LICENSE:
    VETERANS CLUBS W.S. 12-1-101(a)(iii)(A):
    (a) Does the Veteran’s organization hold a charter by the Congress of the United States? □ YES □ NO

14. LIMITED RETAIL (CLUB) LICENSE:
    GOLF CLUBS W.S. 12-1-101(a)(iii)(D) W.S. 12-4-301(e):
    (a) Do you have more than fifty (50) bona fide members? □ YES □ NO

    (b) Do you own, maintain, or operate a bona fide golf course together with clubhouse? □ YES □ NO

    (c) Are you a political subdivision of the state that owns, maintains, or operates a golf course?

1. Are you contracting/leasing the food and beverage services? W.S. 12-5-201(g)
   □ YES □ NO

2. If Yes, have you submitted a copy of the food and beverage contract/lease?
   □ YES □ NO
15. **LIMITED RETAIL (CLUB) LICENSE:**

**SOCIAL CLUBS:** W.S. 12-1-101(a)(iii)(E)/W.S. 12-4-301(b):

(a) Do you have more than one hundred (100) bona fide members who are residents of the county in which the club is located?  

☐ YES ☐ NO

(b) Is the club incorporated and operating solely as a nonprofit organization under the laws of this state?  

☐ YES ☐ NO

(c) Is the club qualified as a tax exempt organization under the Internal Revenue Service?  

☐ YES ☐ NO

(d) Has the club been in continuous operation for a period of not less than one (1) year?  

☐ YES ☐ NO

(e) Has the club received twenty-five dollars ($25.00) from each bona fide member as recorded by the secretary of the club and are club members at the time of this application in good standing by having paid at least one (1) full year in dues?  

☐ YES ☐ NO

(f) Does the club hold quarterly meetings and have an actively engaged membership carrying out the objectives of the club?  

☐ YES ☐ NO

(g) Have you filed a true copy of your bylaws with this application?  

☐ YES ☐ NO

(h) Has at least fifty one percent (51%) of the membership signed a petition indicating a desire to secure a Limited Retail Liquor License? (Petition Attached)  

☐ YES ☐ NO

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**REQUIRED ATTACHMENTS:**

- ☑ A statement indicating the financial condition and financial stability of the applicant. W.S. 12-4-102 (a) (vi).
- ☑ Restaurants: include a drawing of the establishment that includes the dispensing room(s). W.S. 12-4-410 (f).
- ☑ Attach any lease agreements (especially for resort/political subdivisions leasing out food & beverage services). W.S. 12-4-103 (a) (iii) / W.S. 12-4-403(b) / W.S. 12-4-301(e).
- ☑ If transferring a license from one ownership to another, a form of assignment from the current licensee to the new applicant authorizing the transfer. W.S. 12-4-601 (b).

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**OATH OR VERIFICATION**

(Requires signatures by **ALL** Individuals, **ALL** Partners, **ONE** (1) LLC Member, or **TWO** (2) Corporate Officers or Directors except that if all the stock of the corporation is owned by **ONE** (1) individual then that individual may sign and verify the application upon his oath, or **TWO** (2) Club Officers.) W.S. 12-4-102(b)

Under penalty of perjury, and the possible revocation or cancellation of the license, I swear the above stated facts, are true and accurate.

**STATE OF WYOMING**

**COUNTY OF Fremont**

Signed and sworn to before me on this 15th day of November, 2019 that the facts alleged in the foregoing instrument are true by the following:

1) [Signature]  
   [Printed Name]  
   Trustee

2) [Signature]  
   [Printed Name]  
   Trustee

3) [Signature]  
   [Printed Name]  
   Title

4) [Signature]  
   [Printed Name]  
   Title

5) [Signature]  
   [Printed Name]  
   Title

6) [Signature]  
   [Printed Name]  
   Title

Witness my hand and official seal:

[Signature of Notary Public]  
My commission expires: **March 31, 2020**
CITY COUNCIL STAFF REPORT

TO: His Honor the Mayor and Members of the City Council

FROM: Eric P. Carr, P.E., Community Development Director

THROUGH: Tony Tolstedt, City Administrator

DATE: December 3, 2019

SUBJECT: De-annexation of the Vasco Addition to the City of Riverton

Recommendation: The City Council adopt on second reading Ordinance No. 19-012 de-annexing the Vasco Addition to the City of Riverton and land owned by the Brada Living Trust.

Background:
In 2008 the City of Riverton entered into agreement via Memorandum of Understanding (MOU) with R&R Rig Service, LLC, the Brada Living Trust, and Vicente and Ma Leonor Vasco. The MOU described improvements which were planned in conjunction with development of the 20 acre Vasco Addition. It also stipulated conditions to be followed if those improvements did not occur; which they did not. The MOU and subsequent annexation of the properties was required by the Wyoming Business Council, the funding agency for the project. Under the rules of the Wyoming Business Council grant, the land(s) being improved were required to be within the corporate boundary of the City of Riverton; hence, why the addition was created in the first place. Due to the failure of the project to move forward, no improvements were made and the landowners have requested to be de-annexed from the City of Riverton.

