AGENDA
CITY OF SHERIDAN
JUNE 3, 2019
REGULAR COUNCIL MEETING START 7:00 P.M.

1. Call to Order

2. Pledge of Allegiance

3. Invocation to be given by Chad Cowan with First Baptist Church.

4. Roll Call of Members

5. Consideration of Agenda

6. Public Hearings

   A. Public Hearing for Charter Ordinance #2204 Repealing Charter Ordinance #2158 - City Attorney Brendon Kerns

      i. Consideration of the First Reading of Charter Ordinance #2204 Repealing Ordinance #2204

   B. Public Hearing for Charter Ordinance #2202 Regarding the City of Sheridan City Administrator - City Attorney Brendon Kerns

      i. Consideration of the First Reading of Charter Ordinance #2202 Regarding the City of Sheridan City Administrator

   C. Public Hearing for Ordinance #2189 Regarding the Amendment of Multiple Ordinances - City Attorney Brendon Kerns

      i. Consideration of the First Reading of Ordinance #2189 Regarding the Amendment of Multiple Ordinances

7. Consent Agenda

   A. Minutes of Regular Council Meeting May 20th, 2019

   B. Claims

8. Community Update

A. Sheridan Arts Council - Claudia Colnar

9. Staff Update

A. Proposed FY20 Budget Amendments from Mayor/City Council - City Treasurer Karen Burtis

B. City Update - City Administrator Mark Collins

OLD BUSINESS

10. Consideration of the Third Reading of Ordinance #2201 Amending City of Sheridan Tree Code - Public Works Director Lane Thompson

NEW BUSINESS

11. Consideration of Resolution #36-19 Authorizing a Pay-as-You-Throw Pilot Program and Commercial Organics Collection Pilot Program - Utilities Director Dan Roberts

12. Council Comments and Requests for Future Agenda Items

13. Comments from the Public

14. Executive Session per Wyoming State Statute 16-4-405, On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party.

15. Adjournment

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Attorney

MEMORANDUM

Project Name:	Public Hearing for Charter Ordinance #2204 Repealing Charter Ordinance #2158 - City Attorney Brendon Kerns
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	Mark Collins, City Administrator
Date:	06/03/2019

Discussion:

Presented to you is Charter Ordinance 2204. This Charter Ordinance is a repealer of 2158. This ordinance was requested to be presented by the Mayor before Charter Ordinance 2202.

Charter Ordinance 2202 will supersede the City's prior form of governance. If people petition the City to hold a referendum on 2202 and at a special election the voters reject 2202, the City's prior form of governance will be in effect. The prior form of governance will be determined by Charter Ordinance 2204. If 2204 is passed, Charter Ordinance 2158 will be repealed and the prior form of governance will be per Wyoming Statute. Thus, upon voters rejecting Charter Ordinance 2202, the City of Sheridan will have a statutorily controlled form of governance. If Charter Ordinance 2204 is not passed, and voters reject Charter Ordinance 2202, then the prior form of governance will be Charter Ordinance 2158.

Attachments

Ordinance #2204 Memo

Charter Ordinance #2204

Kerns & Bunting, LLC

200 W. Loucks St.
P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.672.5000

Brendon E. Kerns
bkerns@kernsbunting.com
Licensed in WY & MT

Sheryl S. Bunting
sbunting@kernsbunting.com
Licensed in WY

May 31, 2019

City of Sheridan
Mayor and Council

RE: Memo Regarding Effect of Charter Ordinance 2204

Dear Mayor and Council,

Presented to you is Charter Ordinance 2204. This Charter Ordinance is a repealer of 2158. This ordinance was requested to be presented by the Mayor before Charter Ordinance 2202.

Charter Ordinance 2202 will supersede the City's prior form of governance. If people petition the City to hold a referendum on 2202 and at a special election the voters reject 2202, the City's prior form of governance will be in effect. The prior form of governance will be determined by Charter Ordinance 2204. If 2204 is passed, Charter Ordinance 2158 will be repealed and the prior form of governance will be per Wyoming Statute. Thus, upon voters rejecting Charter Ordinance 2202, the City of Sheridan will have a statutorily controlled form of governance. If Charter Ordinance 2204 is not passed, and voters reject Charter Ordinance 2202, then the prior form of governance will be Charter Ordinance 2158.

Best Regards,

Brendon E. Kerns

Charter Ordinance 2204

A Charter Ordinance repealing Charter Ordinance 2158.

WHEREAS, Charter Ordinance 2158 was passed by City Council on third reading on April 20, 2015, and published in a newspaper of general circulation in the City of Sheridan on October 12th and 19th, 2015.

NOW THEREFORE, be it ordained by the Governing Body of the City of Sheridan, Wyoming:

1. Charter Ordinance 2158 is hereby repealed pursuant to a 2/3 vote of all elected members of the governing body.

2. All orders, by-laws, resolutions and ordinances, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

3. Any contract, agreement, resolution, order, memorandum of understanding, ordinance, resolution or policy in which power, authority, control, or oversight has been granted to the City Administrator shall reside with the Mayor in accordance with Wyoming State Statute or City of Sheridan Ordinance.

4. This Charter Ordinance shall be passed by a two-thirds vote of all members of the Governing Body and shall be published once each week for two consecutive weeks in a newspaper for general circulation of the City. This Charter Ordinance shall not take effect until the sixtieth (60^{th}) day after its final passage. If prior thereto, a petition signed by a number of qualified electors of Sheridan, equaling at least ten percent (10%) of the number of votes cast at the last general municipal election, is filed in the office of the City Clerk, demanding that this ordinance be submitted to referendum, then this Charter Ordinance shall not take effect unless approved by a majority of the electors voting thereon. Such referendum election shall be called within thirty (30) days and held within ninety (90) days after the petition is filed.

WHEREUPON, a motion was passed and the Ordinance declared adopted this _____ day of _____. 2019.

_____
Roger Miller, Mayor

_____
Cecilia Good, City Clerk

Passed on First Reading this ___ day of _____, 2019.

Passed on Second Reading this ___ day of _____, 2019.

DRAFT

Passed on Third Reading this ___ day of _____, 2019.

Published on the ____ and _____ day of _____, 2019, in the Sheridan Press, a newspaper of general circulation in the City of Sheridan.

DRAFT

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Attorney

MEMORANDUM

Project Name:	Public Hearing for Charter Ordinance #2202 Regarding the City of Sheridan City Administrator - City Attorney Brendon Kerns
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	Mark Collins, City Administrator
Date:	06/03/2019

Discussion:

Presented to you is Charter Ordinance 2202. This Charter Ordinance has been created by the Charter Ordinance Committee. This Ordinance will supersede 2158. If passed, this Charter Ordinance will be the governing document for the City of Sheridan.

Attachments

2202 Memo

Charter Ordinance 2202 (Clean Copy)

Charter Ordinance 2202 (Redlined Copy)

Kerns & Bunting, LLC

200 W. Loucks St.
P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.672.5000

Brendon E. Kerns
bkerns@kernsbunting.com
Licensed in WY & MT

Sheryl S. Bunting
sbunting@kernsbunting.com
Licensed in WY

May 31, 2019

City of Sheridan
Mayor and Council

RE: Memo Regarding Effect of Charter Ordinance 2202

Dear Mayor and Council,

Presented to you is Charter Ordinance 2202. This Charter Ordinance as created by the Charter Ordinance Committee. This Ordinance will supersede 2158. If passed, this Charter Ordinance will be the governing document for the City of Sheridan.

Best Regards,

Brendon E. Kerns

Charter Ordinance
2202

City of Sheridan City Administrator

A Charter Ordinance establishing a City Administrator and prescribing the duties therefore; and making inapplicable or modifying in part or in whole Wyoming Statutes §§ 15-1-108; 15-3-204(a); 15-3-204(b)(iv)(C); 15-3-208(b); 15-3-210;

WHEREAS, the City of Sheridan has established and is currently operating as a first class city, pursuant to pertinent constitutional and statutory provisions of Wyoming law; and

WHEREAS, Article 13, Section 1, Wyoming Constitution, provides in part that a Wyoming city or town may elect that the whole or any part of any statute, other than statutes uniformly applicable to all cities and towns, shall not apply to any city and town; and further provides that such city or town may make other provisions on the same subject; and

WHEREAS, pursuant to the above and forgoing the Governing Body of Sheridan, Wyoming, enacted Charter Ordinance 2158 establishing a City Administrator; and

WHEREAS, the Governing Body of Sheridan, Wyoming desires to supersede Charter Ordinance 2158 and to create the position of City Administrator; provide certain authority for the City Administrator, provide budgetary and personnel guidelines, rules and procedures necessary for the proper operation and financial integrity of the City of Sheridan.

Now, therefore, be it ordained by the Governing Body of the City of Sheridan, Wyoming:

1. <u>Definitions:</u>

a. The City specifically adopts W.S. § 15-1-101(a) definitions unless otherwise specifically defined herein.

b. *City Administrator*: The person hired by the Governing Body to exercise the powers prescribed by this Charter Ordinance and the Ordinances of the City of Sheridan.

c. City Council: The individuals elected to comprise the Governing Body of the City, excluding the Mayor,

d. *Councilman/Councilmen/Council member*: The individuals elected to comprise the Governing Body of the City.

e. *Governing Body*: The City Council of the City including the Mayor who is the presiding officer.

f. *Mayor*: The person elected by either popular vote or vote of the Governing Body, to exercise the powers of the office and to be presiding officer of the Governing Body.

g. *Superintending Control*: The authority to provide oversight and supervision necessary to ensure that the City Administrator is acting as required by this Charter Ordinance, statutes, the directives of the Governing Body the City and Administrator's job description.

2. <u>City Administrator- Appointments, Review, Removal</u>

a. The Governing Body shall appoint a City Administrator by a majority vote. The City Administrator's salary and terms shall be set by contract as approved by the Governing Body. The City Administrator may be discharged and employment terminated by a majority vote of the Governing Body.

b. If the position of City Administrator becomes vacant for any reason, the Governing Body shall immediately proceed to seek another person for appointment to the position and must complete the process within one hundred eighty days (180) days. During the search and selection process, the Governing Body may appoint a qualified person as interim Acting Administrator.

    i. Should the City Administrator be on vacation or leave, the City Administrator shall appoint a temporary City Administrator.

c. The Mayor shall conduct an annual performance appraisal of the City Administrator and provide the Governing Body with copies of the review. The appraisal should include any aspect of job performance the Mayor or Governing Body find relevant. Further the appraisal should address the progress of all City policy objectives, administration, staff oversight or other areas which are the responsibility of the City Administrator per this Charter Ordinance, the City Administrator's job description.

d. The Mayor shall appoint, with the consent of a majority of the Governing Body the City Attorney(s) and Municipal Court Judge(s). These appointees may be removed from employment at any time with or without cause by the Mayor, following notification to the Governing Body. The City Attorney(s) and Municipal Court Judge(s) may enter into a contract, as approved by the Governing Body, concerning the compensation and terms of appointment.

3. <u>City Administrator- Duties, Roles, Responsibilities and Authority, Generally:</u>

a. The City Council and/or Mayor shall deal with the City staff, administration, operation and policies of the City through the City Administrator. The Mayor may direct the City Administrator to provide information, updates and explanations of decisions, policies, initiatives, projects, and the work of staff.

b. The City Administrator shall attend all meetings of the Governing Body and shall recommend to the Governing Body adoption of such measures as the City Administrator deems necessary for the health, safety, and welfare of the community or for the improvement of municipal services.

    i. The City Administrator shall not attend any Executive Sessions of the Governing Body concerning the City Administrator's job performance unless requested by the Mayor or the Governing Body. This provision shall not prohibit a City Administrator's from requesting a public hearing pursuant to W.S. § 16-4-405.

c. The City Administrator shall be the purchasing agent for the City subject to the requirements of statutes, ordinances, and rules and regulations now or promulgated by the Governing Body, and shall purchase materials and authorize expenditures of funds on behalf of the City.

d. The City Administrator shall supervise the administration and enforcement of all laws, ordinances, rules, regulations, policies and procedures of the City.

e. The City Administrator shall supervise the administrative functions of all departments of the City; issue administrative regulations and outline general administrative procedures applicable to all areas and departments.

f. The City Administrator shall prepare and submit to the Governing Body reports that the Administrator, Mayor or City Council may consider advisable.

g. The City Administrator shall manage all utilities owned and/or operated by the City. Subject to the laws relating to public utilities, the Governing Body shall fix all rates and compensation to be paid by the customers of water, sewer, sanitation or any other public utility service owned or operated by the City. The City Administrator shall enforce all rules, regulations and penalties to enforce their collection, or for the protection of the property and rights pertaining to public utilities as required by Federal, State and Local Law.

4. <u>City Administrator & Governing Body- Budget Process:</u>

The City Administrator shall keep the Governing Body advised of the City's current financial condition and its future needs; and shall prepare a budget annually. The budget shall be submitted by the City Administrator to the Mayor for review and approval. The submission of the budget to the Mayor shall occur no later than seven (7) days before submission of the Budget to the Governing Body for approval. The City Administrator shall be responsible for the budget's administration after adoption. The Governing Body may direct that budget to be prepared on a two-year cycle.

5. City Administrator- Employment Matters:

a. Except for the City Administrator, the City Attorney(s), Municipal Court Judge(s) and Department Heads, all employees shall be hired by the City Administrator, be selected on merit and in accordance with the Governing Body's Policies and Procedures.

b. The City Administrator shall recommend to the Mayor the hiring of Department Heads as specified by ordinance. The Mayor, after receiving the City Administrator's recommendation and concurrence of the Governing Body, shall hire the Department Head.

c. The City Administrator shall recommend to the Mayor the removal of any Department Head. The Mayor, after receiving the City Administrator's recommendation, shall dismiss the Department Head with approval of the Governing Body.

d. All employees, other than the City Attorney(s), Municipal Court Judge(s) and Department Heads, may be removed from employment by the City Administrator at any time with or without cause unless otherwise directed by the Governing Body's adopted Policy and Procedures or Ordinance. The City Administrator shall set salaries, wages and benefits in accordance with the compensation plan approved by the Governing Body. Nothing herein shall be construed as affecting or superseding the provisions of Wyoming Statues, §§ 15-5-101 to 15-5-422 and 27-10-101 through 27-10-109.

6. Mayor Duties, Authorities, Roles and Responsibilities:

a. The Mayor shall be the Chief Executive of the City of Sheridan as defined by the powers and responsibilities of this Charter Ordinance.

b. Unless otherwise provided by Wyoming Statute and this Charter Ordinance, the Mayor shall:

   i. Preside at all meetings of the Governing Body, and in his absence, a council member shall be appointed to act as Mayor pro tem;
   ii. Exercise superintending control over the administration and affairs of the City;
   iii. Provide oversight to ensure that the City Administrator supervises the enforcement of all ordinances, follows City policies and procedures, and administers all City Departments;
   iv. Administer oaths;
   v. Sign commissions and appointments and all bonds, contracts and other

obligations required to be signed in the name of the City unless otherwise delegated by the Governing Body to City staff;

vi. Have one (1) vote on all matters coming before the Governing Body upon which a vote is taken, except a vote:
   A. To override a veto;
   B. To confirm an appointment other than a vote to break a tie vote of the Governing Body;

vii. Make appointments to all Committees, Boards and Commissions with the approval of City Council.

viii. Set the Council Agenda for each Governing Body meeting. Provided, a majority of Council members may place matters on the Agenda.

c. Perform all other duties and obligations as set forth by Wyoming Statute and City of Sheridan Ordinance.

7. Severability

If any section, paragraph, clause or provision of this Charter Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Charter Ordinance, the intention being that the various provisions hereof are severable.

8. Repealer

All orders, by-laws, resolutions and ordinances, or parts thereof in conflict with this Charter Ordinance are hereby repealed to the extent of such inconsistency.

9. Passage and Effective Date

This Charter Ordinance shall be passed by a two-thirds vote of all members of the Governing Body and shall be published once each week for two consecutive weeks in a newspaper for general circulation of the City. This Charter Ordinance shall not take effect until the sixtieth (60^{th}) day after its final passage. If prior thereto, a petition signed by a number of qualified electors of Sheridan, equaling at least ten percent (10%) of the number of votes cast at the last general municipal election, is filed in the office of the City Clerk, demanding that this ordinance be submitted to referendum, then this Charter Ordinance shall not take effect unless approved by a majority of the electors voting thereon. Such referendum election shall be called within thirty (30) days and held within ninety (90) days after the petition is filed.

WHEREUPON, a motion was passed and this Charter Ordinance was declared adopted this _____ day of_____, 2019.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST:

_____
City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE _____ DAY OF _____, 2019.

Charter Ordinance
2202

City of Sheridan City Administrator

A Charter Ordinance establishing a City Administrator and prescribing the duties therefore; and making inapplicable or modifying in part or in whole Wyoming Statutes §§ 15-1-108; 15-3-204(a); 15-3-204(b)(iv)(C); 15-3-208(b); 15-3-210;

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WHEREAS, pursuant to the above and forgoing the Governing Body of Sheridan, Wyoming, enacted Charter Ordinance 2158 establishing a City Administrator; and

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b. The City Administrator shall recommend to the Mayor the hiring of Department Heads as specified by ordinance. The Mayor, after receiving the City Administrator's recommendation and concurrence of the Governing Body, shall hire the Department Head.

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6. Mayor Duties, Authorities, Roles and Responsibilities:

a. The Mayor shall be the Chief Executive of the City of Sheridan as defined by the powers and responsibilities of this Charter Ordinance.

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   i. Preside at all meetings of the Governing Body, and in his absence, a council member shall be appointed to act as Mayor pro tem;
   ii. Exercise superintending control over the administration and affairs of the City;
   iii. Provide oversight to ensure that the City Administrator supervises the enforcement of all ordinances, follows City policies and procedures, and administers all City Departments;
   iv. Administer oaths;
   v. Sign commissions and appointments and all bonds, contracts and other

obligations required to be signed in the name of the City unless otherwise delegated by the Governing Body to City staff;

vi. Have one (1) vote on all matters coming before the Governing Body upon which a vote is taken, except a vote:
   A. To override a veto;
   B. To confirm an appointment other than a vote to break a tie vote of the Governing Body;

vii. Make appointments to all Committees, Boards and Commissions with the approval of City Council.

viii. Set the Council Agenda for each Governing Body meeting. Provided, a majority of Council members may place matters on the Agenda.

c. Perform all other duties and obligations as set forth by Wyoming Statute and City of Sheridan Ordinance.