Discussion:
Wyoming statute 15-1-421 discusses the requirements for de-annexation of property within the corporate boundary of a municipality. In agreement with state statute, the Fremont County Commissioners have granted concurrence with the proposed de-annexation, and have provided a report detailing no negative impacts to the county are anticipated as a result of the proposed de-annexation. The Riverton Planning Commission reviewed the proposed de-annexation at their November 7th, 2019 regular meeting and recommends the City Council approve the de-annexation. Ordinance 19-012 passed on first reading at the November 19, 2019 regular council meeting.

Budget Impact: There is no immediate budget impact resulting from the staff recommendation.
PROPOSED ORDINANCE NO. 19-012

AN ORDINANCE DE-ANNEXING THE VASCO ADDITION AND LAND OWNED BY BRADA LIVING TRUST GENERALLY DESCRIBED AS PARCELS OF LAND IN THE SE1/4 NE1/4 OF SECTION 15, T. 1 N., R. 4 E., W.R.M FREMONT COUNTY, WYOMING.

WHEREAS, the Mayor and the City Council of the City of Riverton, Fremont County, Wyoming, received a written request for de-annexation signed by all owners of the area proposed for de-annexation; and

WHEREAS, the area sought to be de-annexed has not received City of Riverton municipal services; and

WHEREAS, the de-annexation request for the above-described areas of land were reviewed and certified to be in substantial compliance with the requirements for de-annexation set forth in Wyoming Statute § 15-1-421 by the governing body of the City of Riverton; and

WHEREAS, all owners of the above-described Areas are requesting de-annexation, and therefore the provisions of Wyoming Statute § 15-1-421 are applicable.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, WYOMING:

Section 1. The following described parcels of property are de-annexed from the corporate limits of the City of Riverton, Wyoming, and declared to no longer be a part of the City of Riverton, Wyoming, or a territorial part of the municipality.

A Parcel of land in the SE1/4 NE1/4 of Section 15, T. 1 N., R. 4 E., W.R.M., Fremont County, Wyoming more particularly described as follows:

Vasco Addition
Plat: 2008-1306847

R&R Management
QCD: 2019-1411154

Brada Parcels
QCD: 2011-1341764
Section 2. That certain map, entitled "OFFICIAL ZONING MAP, CITY OF RIVERTON, WYOMING", as endorsed by the City Engineer of the City of Riverton, Wyoming, and approved by the City Council of the City of Riverton, Wyoming, on January 6, 2008, together with amendments and additions thereto as have been heretofore approved by the City Council, is amended to reflect the de-annexation.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING  November 19, 2019
PASSED ON SECOND READING  
PASSED ON THIRD READING  

PASSED AND APPROVED this _______ day of __________, 20__.

CITY OF RIVERTON, WYOMING

By: __________________________
Richard P. Gard
Mayor

ATTEST:

______________________________
Kristin S. Watson
City Clerk/Human Resource Director

ATTESTATION

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance No. 19-012 was passed, adopted, and approved by the Governing Body of the City of Riverton on the ___ day of _____, 2019. I further certify that the above proclamation ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being __________________.

______________________________
Kristin S. Watson
City Clerk/Human Resource Director
To: His Honor the Mayor and Members of the City Council

From: City Administrator, Tony Tolstedt

Date: November 27, 2019

Subject: Ordinance No. 19-013

Recommendation: That Council approve Ordinance No. 19-013 as presented on 2nd reading or provide guidance to Staff as to what modifications to make to the original section of code.

Background: At the 11/5/2019 regular Council meeting, the topic of motorized skateboards was discussed during the Council roundtable portion of the agenda. The associated section of the RMC is 10.40. A copy of the code section is attached for review. It was denoted that Staff should bring back a modification to the code which removed the section or significantly modified the section.

2nd Reading: No changes were proposed during first reading. As such, no changes are proposed or presented for second reading.

Discussion: Based on conversations with the Chief of Police and review of the RMC, the proposed ordinance is prepared for Council consideration. The proposed ordinance would eliminate the section of code associated with motorized skateboards. This is done in part due to a lack of necessity for the section as the issue the RMC seeks to address has not been prevalent.

Alternatives: Council may direct Staff to modify the existing section of code as it is currently written. If this is option is chosen, Staff would request more detailed direction as to the desired modifications and end result of the changes.

Budget Impact: There is no anticipated budget impact to the proposed changes beyond required publication costs.

Council Goals: The modification does not directly align with any particular Council goal but does appropriately address the review of the
PROPOSED ORDINANCE NO. 19-013

AN ORDINANCE AMENDING TITLE 10 “VEHICLES AND TRAFFIC”, TO REPEAL CHAPTER 10.40 “MOTORIZED SKATEBOARDS”; OF THE RIVERTON MUNICIPAL CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:

Section 1. Chapter 10.40 “Motorized Skateboards” is hereby repealed in its entirety.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING November 19, 2019
PASSED ON SECOND READING
PASSED ON THIRD READING
PASSED AND APPROVED this _______ day of ___________ 2019.

CITY OF RIVERTON, WYOMING

By: ____________________________
Richard P. Gard
Mayor

ATTEST:

______________________________
Kristin S. Watson
City Clerk/Human Resource Director

ATTESTATION

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance No. 19-013 was passed, adopted, and approved by the Governing Body of the City of Riverton on the _________ day of ____________, 20__. I further certify that the above proclamation ran at least once in the
Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being ____________.

____________________________________
Kristin S. Watson  
City Clerk/Human Resource Director
CITY COUNCIL STAFF REPORT

TO: His Honor the Mayor and Members of the City Council

FROM: City Administrator, Tony Tolstedt

DATE: November 5, 2019

SUBJECT: Recycling

Recommendation: Council provide direction as to the continuation of recycling operations.

Background: At the October 1, 2019 regular meeting, the City Council received a preliminary report regarding the financial status of recycling operations. Following the report, staff was directed to provide further analysis and discussion. In an effort to do so, staff has prepared the information below for review.

The following table and graphs provide a more detailed report of past years savings / costs from diverting recyclable materials from the landfill and the cost to provide recycling service from fiscal year 2011 to fiscal year 2019.

<table>
<thead>
<tr>
<th>FY11</th>
<th>FY12</th>
<th>FY13</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
<th>FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tons of Collected Recycling</td>
<td>663.9</td>
<td>689</td>
<td>810.5</td>
<td>922.6</td>
<td>896.8</td>
<td>1078.7</td>
<td>776.7</td>
<td>208.1</td>
</tr>
<tr>
<td>Cost per Ton of Recycling</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
<td>$ 80.00</td>
</tr>
<tr>
<td>Total Annual Savings</td>
<td>$ 53,112</td>
<td>$ 55,120</td>
<td>$ 64,840</td>
<td>$ 73,808</td>
<td>$ 71,744</td>
<td>$ 86,296</td>
<td>$ 62,136</td>
<td>$ 16,648</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FY11</th>
<th>FY12</th>
<th>FY13</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
<th>FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost for Service Delivery</td>
<td>$ 103,477</td>
<td>$ 113,181</td>
<td>$ 79,893</td>
<td>$ 115,539</td>
<td>$ 121,487</td>
<td>$ 138,676</td>
<td>$ 64,400</td>
<td>$ 101,102</td>
</tr>
<tr>
<td>Savings / Cost</td>
<td>$ (50,365)</td>
<td>$ (58,061)</td>
<td>$ (15,053)</td>
<td>$ (41,731)</td>
<td>$ (49,743)</td>
<td>$ (52,380)</td>
<td>$ (2,264)</td>
<td>$ (84,454)</td>
</tr>
</tbody>
</table>

FY13 & FY17 had lower personnel costs due to the delayed replacement of an employee.

Discussion: The question commonly asked is whether recycling is a service or a means of cost savings. For the purpose of discussion, there are many services provided to residents that do not recapture their cost through charged rates and associated fees. These items are generally...
supported by taxes or through the overall rates supporting enterprise funds. This is the case with recycling, which is supported by the rates charged to all sanitation customers. In short, it is a subsidized function as it does not pay for itself, but may be considered a service if council denotes it as such.

In the past, City of Riverton recycling has been promoted as a means of cost savings where materials would not enter the main waste stream and therefore rate payers would not incur the cost of those materials being disposed of in a landfill. Instead, these items would be collected, sorted, and sold for a particular amount based on market value at the time of sale. In some communities, the revenue from the recycled commodities would also offset the cost of recycling operations. This is not the case in Riverton where recycled materials are delivered to Community Entry Services (CES) and Fremont County Solid Waste Disposal District (FCSWDD) for sorting and sale. The City of Riverton does not receive a revenue from the materials collected. The City is also not responsible for the sorting, cleaning, and coordinating the delivery of commodities to market. The only offsetting factor in the City’s recycling operation is the diversion of the commodities from the waste stream and the savings in landfill tipping fees.

If recycling operations were to cease, community members would still be able to recycle their desired materials. By ceasing curbside recycling, the City would only stop the collection of the materials. Citizens would still have the option to deliver their recyclables to the waste station and deposit those in the designated receptacles to be transferred accordingly.

**Equipment:** If recycling collections cease, the sanitation division would be in possession of equipment that will largely be absorbed into public works operations. These items include a 2014 ¾ ton flatbed truck and 11 trailers (5 ProTainer, 6 AlleyCat) and are in various states of operable condition. If the items cannot be repurposed, the City would endeavor to sell them via the disposal of property process. As the potential revenue from said equipment is unknown, additional revenues are not proposed or calculated within any of the provided data.