7. Severability

If any section, paragraph, clause or provision of this Charter Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Charter Ordinance, the intention being that the various provisions hereof are severable.

8. Repealer

All orders, by-laws, resolutions and ordinances, or parts thereof in conflict with this Charter Ordinance are hereby repealed to the extent of such inconsistency.

9. Passage and Effective Date

This Charter Ordinance shall be passed by a two-thirds vote of all members of the Governing Body and shall be published once each week for two consecutive weeks in a newspaper for general circulation of the City. This Charter Ordinance shall not take effect until the sixtieth (60^{th}) day after its final passage. If prior thereto, a petition signed by a number of qualified electors of Sheridan, equaling at least ten percent (10%) of the number of votes cast at the last general municipal election, is filed in the office of the City Clerk, demanding that this ordinance be submitted to referendum, then this Charter Ordinance shall not take effect unless approved by a majority of the electors voting thereon. Such referendum election shall be called within thirty (30) days and held within ninety (90) days after the petition is filed.

WHEREUPON, a motion was passed and this Charter Ordinance was declared adopted this _____ day of_____, 2019.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST:

_____
City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE _____ DAY OF _____, 2019.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Attorney

MEMORANDUM

Project Name:	Public Hearing for Ordinance #2189 Regarding the Amendment of Multiple Ordinances - City Attorney Brendon Kerns
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	Mark Collins, City Administrator
Date:	06/03/2019

Discussion:

Included in your packet is Ordinance 2189. This Ordinance includes 28 proposed ordinance changes. These ordinance changes are being presented to you in order to ensure there are no contradictions between the City of Sheridan Ordinances and the City of Sheridan Charter Ordinance. None of the proposed changes are taking away or changing any Mayoral authority or power.

Please note that Ordinance 2189 is only to go into effect upon Charter Ordinance 2202 becoming effective.

To be Repealed:

Ordinance 1-9: This ordinance was passed in the 1950s and states that all powers of the City Manager are the powers of the Mayor. There are no provisions in the code which uses the term "City Manager". Therefore, this ordinance is no longer required.

To be Amended:

2-9.1 Appointment and removal of certain officials: This ordinance appoints the Mayor as the official who makes department head appointments. This was changed by Ordinance 2158 and if approved 2022. The amendment corrects this issue.

2-21 Policies and Procedures: This ordinance adopts the 1985 Comprehensive Policies and Procedure Plan. This policy has been replaced by Council with the adoption of other policies and therefore contradicts the policies currently being followed by the City. The amendment clarifies the issue and now states that the most recent policy and procedures adopted by the City Council shall be effective.

12-3Fees for City Disposal Service – Service to nonresidents: This ordinance allows the City to set collection and service fees. The current ordinance states that the Mayor may set these fees with approval of the City Council. The proposed change removes the Mayor and replaces it with Authorized City Official. The disposal fees are not set or recommended by the Mayor but instead by a Department Head and then approved by the Governing Body.

12-4 Collection of Overdue Accounts – Correction, ect., of errors in accounts – Payment of Fees: This ordinance states that the Mayor has the authority to collect utility accounts, correct errors and begin legal proceedings to collect on any past due bill. This ordinance does not follow state statute as the state statue grants the power to collect and begin legal proceeding in the office of the Clerk. The proposed change replaces Mayor with Authorized City Official.

12-5Duty of Department of public health and safety to effect garbage collection – collection days: This Ordinance authorizes the Mayor to pick up garbage. The proposed change will replace Mayor with Authorized City Official as the responsibility of the service resides with a Department Head.

12-13 Removal of unusual refuse; fee for use of disposal grounds: The ordinance states that the Mayor may allow the deposit of construction material or other unusual refuse in the City Landfill for a fee. This ordinance would

replace the term Mayor with the Public Utilities Director. The establishment and waiver of fees are controlled by the budget and actions of the Utilities Director.

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13-11.1 Same – Enforcement; compliance of owner, etc.; notice: This ordinance states that the Mayor or designee may require that weeds be controlled. This ordinance is contrary to State Statute which requires that a Community Service Officer or other official be designated for code compliance. The City has appointed two Community Service Officers to perform this task. Therefore, the ordinance is being changed to Authorized City Official.

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16-33 Temporary Permit for Use of Parking Spaces: This Ordinance has four parts which allow for the granting of a permit which allows for displays to be in a parking place, construction equipment to be placed in a parking space, temporary parking places and to limit parking. This permitting process has been delegated to the other departments. Therefore, the term Mayor has been replaced by Authorized City Official.

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17-1 Administration: This ordinance states that the administration of the Cemetery shall be under the supervision of the Mayor and Director of Public Works. This function is now under the supervision of the City Administrator and therefore the term Mayor has been removed.

18-3 Enforcement: This ordinance states that the Mayor or his designees have the authority to enforce nuisance ordinance violations. The term Mayor has been replaced with Authorized City Official as this authority lies with the Community Service Officers per Wyoming State Statute. There is also an additional change which states that he enforcing officer must have "reasonable cause" to enforce a nuisance ordinance. The correct legal standard is "probable cause".

18-4 Notice of abate nuisance: This ordinance gives the Mayor, police officers and designees authority to serve notice of violations on a nuisance property. This authority has been delegated to the Community Service Officers. Therefore, the term Mayor and designee are replaced by Authorized City Official.

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28-1 Connection – Charges: This ordinance states that the Mayor shall charge connection fees as set by the City Council. This responsibility has been delegated to other departments. Consequently, the term Mayor has been replaced by Authorized City Official.

28-4.5 Same – Same –Water: This ordinance states that the Mayor shall charge plant investment fees for water as set by the City Council. This responsibility has been delegated to other departments. Consequently, the term Mayor has been replaced by Authorized City Official.

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28-7 Same – Rate schedules constitute part of contract: This ordinance states that anyone receiving water is entering into a contract with the City. If a person violates the terms, the Mayor shall have the right to shut off water or enter into an agreement with a person for payment. This authority has been delegated to the Utilities Department. As such, the term Mayor has been replaced by Authorized City Official.

28-9 Permission required for connection: This ordinance requires that any person connecting to City water obtain

approval from the Mayor or his duly authorized agent. There are two issues with this ordinance. First, the authority to approve a water connection has been delegated to the Utilities Department. Second, the term "duly authorized agent" would include the Mayor's Attorney in Fact. Therefore, the terms have been replaced by Authorized City Official.

28-18 Fire Connections: This ordinance allows for the fire marshal to authorize the laying of pipes and hydrants. The Mayor is to receive notice of the application to connect. The City no longer has a Fire Marshal. Therefore, the term Fire Marshal is replaced by Authorized City Official. Notice to the Mayor is not necessary as it is the responsibility of the City Administrator to provide direct oversight over the Utilities Department.

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28-25 Police to enforce observance of water regulations, to report leakages: This ordinance states that the Chief of Police shall report to the Mayor all water leaks and unnecessary uses of water, then cite violators and arrest them. The issues of water leakage are under the preview of the Public Utilities Director. Lastly, the ability to arrest a violator has been removed as a physical detention is not necessary.

28-24 Examination by city officers of pipes, manner of use, ect: This ordinance states that the Mayor or his duly authorized agent or the Chief of Police has the right to enter any premise to examine a premise and answer questions related to water use. The issues of water leakage have been delegated to other departments. Therefore, the enforcing party is the Authorized City Official.

28-27 Permission to turn on water which has been shut off.: This ordinance states that if a person's water is shut off, it can only be turned back on with written permission of the Mayor. The authority to turn water back on has been delegated to other Departments. The term Mayor has been replaced with Authorized City Official.

28-28 Limitation of use in case of scarcity: This ordinance allows the City Council to establish a policy for water conservation. The responsibility to enforce the policy is the Mayor's. The term Mayor is replaced with City Administrator as the City Administrator is responsible for the enforcement of policies set by Council. This Ordinance is also being amended by changing the penalty clause from ten dollars to an amount to be set by the Governing Body.

28-31 Meters – Installation: This ordinance permits the Mayor to allow two buildings to use one meter. This authority has been delegated to other Departments. The term Mayor has been replaced with Authorized City Official.

Attachments

Ordinance #2189 Memo

Ordinance #2189 (Clean Copy)

Ordinance #2189 (Redlined Copy)

Kerns & Bunting, LLC

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P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.672.5000

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Licensed in WY

May 31, 2019

City of Sheridan
Mayor and Council

RE: Overview of General Ordinance Changes

Dear Mayor and Council,

Included in your packed it Ordinance 2189. This Ordinance includes 28 proposed ordinance changes. These ordinance changes are being presented to you in order to ensure there are no contradictions between the City of Sheridan Ordinances and the City of Sheridan Charter Ordinance. None of the proposed changes are taking away or changing any Mayoral authority or power.

Please note that Ordinance 2189 is only to go into effect upon Charter Ordinance 2202 becoming effective.

To be Repealed:

Ordinance 1-9: This ordinance was passed in the 1950s and states that all powers of the City Manager are the powers of the Mayor. There are no provisions in the code which uses the term "City Manager". Therefore, this ordinance is no longer required.