**Budget Impact:** The cost/savings of the recycling function are estimated by calculating funds saved from diverting recyclable materials from the landfill and subtracting the operational cost to collect said materials. Operational costs of the fund center on the curbside collection of recyclable materials by City staff. Costs to process, prepare, and transport the materials are born by CES and FCSWDD. Since at least FY 2011, the City’s operational cost of recycling have outweighed the savings provided from diverting the materials from the main waste stream. Last year, the cost for service outweighed the savings by $116,281. Future years would vary depending on various operational factors and capital costs.

If customers recycle in a particular month, they are also provided a credit to the standard sanitation fee schedule. The provision of the credit is based on participation and can change monthly. In September, the recycling credit accounted for $3,306 which, if consistent, would account for an annual estimate of nearly $40,000, dependent upon the varying participation rate.

Since the last consideration of this topic, Staff was able to account for actual credits over the last year. The following table denotes a total credit of $42,533. This is generally in line with the original estimate provided previously. This also aligns with an internal participation analysis that showed an approximate 14% participation rate. Assuming the 14% participation rate and a $5.00 credit, the analysis would yield an estimated $38,400 credit.
If the recycling function were eliminated, it is likely that the associated cost center would also be removed. Additionally, as the function would no longer exist, the credit would no longer be available to sanitation customers. The combination of the removal of the credit and the elimination of the cost center would represent an annual operational savings of $116,000 and an annual revenue increase of approximately $42,000 to the sanitation fund based on rates at the time of this analysis. This number would vary slightly based on actual personnel changes. The proposed rate structure also proposes to eliminate the credit for recycling.

**Council Goals:** The item does not directly align with a particular City of Riverton goal. However, analysis and discussion associated with the ongoing operations is always an ongoing goal of the City of Riverton.
CITY COUNCIL STAFF REPORT

TO: His Honor the Mayor and Members of the City Council

FROM: Mia Harris, Finance Director

THROUGH: Tony Tolstedt, City Administrator

DATE: November 27, 2019

SUBJECT: Resolution No. 1402 Sanitation User Fee Adjustments

Recommendation: That the City Council approve Resolution No. 1402 proposed revisions to the City of Riverton sanitation utility rate structure and pricing.

Background: The Riverton Municipal Code states the City Council shall review and may adjust user fees for the enterprise funds by resolution following public notice and hearing on such change. Said fees may be adjusted in accordance with the Consumer Price Index – Urban Consumer (CPI-U), or as the council deems necessary to protect the fiscal health of the enterprise funds. Rates relating to the sanitation enterprise funds were last adjusted on May 1, 2018. The changes reflected an increase in the water, sewer, and sanitation fund by 2.4% per fund.

Discussion: At the November 5, 2019, regular meeting of the Riverton City Council, staff presented Resolution No. 1402 recommending approval of proposed revisions to the sanitation utilities rate structure and pricing based on the recommendations from a recent utility rate study. During this meeting and before the presentation of proposed changes, a discussion ensued regarding possible changes to the curbside recycling program. Council opted to table the decision on Resolution No. 1402 until the meeting on December 3, 2019, to allow for public input.

Alternatives:
- Approve resolution excluding recycling rates
- Adjust rates in accordance with the CPI-U
- Make no changes

Budget Impact: The approval of the proposed rate structure and pricing will provide the necessary funding required to support and sustain operations, allow for equipment repair and replacement, and fund future capital improvements.

Council Goal: #3 Maintain and Improve City Infrastructure
#6 Maintain Financial Stability
RESOLUTION NO. 1402

A RESOLUTION ADJUSTING RATES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND DEBRIS.

WHEREAS, Section 8.12.020 of the Riverton Municipal Code states that sanitation rates shall be reviewed by the city council following public notice and may be adjusted by resolution of the city council; and

WHEREAS, the City Council of the City of Riverton, Wyoming held a public hearing on November 5, 2019, to consider and determine same;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverton, Wyoming, hereby declares that an adjustment on all dollar amounts of the base rate and consumption fee be made as follows:

In City Sanitation Fees & Charges:

<table>
<thead>
<tr>
<th>Regular Service Type</th>
<th>Regular Rate</th>
<th>Recycling Rate</th>
<th>Extra Container/Pickup Rate</th>
<th>Extra Container/Pickup Recycling Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 90-Gallon Rollout</td>
<td>$31.48</td>
<td>$31.88</td>
<td>$6.60</td>
<td>$6.60</td>
</tr>
<tr>
<td>Residential 45-Gallon Rollout</td>
<td>$29.80</td>
<td>$29.80</td>
<td>$3.30</td>
<td>$3.30</td>
</tr>
<tr>
<td>Commercial 3-Yard Container</td>
<td>$55.66</td>
<td>Not available</td>
<td>$44.40</td>
<td>Not available</td>
</tr>
<tr>
<td>Commercial 1.5 Yard Container</td>
<td>$36.97</td>
<td>Not available</td>
<td>$12.23</td>
<td>Not available</td>
</tr>
</tbody>
</table>

*Rental Services are subject to container availability

BE IT FURTHER RESOLVED that this Resolution becomes effective with the January to February 2020 billing period.