To be Amended:

2-9.1 Appointment and removal of certain officials: This ordinance appoints the Mayor as the official who makes department head appointments. This was changed by Ordinance 2158 and if approved 2022. The amendment corrects this issue.

2-21 Policies and Procedures: This ordinance adopts the 1985 Comprehensive Policies and Procedure Plan. This policy has been replaced by Council with the adoption of other policies and therefore contradicts the policies currently being followed by the City. The amendment clarifies the issue and now states that the most recent policy and procedures adopted by the City Council shall be effective.

12-3 Fees for City Disposal Service – Service to nonresidents: This ordinance allows the City to set collection and service fees. The current ordinance states that the Mayor may set these fees with approval of the City Council. The proposed change removes the Mayor and replaces it with Authorized City Official. The disposal fees are not set or recommended by the Mayor but instead by a Department Head and then approved by the Governing Body.

12-4 Collection of Overdue Accounts – Correction, ect., of errors in accounts – Payment of Fees: This ordinance states that the Mayor has the authority to collect utility accounts, correct errors and begin legal proceedings to collect on any past due bill. This ordinance does not follow state statute as the state statue grants the power to collect and begin legal proceeding in the office of the Clerk. The proposed change replaces Mayor with Authorized City Official.

12-5 Duty of Department of public health and safety to effect garbage collection – collection days: This Ordinance authorizes the Mayor to pick up garbage. The proposed change will replace Mayor with Authorized City Official as the responsibility of the service resides with a Department Head.

12-13 Removal of unusual refuse; fee for use of disposal grounds: The ordinance states that the Mayor may allow the deposit of construction material or other unusual refuse in the City Landfill for a fee. This ordinance would replace the term Mayor with the Public Utilities Director. The establishment and waiver of fees are controlled by the budget and actions of the Utilities Director.

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If you have any questions, please let me know.

Best Regards,

Brendon E. Kerns

Ordinance _____

AN ORDINANCE ADDRESSING OUT OF DATE ORDINANCES BY REPEALING CHAPTER 1, AND AMENDING CHAPTERS 2, 12, 16, 17, 18, 22, AND 28 OF THE CITY OF SHERIDAN MUNICIPAL CODE, SPECIFICALLY;

WHEREAS, the City of Sheridan Ordinances contain provisions which are out of date or in conflict with each other;

WHEREAS, the City of Sheridan desires to ensure that the City of Sheridan ordinances are current and do not conflict with the City of Sheridan Charter Ordinance 2202;

WHEREAS, this Ordinance shall not be effective should Charter Ordinance 2202 not become effective.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

The following ordinance shall be repealed:

Ordinance 1-9: Duties of City Manager transferred to Mayor

The following ordinances shall be revised and amended as follows:

2-9.1 Appointment and Removal of Certain Officials

Department Heads, defined as the City Clerk, Treasurer, Engineer, Fire Chief, Police Chief, Public Works Director, Public Utility Director, and Human Resources Director, shall be recommended by the City Administrator to the Mayor who may appoint the official with the consent of the City Council. The removal of a Department Head shall be recommend by the City Administrator to the Mayor who may dismiss the Department Head with consent of City Council.

2-21 Policies and Procedures

The personnel policies and procedures may be set and adopted by resolution of the Governing Body and published in separate manual form.

12-3 Fees for City Disposal Service – Service to nonresidents

(a) The authorized City Official shall levy, charge and collect the service fees which may be established by the Governing Body by resolution and every place of abode and every place of business within the City shall pay such fees to the City, for the supervision and removal of ashes, garbage or refuse as defined herein or manifestly intended to be included within the purpose and scope of this chapter. Furthermore, the authorized City Official shall levy landfill fees which may be established by the Governing Body by resolution for the use of landfill services. Annually, the City of Sheridan Utilities Director and City Treasurer shall conduct a review of the fiscal condition of the solid waste fund to ensure that rates are adequate to meet projected expenditures. This review shall consist of developing or updating an established financial plan that considers a detailed analysis of the solid waste fund's projected revenues, operating and maintenance expenses and long-term capital expenditures necessary to sustain landfill operations and fund landfill post-closure responsibilities. The utilities director and City Treasurer shall hold a work session with the Governing Body to review the financial plan and subsequent fiscal condition of the fund. The work session shall be open to the public. Recommendations shall be made to the Governing Body on proposed rate adjustments at this work session.

12-4 Collection of Overdue Accounts – Correction, ect., of errors in accounts – Payment of Fees

The authorized City Official is to make collection of all accounts due and owing to the City by any person for fees levied under this chapter or any former ordinance which imposed a garbage collection service charge. The authorized City Official is hereby empowered to make adjustment and correction of any account rendered in error or otherwise untrue or incorrect. Any and all fees levied and charged as provided by this chapter shall be payable at the office of the City Treasurer and the authorized City Official is hereby authorized and directed to combine such charges with the water charges for the property in one total amount on one bill and to enforce payment of same in the same manner and at the same time as water payments are enforced. In cases where no other remedy is available under the provisions of this chapter to collect any unpaid account, the authorized City Official is empowered to institute a civil action in the name of the City, as plaintiff, against the debtor in any of the courts of this or any other state having jurisdiction where service of summons on the debtor can be made.

12-5 Duty of Department of Public Health and Safety to effect garbage collection – collection days.

The authorized City Official shall cause to be collected and removed from all property and premises within the City, all garbage, offal, refuse, ashes or other organic or inorganic substances, which are, or are known to be, or may be, detrimental to the public health and safety, except as otherwise provided in this chapter. It shall be the duty of the City, so long as the City is in the business of removing same, to be removed, at least once each week on a regular and specified day, except as otherwise provided in this chapter.

12-13 Removal of unusual refuse; fee for use of disposal grounds

(a) Unless special arrangement is made with the, Public Utilities Director for the removal of and the payment therefor, unusual refuse of the type and character listed hereafter, but not limited thereto, shall be promptly removed from the City by the owner or person responsible therefore.

(b) Discarded or unused materials resulting from the wrecking, construction or reconstruction of any structure or any portion thereof, or of any improvements or appurtenances appertaining to such structure or the premises upon which it is situated; unsanitary, explosive, inflammable, dangerous or obnoxious materials from factories, processing plants or other manufacturing, industrial or service enterprises; discarded vehicles or parts thereof, fixtures, furnishings, fallen trees or large limbs, billboard trash, night soil, manure, dead animals, and all other refuse of unusual character which cannot be readily picked up, collected and removed in the usual manner by the City's employees and equipment.

(c) Persons responsible for the removal of unusual refuse and nonresidents seeking to dispose of either normal or unusual refuse may deposit same in the refuse disposal grounds of the City upon the payment of such fees and shall be established by the schedule of fees and upon compliance with rules and regulations governing the operation of such refuse disposal grounds. The City is hereby authorized to devise an annual fee for the convenience of those authorized persons making regular use of the refuse disposal grounds; provided, that such annual fee shall be paid in advance and shall approximate the annual total amount of the fees which would ordinarily be collected singly.

12-14 Requirement for transportation garbage

All garbage which is authorized to be disposed of by an individual removal permit holder shall be transported in covered or closed containers and in a manner which will not permit the dropping or spilling of any garbage or other similar substance on or along any alley, public right-of-way, road, street or highway on the route or road to such place of removal, dump or other disposal place. The authorized City Official -shall revoke any such permits where such garbage or other substance is being removed in a negligent and careless manner, or so as to permit the

spilling or dropping of same on any alley, street, highway or other route of transportation and not in compliance with this chapter or any related ordinance.

13-11.1 Same – Enforcement; compliance of owner, etc.; notice

It shall be the duty of the authorized City Official to require compliance with sections 13-11 through 13-11.3. The owner, lessee, agent or occupant of any premises shall be held liable for such compliance; and if such person shall refuse or fail to destroy and remove any weeds upon any premises under his care and control, he or she shall be served with written notice requiring removal of such weeds within five (5) days from the receipt of such notice.

16-15 Authority to place and maintain traffic control devices

The authorized City Official shall place and maintain such traffic-control devices upon the streets and alleys of the City as they may deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn and guide traffic, provided that they will do so only with the knowledge and consent of the Governing Body unless placement of traffic-control devices are temporary or for emergency purposes.

16-33 Temporary Permit for Use of Parking Spaces

(a) Permit to Use for Public Displays. The authorized City Official, upon application therefor, may grant temporary permits for the use of parking spaces for public display purposes.

(b) Permit to Park Construction Equipment. The authorized City Official, upon application, may grant a permit for parking of construction equipment where necessary because of construction work on abutting property.

(c) Permit to Park During Conventions. The authorized City Official, upon application, may authorize temporary permits for the use of parking space during conventions.

(d) Posting No Parking or Limited Parking Signs. Where parking in any parking space is prohibited to facilitate the movement of traffic, or where the use of any parking space has been limited by issuance of a temporary permit, the authorized City Official shall conspicuously post a no-parking or limited-parking sign upon such parking space.

16-34 Permitted Parking

The authorized City Official is authorized to designate permitted parking spaces within the public parking lots, for which permits to park their vehicles may be issued to downtown

merchants and employees, and others with day-long downtown occupations, for terms of one year upon payment of an annual fee as may be set by the City Governing Body.

17-1 Administration

The cemetery grounds belonging to the City shall be known as the "Sheridan Municipal Cemetery," which shall be a part of the Municipal Park System, under the supervision the Director of Public Works, subject to such rules and regulations as shall be adopted by the Governing Body.

18-3 Enforcement

The City Police Officers and Community Service Officers shall have authority to enforce this Chapter. Upon probable cause to believe that a nuisance may be found, any person authorized by this section may enter upon or into any premises or building during daylight hours to make a thorough examination of such premises or building to determine if such nuisance does exist; provided, however, that except in emergency situations, or where consent has been obtained, entry upon residential property and nonpublic portions of commercial property, must be pursuant to a search warrant or a court order. The City representative initiating the enforcement action has the discretion to extend deadlines, if such extensions are deemed proper and necessary. Such extensions shall not constitute relief of responsibility to remove the nuisance.

18-4 Notice to abate nuisance

The City Police Officers or the authorized City Official, is authorized to serve notice of violation upon the owner or occupant, or responsible person, to remove any and all items deemed a nuisance from his or her property within fourteen (14) days from delivery of such notice, or three (3) days if the nuisance constitutes a public safety hazard. Service of the notice shall be attempted by registered mail or personal service, if the address of the individual or entity is known.

22-1 Duties generally of Chief of Police

The Chief of Police shall be a member of the Police Department of the City, and shall have charge thereof. The Chief shall see that the ordinances of the City are duly enforced. The Chief shall superintend and direct the activities of the police officers and other members of the Police Department; and shall prescribe such rules and regulations as may be necessary, subject to the

approval of the City Administrator. The Chief shall perform such other duties as required by law, the ordinances of the City, or by the City Administrator.

28-1 Connection – Charges

The authorized City Official shall levy, charge and collect connection fees, which shall be established by the Governing Body in resolution. The fees shall be adequate to cover the costs associated with providing the connection based upon the circumstances of that connection.

28-4.5 Same – Same –Water

The authorized City Official shall levy, charge and collect plant investment fees for water service connection, which shall be established by the Governing Body in resolution. The fees should be based upon the size and number of water meters proposed for installation.

28-4.6 Same-Same – Sewer

The authorized City Official -shall levy, charge and collect plant investment fees for sewer service connection, which shall be established by the Governing Body in resolution. The fees should be based upon the size and number of water meters proposed for installation.

28-7 Same – Rate schedules constitute part of contract

The ordinances and regulations fixing water rates shall be considered a part of the contract with every person that is supplied with water through the waterworks of the City, and every such person by taking water shall be considered and held to be bound thereby, and whenever any of them are violated, or authorized City Official may adopt, the water shall be cut off from the building or place of such violation, even though two (2) or more parties may receive water through the same pipe and shall not be let on again except by order of the authorized City Official and on payment of the expense of shutting it off and turning it on again, and after the cause of such suspension has been removed, and upon such other terms as the authorized City Official shall determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the–authorized City Official shall have the right to declare any payment for the water by the person committing such violation to be forfeited, and the same shall thereupon be forfeited.

28-9 Permission required for connection

Water will not be turned into any house or private service pipe except upon the order of the authorized City Official, nor until the applicant shall have paid the rent due for the current term. Plumbers are strictly prohibited from turning the water into any service pipe except on the order or permission of the authorized City Official. This rule shall not be construed to prevent any plumber from admitting water to test pipes and for that purpose.

28-18 Fire Connections

If proprietors of lumberyards, manufactories, halls, stores, elevators, warehouses or public buildings, regular consumers of water from the works, wish to lay large pipes with hydrants and hose couplings as approved by the authorized City Official pursuant to their authority per sections 10.401, 10.402 and 10.403 of the UFC to be used only in case of fire, they will be permitted to be connected to the street mains at their own expense, upon application to the city utility director, and will be allowed to use water for fire purposes only free of charge.

28-22 Excavations near pipes; putting impure substances, etc., in pipes.

It shall be unlawful for any person to make excavations on any street or highway within six (6) feet of any water pipe while the ground is frozen or dig up or uncover so as to expose to the frost, any water pipe of the City, except under direction of the authorized City Official, and it is hereby declared a misdemeanor for any person to place in, near or around any watering trough, or in any of the water pipes, mains or hydrants of the system of waterworks, any dirt, filth, impure substance whatsoever, or any substance or fluid which would render the water impure or unpalatable to persons or stock.

28-25 Public Utilities Director to enforce observance of water regulations, to report leakages

It shall be the duty of the Public Utilities Director to report to the City Administrator all cases of leakage, waste or unnecessary profusion in the use of water, and all violations of this Code or any other ordinances of the City pertaining to the waterworks that may be brought to their notice. They shall enforce the observance of this Code and such other ordinances of the City so far as possible.

28-24 Examination by City Officers of pipes, manner of use, etc.

Every person taking water supplied through the water system of the City shall permit the authorized City Official at all hours of the day to enter his premises to examine the hose, nozzle sprinklers, and the manner in which the water is used, and must at all times frankly and without concealment answer all questions relative to its use.

28-27 Permission to turn on water which has been shut off.

When the water has been turned off from any consumer, the consumer shall not turn it on, or permit it to be turned on, without the written consent of the authorized City Official.

28-31 Meters – Installation

From and after February 20, 1964, every separate building or use served with water from the City's waterworks system shall be required to have its separate meter, and the minimum quarterly charges hereinafter provided for the various types of customers shall be made for each building or use; provided, however, that the authorized City Official may, in their ~~his~~ discretion, by written order, permit water to be used in two (2) or more separate buildings on the premises owned by the same person through one meter, providing that a separate minimum charge as hereinafter provided shall be made for each of such separate buildings.

28-36 Incidental Water Rates and Charges

(a) Estimated charges. An estimated charge based on similar type of usage shall be charged as a minimum charge to any unmetered service where it may be impractical to install meters or meter boxes. An estimated charge based on prior years' consumption in the same period of the winter or a similar average of consumers shall be charged to metered users where, in the judgment of the City Utility Director, it is necessary to permit the user to run water during the winter season to prevent freezing.

28-28 Limitation of use in case of scarcity

(a) The Governing Body shall by resolution establish, adopt, and update a policy for the conservation of water from the municipal water system during periods of scarcity which shall limit or prohibit, as necessary, the use of water for particular purposes, or during particular days or hours.

(b) It is made the duty of the City to implement and enforce the provisions of said water conservation policy as established by said resolution when necessary in the judgment of the Director of Public Utilities.

(c) Notice of any limitation or prohibition of the use of water in case of scarcity, or of the discontinuance of such restriction may be given by one notice in the press and radio.

(d) Commencing at midnight following the publication of any notice restricting or prohibiting the use of water from the municipal water system for particular purposes or during particular days or hours, any person using such water for such purposes or during such days or hours shall be doing so in violation of this section and subject to a penalty surcharge in an amount set by the Governing Body for each day such violation shall continue.

28-37 Water service may be denied to applicants indebted for series previously rendered

The City Utility Director may decline to serve an applicant for water who is indebted to the City for service previously rendered to such applicant until the applicant pays in full the amount due for the service previously rendered, or until satisfactory arrangement is made with the City Utility Department for the payment thereof. The City Utility Department shall not be required to furnish water service to an applicant if it is clearly evident that such applicant is attempting to obtain water service for a party who is indebted to the City Utility Department for service previously rendered, and if such fraud in obtaining service shall be detected after service has been connected, the City Utility Department may discontinue such service; provided, however, that in the event the indebtedness for service rendered at a former location is in dispute, the applicant shall be served upon complying with deposit requirement, and in addition thereto, making a special deposit in an amount equal to the net balance in dispute. Upon settlement of disputed account, the balance, if any, due the applicant shall be promptly repaid, together with accrued interest at the rate of ten percent (10%) per annum.

WHEREUPON, a motion was passed and the Ordinance declared adopted this _____ day of _____, 2019.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST: _____
City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE _____ DAY OF _____, 2019.

Ordinance _____

AN ORDINANCE ADDRESSING OUT OF DATE ORDINANCES BY REPEALING CHAPTER 1, AND AMENDING CHAPTERS 2, 12, 16, 17, 18, 22, AND 28 OF THE CITY OF SHERIDAN MUNICIPAL CODE, SPECIFICALLY;

WHEREAS, the City of Sheridan Ordinances contain provisions which are out of date or in conflict with each other;

WHEREAS, the City of Sheridan desires to ensure that the City of Sheridan ordinances are current and do not conflict with the City of Sheridan Charter Ordinance 2202;

WHEREAS, this Ordinance shall not be effective should Charter Ordinance 2202 not become effective.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

The following ordinance shall be repealed:

Ordinance 1-9: Duties of City Manager transferred to Mayor

The following ordinances shall be revised and amended as follows:

2-9.1 Appointment and removal of certain officials

Department Heads, defined as the~~The~~ C~~c~~ity C~~c~~lerk, T~~t~~reasurer,~~ attorney~~, E~~e~~ngineer, F~~f~~ire C~~c~~hief, P~~p~~olice C~~c~~hief, P~~p~~ublic W~~w~~orks D~~d~~irector, P~~p~~ublic U~~u~~tility D~~d~~irector, ~~municipal court justice~~, and H~~h~~uma~~n~~ R~~r~~esources D~~d~~irector, , ~~s~~hall be~~ appointed~~ recommended by the ~~by the mayor~~ City Administrator to the Mayor who may appoint the official with the consent of the City Council. ~~, and~~The removal of a Department Head shall be recommend by the City Administrator to the Mayor who may ~~be removed by the~~ ~~mayor~~dismiss the Department Head with consent of City Council.