PASSED, APPROVED, AND ADOPTED this 3rd day of December 2019, by the governing body of the City of Riverton, Wyoming.

CITY OF RIVERTON, WYOMING

By _______________________________________
Richard P. Gard, Mayor

ATTEST:

__________________________________________
Kristin S. Watson
City Clerk/Human Resource Director
CITY COUNCIL STAFF REPORT

TO: His Honor the Mayor and Members of the City Council
FROM: Eric P. Carr, P.E., Community Development Director
THROUGH: Tony Tolstedt, City Administrator
DATE: December 3, 2019
SUBJECT: Chapter 17.22.170

Recommendation: The City Council adopt on first reading Ordinance No. 19-014 amending Chapter 17.22 Signs, Section 17.22.170 Flags.

Background:
Mr. Jason Howard proposed installing an 80 foot flagpole at his 604 West Main Street property. The current language contained in Chapter 17.22 of the Riverton Municipal Code equates flags mounted on flagpoles to signs, and as such requires them to comply with the same height maximums as signs; in this case, 30 feet. Mr. Howard appealed the denial of his request to the Board of Adjustment and the City Council, both of which were denied.

At the November 19, 2019 regular council meeting, council directed staff to propose new language in the Riverton Municipal Code (RMC) to accommodate Mr. Howard’s request. The ordinance before you this evening attempts to address the request from council.

Discussion:
After cursory review of ordinances of surrounding communities (Sheridan, Rock Springs, Green River, Laramie, and Gillette) flagpoles are generally exempted from regulation within their sign regulations. In order to address the requested verbiage from council and provide modicum regional consistency, Ordinance 19-014 is now being presented on first reading.

The intent of Ordinance 19-014 is to exempt flagpoles installed in various commercial zoning districts within the City of Riverton from commercial signage height restrictions and put in place provisions for what type of flag may be flown if signage heights are exceeded by the chosen flagpole.

Alternatives:
1. Do not adopt the ordinance recommendation;
2. Revise the proposed ordinance.

Budget Impact: Beyond publication costs, the proposed ordinance will not impact the budget.

Recommended Motion: Move to approve Ordinance 19-014 on first reading.
PROPOSED ORDINANCE NO. 19-014

AN ORDINANCE AMENDING TITLE 17 “ZONING” TO REVISE CHAPTER 17.22 “SIGNS”, SECTION 17.22.170 “FLAGS.” OF THE RIVERTON MUNICIPAL CODE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:

Section 1. Section 17.22.170 of the Municipal Code for the City of Riverton, Wyoming is hereby amended to read as follows:

17.22.170 Flags
Flags mounted on flagpoles are considered signs and must comply with all provisions of this chapter. In excess of sign heights designated in 17.22.050 (A) shall be limited to the flag of the United States of America, flags of sovereign nations recognized by the United States of America, and the state flag of Wyoming.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING

PASSED ON SECOND READING

PASSED ON THIRD READING

PASSED AND APPROVED this _______ day of ____________ 2019.

CITY OF RIVERTON, WYOMING

By:___________________________
Richard P. Gard
Mayor

ATTEST:

______________________________
Kristin S. Watson
City Clerk/Human Resource Director

ATTESTATION

I, Kristin Watson, Clerk of the City of Riverton, attest that Ordinance No. 19-014 was passed, adopted, and approved by the Governing Body of the City of Riverton on this ______ day of ____________ 2019. I
further certify that the above proclamation ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being MONTH DATE, 2019.

__________________________
Kristin S. Watson
City Clerk/Human Resource Director
CITY COUNCIL STAFF REPORT

TO: His Honor the Mayor and Members of the City Council
FROM: Kyle J. Butterfield, Public Works Director
THROUGH: Anthony Tolstedt, City Administrator
DATE: December 3, 2019
SUBJECT: Resolution No. 1403 – Adjusting Commercial Landing Fees

Recommendation: The City Council approves Resolutions No. 1403 supporting the adjustment of commercial landing fees at Riverton Regional Airport (RIW).

Background: Pursuant to FAA grant assurances and United States Code, the City of Riverton is required to make RIW as self-sustaining as possible under the specific circumstances existing at the airport. To do so, the City of Riverton has established a number of fees that it charges users of certain airport facilities. One of these fees is the commercial landing fee. This fee is currently charged to commercial passenger aircraft and commercial cargo aircraft each time they land at RIW. The fee is charged at a rate of $0.85 per 1,000 pounds.

Discussion: In 2018, WYDOT Aeronautics published a Rates & Charges Analysis of airports in the region. From that analysis, RIW was able to compare itself against like airports in the region to see how competitive its rate structure is. Below is a list of how these airports compared with RIW in landing fees. The average fee per 1,000 pounds of the listed airports is $1.39. Removing Jackson Hole Airport as an outlier, the average landing fee is $1.02 per 1,000 pounds.

<table>
<thead>
<tr>
<th>AIRPORT</th>
<th>FEE RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casper Natrona</td>
<td>$1.08 per 1,000 pounds</td>
</tr>
<tr>
<td>Cheyenne Regional</td>
<td>$0.95 per 1,000 pounds</td>
</tr>
<tr>
<td>Gillette-Campbell County</td>
<td>$0.85 per 1,000 pounds</td>
</tr>
<tr>
<td>Jackson Hole</td>
<td>$3.81 per 1,000 pounds</td>
</tr>
<tr>
<td>Laramie Regional</td>
<td>$0.84 per 1,000 pounds</td>
</tr>
<tr>
<td>Sheridan County</td>
<td>$1.10 per 1,000 pounds</td>
</tr>
<tr>
<td>Southwest Regional</td>
<td>$0.92 per 1,000 pounds</td>
</tr>
<tr>
<td>Yellowstone Regional</td>
<td>$1.40 per 1,000 pounds</td>
</tr>
</tbody>
</table>

The Airport Board considered the subject of landing fees at its November 2019 meeting and unanimously approved a motion recommending the City Council increase commercial landing fees at Riverton Regional Airport to $1.05 per $1,000. Based on the action of the Airport Board, staff recommends the City Council approves Resolutions No. 1403 supporting the adjustment of commercial landing fees at RIW.

Budget Impact: Increasing the commercial landing fee will provide higher percentages of revenue to the Airport Enterprise Fund. Assuming landing frequencies and aircraft weights remain constant, the increase may bring an additional $7,500 in revenue to the fund.
RESOLUTION NO. 1403

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF RIVERTON TO ADJUST THE COMMERCIAL LANDING FEES FOR RIVERTON REGIONAL AIRPORT

WHEREAS, the Governing Body of the City of Riverton is responsible for the operation of Riverton Regional Airport; and

WHEREAS, United States Code § 47107(a)(13) states that an airport owner or operator will maintain a schedule of charges for use of facilities and services at the airport that will make the airport as self-sustaining as possible under the circumstances existing at the airport; and

WHEREAS, the City of Riverton charges commercial landing fees at Riverton Regional Airport to comply with USC § 47107(a)(13); and

WHEREAS, Chapter 2.60 of the Riverton Municipal Code establishes an Airport Board to advise the Riverton City Council in aviation matters and make recommendations to the City Council pertaining to the general improvement and development of Riverton Regional Airport; and

WHEREAS, the Airport Board unanimously passed a motion on November 15, 2019 recommending the City Council adjust the existing commercial landing fee at Riverton Regional Airport from $0.85 per 1,000 pounds to $1.05 per 1,000 pounds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, WYOMING to adjust the commercial landing fees at Riverton Regional Airport beginning February 1, 2019 from $0.85 per 1,000 pounds to $1.05 per 1,000 pounds.

PASSED, APPROVED AND ADOPTED by the governing body of the City of Riverton, Wyoming, this 3rd day of December 2019.

CITY OF RIVERTON, WYOMING

___________________________
Richard Gard
Mayor

ATTEST:

___________________________
Kristin Watson
City Clerk
CITY COUNCIL STAFF REPORT

TO: His Honor the Mayor and Members of the City Council
FROM: City Administrator, Tony Tolstedt
DATE: November 27, 2019
SUBJECT: Industrial Development Bonds

Recommendation: That Council direct staff to present a resolution outlining the standards and process by which industrial revenue bonds may be considered.

Background: At the November 5th regular Council meeting, Riverton City Council considered a request for the City to partner with the Riverton Medical District (RMD), a 501(c) 3 corporation, on the development of a joint powers agreement with the purpose of constructing a new medical facility within the City of Riverton. It was determined prior to the meeting that the City Council could not take part in such an agreement as RMD was not an actual district and as such did not meet the standards necessary to participate.

At the same meeting, the topic of employing industrial development bonds was also proposed. As the use of industrial development bonds was a useful tool for the City to potentially employ, Council directed staff to further research the use of industrial development bonds.

Discussion: Since the initial conversation, Staff met with bond council and the RMD representative to further understand the funding mechanism and associated process. The following are the next steps and considerations in the process as Staff currently understands them.

1. The next step in the process would be the passage of a resolutions outlining the guidelines and standards for the City to consider. A copy of a potential resolution is provided for your review. The draft of the proposed resolution is based on a document already in use within the state and has, at this time, only been modified slightly from its original form. Additional modifications would be necessary. Consideration and adoption of the resolution would not require the City to participate in any particular project but would institute the standards necessary for an applicant to be considered for assistance through the issuance of industrial development bonds. The passage of such a resolution is recommended.