2-21 Policies and Procedures

The personnel policies and procedures may be set and ~~previously set forth in the repealed sections 2-21 through 2-67 under the title of "Personnel Ordinance of the City of Sheridan, Wyoming," have been replaced by the provisions of the "Comprehensive Policies and Procedures Plan"~~ adopted by resolution of the ~~C~~city C~~c~~ouncilGoverning Body ~~on June 10, 1985~~, and published in separate manual form.

12-3 Fees for City Disposal Service – Service to nonresidents

(a) The authorized City Official ~~mayor~~ shall levy, charge and collect the service fees which may be established by the ~~Cc~~ity ~~Ccouncil~~Governing Body by resolution and every place of abode and every place of business within the C~~c~~ity shall pay such fees to the C~~c~~ity, for the supervision and removal of ashes, garbage or refuse as defined herein or manifestly intended to be included within the purpose and scope of this chapter. Furthermore, the authorized City Official ~~mayor~~ shall levy landfill fees which may be established by the ~~Cc~~ity ~~Ccouncil~~Governing Body by resolution for the use of landfill services. Annually, the C~~c~~ity of Sheridan U~~u~~tilities D~~d~~irector and C~~c~~ity T~~t~~reasurer shall conduct a review of the fiscal condition of the solid waste fund to ensure that rates are adequate to meet projected expenditures. This review shall consist of developing or updating an established financial plan that considers a detailed analysis of the solid waste fund's projected revenues, operating and maintenance expenses and long-term capital expenditures necessary to sustain landfill operations and fund landfill post-closure responsibilities. The utilities director and C~~c~~ity T~~t~~reasurer shall hold a work session with the ~~Cc~~ity ~~Ccouncil~~Governing Body to review the financial plan and subsequent fiscal condition of the fund. The work session shall be open to the public. Recommendations shall be made to the ~~Cc~~ity ~~Ccouncil~~Governing Body on proposed rate adjustments at this work session.

12-4 Collection of Overdue Accounts – Correction, ect., of errors in accounts – Payment of Fees

The ~~mayor is hereby empowered~~ authorized City Official is to make collection of all accounts due and owing to the ~~Cc~~ity~~C~~ity by any person for fees levied under this chapter or any former ordinance which imposed a garbage collection service charge. The ~~mayor~~ authorized City Official is hereby empowered to make adjustment and correction of any account rendered in error or otherwise untrue or incorrect. Any and all fees levied and charged as provided by this chapter shall be payable at the office of the C~~c~~ity T~~t~~reasurer and the ~~mayor~~ authorized City Official is hereby authorized and directed to combine such charges with the water charges for the property in one total amount on one bill and to enforce payment of same in the same manner and at the same time as water payments are enforced. In cases where no other remedy is available under the provisions of this chapter to collect any unpaid account, the ~~mayor~~ authorized City Official is ~~hereby authorized and~~ empowered to institute a civil action in the name of the C~~c~~ity, as plaintiff, against the debtor in any of the courts of this or any other state have~~e~~ing jurisdiction where service of summons on the debtor can be made.

12-5 Duty of Department of P~~p~~ublic H~~h~~ealth and S~~s~~afety to effect garbage collection – collection days.

The ~~mayor~~ authorized City Official shall cause to be collected and removed from all property and premises within the C~~c~~ity, all garbage, offal, refuse, ashes or other organic or inorganic substances, which are, or are known to be, or may be, detrimental to the public health and safety, except as otherwise provided in this chapter. It shall be the duty of the City ~~mayor~~, so long as the C~~c~~ity is in the business of removing same, to be removed, at least once each week on a regular and specified day, except as otherwise provided in this chapter.

12-13 Removal of unusual refuse; fee for use of disposal grounds

(a) Unless special arrangement is made with the ~~mayor, or his or her agent~~, Public Utilities Director for the removal of and the payment therefor, unusual refuse of the type and character listed hereafter, but not limited thereto, shall be promptly removed from the C~~c~~ity by the owner or person responsible therefore.~~:~~

(b) ~~D~~Discarded or unused materials resulting from the wrecking, construction or reconstruction of any structure or any portion thereof, or of any improvements or appurtenances appertaining to such structure or the premises upon which it is situated; unsanitary, explosive, inflammable, dangerous or obnoxious materials from factories, processing plants or other manufacturing, industrial or service enterprises; discarded vehicles or parts thereof, fixtures, furnishings, fallen trees or large limbs, billboard trash, night soil, manure, dead animals, and all other refuse of unusual character which cannot be readily picked up, collected and removed in the usual manner by the C~~c~~ity's employees and equipment.

(c) ~~P~~Persons responsible for the removal of unusual refuse and nonresidents seeking to dispose of either normal or unusual refuse may deposit same in the refuse disposal grounds of the C~~c~~ity upon the payment of such fees and shall be established by the schedule of fees and upon compliance with rules and regulations governing the operation of such refuse disposal grounds. The City ~~mayor~~ is hereby authorized to devise an annual fee for the convenience of those authorized persons making regular use of the refuse disposal grounds; provided, that such annual fee shall be paid in advance and shall approximate the annual total amount of the fees which would ordinarily be collected singly.

12-14 Requirement for transportation garbage

All garbage which is authorized to be disposed of by an individual removal permit holder shall be transported in covered or closed containers and in a manner which will not permit the dropping or spilling of any garbage or other similar substance on or along any alley, public right-of-way, road, street or highway on the route or road to such place of removal, dump or other disposal place. The authorized City Official ~~mayor~~ shall revoke any such permits where such garbage or other substance is being removed in a negligent and careless manner, or so as to permit the spilling or dropping of same on any alley, street, highway or other route of transportation and not in compliance with this chapter or any related ordinance.

13-11.1 Same – Enforcement; compliance of owner, etc.; notice

It shall be the duty of the ~~mayor or designee~~ authorized City Official to require compliance with sections 13-11 through 13-11.3. The owner, lessee, agent or occupant of any premises shall be held liable for such compliance; and if such person shall refuse or fail to destroy and remove any weeds upon any premises under his care and control, he or she shall be served with written notice requiring removal of such weeds within five (5) days from the receipt of such notice.

16-15 ~~Duty of Mayor to place and Maintain~~ Authority to place and maintain traffic control devices

The ~~mayor~~ authorized City Official shall place and maintain such traffic-control devices upon the streets and alleys of the C~~c~~ity as ~~he~~ they may deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn and guide traffic, provided that they will do so only with the knowledge and consent of the ~~C~~city ~~council~~Governing Body unless placement of traffic-control devices are temporary or for emergency purposes.

16-33 Temporary Permit for Use of Parking Spaces

(a) Permit to Use for Public Displays. The authorized City Official ~~mayor~~, upon application therefor, may grant temporary permits for the use of parking spaces for public display purposes.

(b) Permit to Park Construction Equipment. The authorized City Official ~~mayor~~, upon application, may grant a permit for parking of construction equipment where necessary because of construction work on abutting property.

(c) Permit to Park During Conventions. The authorized City Official ~~mayor~~, upon application ~~by the manager of the Sheridan Chamber of Commerce~~, may authorize temporary permits for the use of parking space during conventions.

(d) Posting No Parking or Limited Parking Signs. Where parking in any parking space is prohibited to facilitate the movement of traffic, or where the use of any parking space has been limited by issuance of a temporary permit, the authorized City Official ~~mayor~~ shall conspicuously post a no-parking or limited-parking sign upon such parking space.

16-34 Permitted Parking

The authorized City Official ~~mayor~~ is authorized to designate permitted parking spaces within the public parking lots, for which permits to park their vehicles may be issued to downtown

merchants and employees, and others with day-long downtown occupations, for terms of one year upon payment of an annual fee ~~of one hundred twenty dollars~~ as may be set by the City Governing Body.

17-1 Administration

The cemetery grounds belonging to the C~~c~~ity shall be known as the "Sheridan Municipal Cemetery," which shall be a part of the M~~m~~unicipal P~~p~~ark S~~s~~ystem, under the supervision ~~of the mayor and~~ the D~~d~~irector of P~~p~~ublic W~~w~~orks, subject to such rules and regulations as shall be adopted by the ~~Cceity Cceouncil~~Governing Body.

18-3 Enforcement

The C~~c~~ity P~~p~~olice O~~o~~fficers ~~and the mayor or authorized designees City Official~~ and Community Service Officers shall have authority to enforce this Chapter. Upon ~~reasonable~~ probable cause to believe that a nuisance may be found, any person authorized by this section may enter upon or into any premises or building during daylight hours to make a thorough examination of such premises or building to determine if such nuisance does exist; provided, however, that except in emergency situations, or where consent has been obtained, entry upon residential property and nonpublic portions of commercial property, must be pursuant to a search warrant or a court order. The C~~c~~ity representative initiating the enforcement action has the discretion to extend deadlines, if such extensions are deemed proper and necessary. Such extensions shall not constitute relief of responsibility to remove the nuisance.