2. As it applies to the issuance of industrial development bonds to aid the RMD, the aforementioned resolution would institute the standards and documents the applicant would
need to meet and provide. Once those items are provided, the matter could be considered by the City Council with the provided information.

3. If the adopted standards are met and Council wishes to proceed with the issuance of bonds, additional steps would be necessary. These include a public hearing and approval of the necessary ordinance for issuance of the bonds. Prior to the issuance of bonds, it would be required that the applicant secure a purchaser to insure the City is not holding the bonds for any significant amount of time. The details of this portion of the process would be largely managed by bond council.

**Budget Impact:** The initial impact of issuing industrial development bonds under the current request is not a significant budgetary impact and those costs accrued are reimbursable at the time said bonds are sold.

The main concern associated with issuance and use of industrial revenue bonds is the risk of default by the recipient of the funding. This situation would NOT see the City liable for repayment of the debt as the obligation was assigned to another party through the process. However, it would likely have an adverse effect on future bonding efforts by the City should such a default happen. The extent of the effect cannot currently be calculated as the variables are not known.

**Council Goals:** The development of a process for the potential use of industrial development bonds would support *Council Goal # 5: Promote Economic Development.*
ENTITLED: A RESOLUTION DEFINING CITY OF RIVERTON, WYOMING POLICY
CONCERNING INDUSTRIAL DEVELOPMENT REVENUE BONDING

WHEREAS, The City of Riverton, Wyoming (City) is authorized, pursuant to the
“industrial Development Projects Act” W.S. 15-1-701 et sec (“the Act”) to issue industrial
development revenue bonds to finance certain projects in the public interest; and

WHEREAS, the City desires to set minimum guidelines to assist in view of any
proposed industrial development revenue bonds.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF RIVERTON, WYOMING.

1. Purpose. The purpose of this Resolution is to establish a City policy on the issuance of
industrial development revenue bonds.

2. Demonstration of Benefit. In general, City shall consider issuing industrial development
revenue bonds only upon a clear factual demonstration of direct economic benefit to City,
such as the creation of additional employment opportunities; expansion of the tax base;
increasing sales, property or other tax revenues to the City; maintenance and promotion
of a stable, balanced and diversified economy among agriculture, national resources,
business, commerce and trade; and promotion or development of the use of agricultural,
manufactured, commercial or national resource products within or without the State.
Consideration shall also be given to any adverse effect upon City. The following
guidelines apply:

a. No particular type of business or enterprise shall be excluded from consideration,
however, every applicant shall be prepared to demonstrate the proposed facility
will promote the general economic development of City within the context of
existing laws, rules, regulations and requirements of the City, State of Wyoming,
and the United States government.

b. Proposals for issuance of all industrial development revenue bonds shall be
carefully considered to determine if the proposed bonds would substantially
benefit the City and its inhabitants.

C. Easy project for which industrial development revenue bonds are proposed must
support the following public purposes:

i. Creation of new or additional employment opportunities in Fremont City;

ii. Expansion of the tax base, and increase of sales, property or other tax
revenues in Fremont City;

iii. Maintenance and promotion of a stable, balanced and diversified economy
among agriculture, natural resource development, business, commerce and
trade;
3. **Applicant Financial Information.** The City, in evaluating proposals for industrial development revenue bonds, shall seek to protect the good fiscal reputation of the City, and will require information and proof of such matters as may be necessary to establish the feasibility of the project and the finance responsibility and capacity of the applicant. At least thirty (30) days prior to any meeting with City officials, the following information, together with the application fee provided in Section 4, shall be submitted to the City for use in its determination of whether to proceed with the proposed industrial development revenue bond financing:

   a. A project description including a complete list of assets to be purchased or constructed and the estimated life such assets, the estimated cost of constructing and acquiring the project; and the cost of issuance of the bonds.

   b. A descriptive statement of how the proposed project will benefit City and fulfill the requirements of Section 2(c) herein.

   c. A description of alternative forms of financing investigated together with the reasons for seeking industrial development revenue bond financing.

   d. History of applicant, including a description of its operations.

   e. A resume of principals and key employees of applicant including directors and officers if the applicant is a corporation, or of all partners if the applicant is a partnership.

   f. Historical financial information for the applicant for the previous five (5) years of the entire time it has conducted business, including:

      i. Sales

      ii. Gross profits

      iii. Net income

      iv. Cash flow

      v. Net worth

      vi. Earnings available for debt service

      vii. Net fixed assets

      viii. Working capitals

      ix. Ratio of assets and liabilities

   If a new business enterprise is involved, the City may require personal financial information from the principals of such enterprise.

   g. Balance sheets and income statements for the most recent fiscal year, and cash flow projections for the next five (5) years reflecting the proposed revenue bond issue.

   h. Copies of financial statements, either audited or otherwise satisfactory to the City, dated within sixty (60) days of the application date.
i. Copies of financial statements, either audited or otherwise satisfactory to the City, for the preceding five (5) years or the entire time the applicant has conducted business, whichever is less.

j. A report of any litigation pending against the applicant.

k. A proposed bond redemption schedule including the estimated debt service on the proposed industrial development revenue bonds.

l. Projected financial documents or calculations as deemed appropriate by the City of Riverton.

m. Any other matters specifically desired by the City not set forth above. In addition, the City, may upon written request of the applicant, modify the requirements of paragraphs A through L of this section 3 to accommodate individual situations.