18-4 Notice to abate nuisance

The C~~c~~ity P~~p~~olice O~~o~~fficers or the authorized City Official ~~mayor or designee~~, is authorized to serve notice of violation upon the owner or occupant, or responsible person, to remove any and all items deemed a nuisance from his or her property within fourteen (14) days from delivery of such notice, or three (3) days if the nuisance constitutes a public safety hazard. Service of the notice shall be attempted by registered mail or personal service, if the address of the individual or entity is known.

22-1 Duties generally of Chief of police

The C~~c~~hief of P~~p~~olice shall be a member of the P~~p~~olice D~~d~~epartment of the C~~c~~ity, and shall have charge thereof. ~~He~~ The Chief shall see that the ordinances of the C~~c~~ity are duly enforced. ~~He~~ The Chief shall superintend and direct the activities of the policemen and other members of the

Ppolice Ddepartment; and shall prescribe such rules and regulations ~~for their government~~ as may be necessary, subject to the approval of the City Administrator ~~mayor~~. ~~He~~ The ~~shall~~Chief shall perform such other duties as required by law, the ordinances of the C~~c~~ity, or by the City Administrator ~~mayor~~.

28-1 Connection – Charges

The authorized City Official ~~mayor~~ shall levy, charge and collect connection fees, which shall be established by the ~~Ccity Ccouncil~~Governing Body in resolution. The fees shall be adequate to cover the costs associated with providing the connection based upon the circumstances of that connection.

28-4.5 Same – Same –Water

The authorized City Official ~~mayor~~ shall levy, charge and collect plant investment fees for water service connection, which shall be established by the ~~Ccity Ccouncil~~Governing Body in resolution. The fees should be based upon the size and number of water meters proposed for installation.

28-4.6 Same-Same – Sewer

The authorized City Official ~~mayor~~ shall levy, charge and collect plant investment fees for sewer service connection, which shall be established by the ~~Ccity Ccouncil~~Governing Body in resolution. The fees should be based upon the size and number of water meters proposed for installation.

28-7 Same – Rate schedules constitute part of contract

The ordinances and regulations fixing water rates shall be considered a part of the contract with every person that is supplied with water through the waterworks of the C~~c~~ity, and every such person by taking water shall be considered and held to be bound thereby, and whenever any of them are violated, or ~~such others as the mayor~~ authorized City Official may adopt, the water shall be cut off from the building or place of such violation, even though two (2) or more parties may receive water through the same pipe and shall not be let on again except by order of the ~~mayor~~ authorized City Official and on payment of the expense of shutting it off and turning it on again, and after the cause of such suspension has been removed, and upon such other terms as the ~~mayor~~ authorized City Official shall determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the ~~mayor~~

authorized City Official shall have the right to declare any payment for the water by the person committing such violation to be forfeited, and the same shall thereupon be forfeited.

28-9 Permission required for connection

Water will not be turned into any house or private service pipe except upon the order of the ~~mayor~~ authorized City Official ~~or his duly authorized agent,~~ nor until the applicant shall have paid the rent due for the current term. Plumbers are strictly prohibited from turning the water into any service pipe except on the order or permission of the ~~mayor~~ authorized City Official ~~or his duly authorized agent~~. This rule shall not be construed to prevent any plumber from admitting water to test pipes and for that purpose.

28-18 Fire Connections

If proprietors of lumberyards, manufactories, halls, stores, elevators, warehouses or public buildings, regular consumers of water from the works, wish to lay large pipes with hydrants and hose couplings as approved by the ~~fire marshal~~ authorized City Official pursuant to ~~his~~ thier authority per sections 10.401, 10.402 and 10.403 of the UFC to be used only in case of fire, they will be permitted to be connected to the street mains at their own expense, upon application to the city utility director ~~and notice to the mayor~~, and will be allowed to use water for fire purposes only free of charge.

28-22 Excavations near pipes; putting impure substances, etc., in pipes.

It shall be unlawful for any person to make excavations on any street or highway within six (6) feet of any water pipe while the ground is frozen or dig up or uncover so as to expose to the frost, any water pipe of the C~~e~~ity, except under direction of the ~~mayor~~ authorized City Official, and it is hereby declared a misdemeanor for any person to place in, near or around any watering trough, or in any of the water pipes, mains or hydrants of the system of waterworks, any dirt, filth, impure substance whatsoever, or any substance or fluid which would render the water impure or unpalatable to persons or stock.

28-25 Police to enforce observance of water regulations, to report leakages

It shall be the duty of the ~~chief of police or police~~ Public Utilities Director to report to the City Administrator ~~mayor~~ all cases of leakage, waste or unnecessary profusion in the use of water, and all violations of this Code or any other ordinances of the C~~e~~ity pertaining to the waterworks

that may be brought to their notice. They shall enforce the observance of this Code and such other ordinances of the Ceity so far as possible. ~~and arrest all persons seen violating the same.~~

28-24 Examination by Ceity Oofficers of pipes, manner of use, ect

Every person taking water supplied through the water system of the Ceity shall permit the authorized City Official ~~mayor or his duly authorized agent, or the chief of police or any policeman of the city~~, at all hours of the day to enter his premises to examine the hose, nozzle sprinklers, and the manner in which the water is used, and must at all times frankly and without concealment answer all questions relative to its use.

28-27 Permission to turn on water which has been shut off.

When the water has been turned off from any consumer, the consumer shall not turn it on, or permit it to be turned on, without the written consent of the authorized City Official ~~mayor~~.

28-31 Meters – Installation

From and after February 20, 1964, every separate building or use served with water from the Ceity's waterworks system shall be required to have its separate meter, and the minimum quarterly charges hereinafter provided for the various types of customers shall be made for each building or use; provided, however, that the authorized City Official ~~mayor~~ may, in their ~~his~~ discretion, by written order, permit water to be used in two (2) or more separate buildings on the premises owned by the same person through one meter, providing that a separate minimum charge as hereinafter provided shall be made for each of such separate buildings.

28-36 Incidental Water Rates and Charges

(a) Estimated charges. An estimated charge based on similar type of usage shall be charged as a minimum charge to any unmetered service where it may be impractical to install meters or meter boxes. An estimated charge based on prior years' consumption in the same period of the winter or a similar average of consumers shall be charged to metered users where, in the judgment of the Ceity Uutility Ddirector ~~and notification to the mayor~~, it is necessary to permit the user to run water during the winter season to prevent freezing.

28-28 Limitation of use in case of scarcity

(a) The ~~City Council~~Governing Body shall by resolution establish, adopt, and update a policy for the conservation of water from the municipal water system during periods of scarcity which shall limit or prohibit, as necessary, the use of water for particular purposes, or during particular days or hours.

(b) ~~It~~ is made the duty of the City to implement and enforce the provisions of said water conservation policy as established by said resolution when necessary in the judgment of ~~himself and~~ the ~~Dd~~irector of ~~Pp~~ublic ~~Uu~~tilities.

(c) ~~—~~Notice of any limitation or prohibition of the use of water in case of scarcity, or of the discontinuance of such restriction may be given by one notice in the press and radio.

(d) ~~C~~ommencing at ~~twelve~~ midnight following the publication of any notice restricting or prohibiting the use of water from the municipal water system for particular purposes or during particular days or hours, any person using such water for such purposes or during such days or hours shall be doing so in violation of this section and subject to a penalty surcharge ~~of ten dollars~~ in an amount set by the ~~City Council~~Governing Body for each day such violation shall continue.

28-37 Water service may be denied to applicants indebted for series previously rendered

The ~~C~~city ~~Uu~~tility ~~Dd~~irector ~~with notice to the mayor~~ may decline to serve an applicant for water who is indebted to the ~~C~~city for service previously rendered to such applicant until the applicant pays in full the amount due for the service previously rendered, or until satisfactory arrangement is made with the ~~C~~city ~~Uu~~tility ~~Dd~~epartment for the payment thereof. The ~~C~~city ~~Uu~~tility ~~Dd~~epartment shall not be required to furnish water service to an applicant if it is clearly evident that such applicant is attempting to obtain water service for a party who is indebted to the ~~C~~city ~~Uu~~tility ~~Dd~~epartment for service previously rendered, and if such fraud in obtaining service shall be detected after service has been connected, the ~~C~~city ~~Uu~~tility ~~Dd~~epartment may discontinue such service; provided, however, that in the event the indebtedness for service rendered at a former location is in dispute, the applicant shall be served upon complying with deposit requirement, and in addition thereto, making a special deposit in an amount equal to the net balance in dispute. Upon settlement of disputed account, the balance, if any, due the applicant shall be promptly repaid, together with accrued interest at the rate of ten percent (10%) per annum.

WHEREUPON, a motion was passed and the Ordinance declared adopted this_____day of _____, 201~~8~~.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST:

_____

City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED:

EFFECTIVE THE_____DAY OF_____, 2019~~8~~.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Clerk

MEMORANDUM

Project Name:	Minutes of Regular Council Meeting May 20th, 2019
From:	Cecilia Good, City Clerk
To:	Mayor and Council
CC:	City Administrator Mark Collins
Date:	05/30/2019

Attachments

Minutes of Regular Council Meeting 05-20-19

CITY OF SHERIDAN, WYOMING

MINUTES OF REGULAR COUNCIL MEETING

COUNCIL CHAMBERS **7:00 P.M.** **May 20th, 2019**

1. Mayor Roger Miller called the meeting to order at 7:01 P.M.

2. The Pledge of Allegiance to the Flag was led by Mayor Roger Miller.

3. The invocation was given by Joe Glover with Mountain Alliance Church.

4. The meeting was called to order with a quorum as follows: Mayor Roger Miller presiding with Council President Clint Beaver, Council Vice President Thayer Shafer, Councilor Jacob Martin, Councilor Patrick Henderson, Councilor Richard Bridger and Councilor Aaron Linden. Members of staff present included City Treasurer Karen Burtis, City Clerk Cecilia Good, Public Works Director Lane Thompson, Fire Chief Gary Harnish, Community Development Director Brian Craig and various other City staff.