4. Application Fee and Reimbursement for all Expenses. Upon submission of the information required by Section 3, or when a refunded or refinancing is requested, the applicant shall deposit with the City a nonrefundable application fee in the sum of $1,000.00. The applicant shall also execute an agreement for reimbursement of all expenses incurred by the City in evaluating the project proposal, and in connection with the issuance of bonds, if bonds are issued. In addition to the application fee, in order to cover any non-itemized City expenses under the transactions contemplated by the bond issuance, the applicant shall execute an agreement, prior to issuance of the bonds, obligating applicant to pay to the City, at the time of delivery of the bonds, an amount, which together with the application fee shall be referred to as “financing fee”, not to exceed 0.5% of the face amount of the bonds to be issued; provided however such fee shall not exceed any amount which would result in an increase in the financing yield of more than .125%.

5. Marking the Bonds. Applicant must demonstrate by acceptable evidence the proposed industrial development revenue bonds can be sold without violating federal or state securities law through a qualified underwriter or to an experienced investor or group of investors. Where bonds are proposed to be marketed through negotiation with a bond underwriter, such underwriter shall submit to the City an analysis of current market conditions which indicate the bonds are marketable. The marketability condition of the bonds will be based on the financial soundness of the applicant to meet debt obligation incurred by issuance of the bonds whether or not a market exists for the bonds. If the industrial development revenue bonds are not to be marketed through negotiations with the bond underwriter, applicant must submit evidence as to how the bonds will be marketed.

6. Commissioners’ Determination Conclusive. At such time as the applicant has provided all request information, the Board of City Commissioners shall review the material and information submitted, taking into consideration the findings and recommendations of such officers or employees of the City who have been requested by the Board to examine such information and make findings and recommendations, and taking into consideration
any other matter which the Board in its sole discretion determines to be significant in deciding whether to proceed with the proposed bond issue. The decision to issue shall be at the full and complete discretion of the Board which reserves the right, for good cause, to modify, delete or add to any of the requirements stated herein. The Board further expressly declares fulfillment of the guidelines set forth in this resolution does not assure approval of the proposed industrial development revenue bonds.

7. **Liability of City and Bond Purchaser.** Acceptance of the financial information and agreement by the City to issue industrial development revenue bonds shall not constitute approval by the City of the applicant’s financial condition or soundness. In case of a private placement of the bonds, the ultimate purchaser shall be required to certify to all parties it has independently reviewed the credit worthiness of the applicant. Regardless of whether the bonds are to be sold publicly or privately, no purchaser or underwriter shall in any way represent in an official statement, offering circular, or other offering material or otherwise, the City has in any way certified or approved the financial condition or soundness of the applicant, or has in any way evaluated whether or not the bonds are marketable.

8. **Limitation of Inducement Resolution.** Upon determination to proceed with the industrial development revenue bond issue, the City Council shall entertain a resolution of inducement, which, if passed, shall be effective for the period stated therein.

9. **Repealer.** All acts, orders, resolution, or portions thereof, taken by the City in conflict with this resolution are hereby repealed, except this repealer shall not be construed so as to revive any act, order, resolutions or portion thereof here therefore repealed.

10. **Severability.** If any paragraph, clause, or provision of this resolution is judicially adjudged invalid or unenforceable, such judgment shall not affect, impair, or invalidate the reminding paragraphs, clauses, or provision hereof.

11. **Amendments.** This resolution may be amended by the Board at any regular or special meeting, provided however, while such modifications are not favored, the Board may modify application of provisions of this resolution to facilitate a particular transaction when such modification is deemed to be in the best interest of the City.

12. **Trustee Reporting.** The trustee of any industrial development revenue bond issued by the City shall provide the City of Riverton Treasurer no less frequently than annually on the anniversary date of said bond, a report of the outstanding balance of the bond together with a record of the payments for principal and interest made during the preceding twelve (12) months. In the same manner, the City of Riverton Treasurer shall be promptly notified of the retirement of any bond.

**PASSED, APPROVED AND ADOPTED** this ____ day of _____ 20XX, by the governing body of the City of Riverton, Wyoming.
CITY OF RIVERTON, WYOMING

Richard P. Gard
Mayor

ATTEST:

Kristin S. Watson
City Clerk/Human Resource Director