5. Councilor Linden moved, seconded by Councilor Shafer, to approve the Agenda. Council approved the motion for the agenda: voice vote; unanimous.

6. Public Hearings

A. Mayor Miller opened a Public Hearing at 7:04 PM for Resolution #18-19 for Caramel Estates Minor Subdivision. Community Development Director Brian Craig presented an update to Council. The Public Hearing was closed at 7:07 PM.

i. Councilor Henderson moved, seconded by Councilor Linden, for the Approval of the Resolution #18-19 for Caramel Estates Minor Subdivision. Council approved the motion: voice vote: unanimous.

B. Mayor Miller opened a Public Hearing at 7:07 PM for Resolution #19-19 for Haskett County Subdivision. Community Development Director Brian Craig presented an update to Council. The Public Hearing was closed at 7:10 PM.

i. Councilor Shafer moved, seconded by Councilor Martin, for the Approval of the Resolution #19-19 for Haskett County Subdivision. Council approved the motion: voice vote: unanimous.

C. Mayor Miller opened a Public Hearing at 7:10 PM for Restaurant Liquor License #6 - La Herradura LLC. City Clerk Cecilia Good presented an update to Council. The Public Hearing was closed at 7:11 PM.

i. Councilor Bridger moved, seconded by Councilor Linden, for the Approval of the Restaurant Liquor License #6 - La Herradura LLC. Council approved the motion: voice vote: unanimous.

7. Mayor Roger Miller then read aloud the consent items:

A. Minutes of Regular Council Meeting May 6th 2019.

B. Minutes of Special Council Meeting May 13th, 2019

C. Claims

Claims 05-21-19

Vendor Name	Description	Total
A Plus Plumbers & Appliance Repair	fountain/sink install - CSC	2,664.80
Ace Hardware-Newkirk	Hammer, nuts/bolts/screws, tape, bulbs, tarp	132.14
ACT Communications	Telephone and Internet	203.44
Advance Fence	8 foot gate	150.00
Aero-Graphics, Inc.	2019 GIS Orthophotography	10,930.00

AlphaGraphics of Wyoming	Poster for Visitor Center/sell sheets/social media	2,527.15
American Maid	April cleaning	850.00
American Welding & Gas, Inc.	lock nut wrench, wire wheel/hole saw, safety glasses	407.10
Arete Design Group	Gould Street (103) Bldg Assessment	10,839.25
Axis Forensic Toxicology, Inc	Lab Results - 19P002810	320.00
B&B Leasing Company	Copier leases	528.04
Babe's Flowers	Flowers for dispatch week	60.00
Ben Hawkins	Per diem to Billings - REID Training	192.50
Bentley Systems	FlowMaster/WaterGems Software Subscription	990.75
Bino's Wholesale, LLC	Bulk Cleaning Supplies for station Inv 22033 GN	495.72
Bloedorn Lumber	toilet - CSC	104.99
Brian James Golf Professional LLC	Golf Professional Service June 2019	6,700.00
Brian's Boot & Shoe	Steel-toed work boots for C. Sims	141.70
Buffalo Bulletin	SPAC Display 4/18 Publication Page Sage Community	472.50
Buffalo Theater LLC	Fly Sheridan Marketing	360.00
Burns & Mc Donnell	City Council preparation on recycling	7,321.00
Carquest Auto Parts	oil/air filters/battery terminals/antifreeze	1,245.17
Cathy Dennis	Deposit Refund/1635 N Main St.	24.70
CED- Consolidated Electrical Distributers Inc.	decorative lights - Signs	788.51
Charter Communications, Inc.	Monthly Bill	14.83
Christie Lee	Travel Exp Reimbursement for CS Cust Week, C. Lee	141.70
Comtronix	Alarm service	273.75
Country Bounty	Spring Clean Up Ad 04/23/19 & 04/30/19	1,039.40
Crescent Electric	vinyl tape, breaker and seals	80.41
CROWBO, LLC	Deposit Refund/902 N Main St.	35.01
Cummins Rocky Mountain	pressure sensor unit 3.1- Fire	63.90
Current Electric LLC	Heater replacement, 3rd & Sheridan	1,983.65
D&L Supply Co, Inc.	2 inch hood to waterway - Storm water	944.00
Dalton Johnson	Deposit Refund/378 W Burkitt St.	27.53
Dana Kepner Company	Taper threads, brass saddle	1,872.00
Darin Dickinson	Deposit Refund/1439 Holloway Ave.	59.41
Dowl	Sheridan N End Water & Sewer/E 5th St Corridor	34,537.04
DPC Industries, Inc.	Demurrage/rental fee for 1 tank chlorine	50.00
Dustbusters Inc	140.50 tons of ice kicker - SR	17,211.27
DXP Enterprises, Inc.	Air monitor O2 sensor	200.28
Ed Hammer Inc	repair shifter unit 2.71- BG	415.55
EMH Pro Cleaning	April Janitorial	1,450.00
Empathia, Inc	EAP Program	934.50
Employ, LLC	Temporary Labor - Cemetery	3,220.48
Energy Laboratories, Inc	TOC analysis 4/2/2019 WO# C19040173	168.00
Farmers Co-op Oil Co.	Fuel Delivery	15,383.35
Fastenal Company	parts and supplies	3,383.89
Flood Marketing, LLC	Video Recording Services - April 2019	1,500.00
Frontier Asset Management, LLC	Fluoride Survey Tabulation & Presentation Fee	1,000.00
Gabriel Legler	Reimbursement meals per diem Cody Fire School May 3-5-2019	177.50
Galls, LLC	Duty Gloves - Koltiska	40.81
Gary Harnish	Reimbursement fuel-RSprings-WY 5-13-2019	20.25
Glenn Manry	Reimbursement G. Manry for Purch of Treasurer`s Laptop	1,255.97
Granite Peak Pump Service	Pump Repair @ B Goose for Golf Course Irrigation	10,616.28
Guardian Tracking, LLC	Yearly Subscription	1,175.00
Hawkins Inc	chemicals	2,932.50
Heartland Kubota, LLC	Starter for tractor	263.82
Heartsmart.com	AED`s	6,720.00
Heather Doke	Ignite Registration	355.00
Hill Enterprises West, LLC	SPAC Purchase of Sculpture - Fore by Two	4,250.00
InfoSend, Inc.	Billing Statements & Postage - April 2019	4,585.47
Inter-Mountain Laboratories Inc	DNISD & City bacteria analysis, E.Coli analysis	1,370.00
Jack's Truck & Equipment	gasket unit 3.10 WC, brake slack adjuster/drum	376.57
John Deere Financial #1111308145	supplies and parts	831.80
Julie Jackson	Deposit Refund/2072 Bungalow Village Ln	27.59
Kara Michelena	Deposit Refund/121 W 4th St.	19.17
Kerns Law Office, LLC	Legal Services for April 2019	19,845.00
Kilpatrick Creations Inc.	Shirts & Bags for 2019 Community Clean Up	1,921.29
Knecht Home Center	Garage door rails (10)	574.48
Kristy Shepperson	Deposit Refund/238 W 15th St.	8.84

KXK Construction	Curb replacement - concrete repair	6,250.00
L J Wright Ironworks & Design, Inc.	line vacuum chute for sweeper unit 4.42- ST	336.27
L L Johnson Distributing Company	mower blades - Park Unit 4.9	382.34
Lannan's Supply	marking paint, flags, signs - ST	267.96
Laura Dalles	Deposit Refund/405 Smith St.	18.41
Leather Crafters & Saddlers Journal	FP Color Ad - May, June issue	1,325.00
Lincare Inc	EMS 02 bottles for ambulances KJohnson	140.00
LN Curtis & Sons	New Fire Hose and Nozzles for station GJ	6,139.91
Mac's Moving Acquisition, Inc	Move items for Carpet Installation City Hall	100.00
Madden Media	SEM Package - April/Wyoming spring insert	9,275.63
MAP, LLC	Contractual Services	2,174.63
Mark Dziewior	SPAC Sculpture Purchase - Unbreakable Bond	13,500.00
Mark Galloway	Reimbursement meals per diem Cody Fire School May 3-5-2019	177.50
Mary Jane Collins	Uniform alterations for firefighters Inv 476993-94	270.00
Monnit Corp	Cellular Data Plan for Compost Monitoring	20.00
Morrison-Maierle, Inc.	N Sheridan Interchange -Utility & Enhance #4729	5,853.00
Morton Salt, Inc	1 truckload salt, 25 tons	5,131.37
Mullinax Concrete Service & Irrigation	276.33 tons washed sand for hot plant	6,902.26
Napa Auto Parts	parts and supplies	2,014.13
Norco, Inc	supplies	2,064.43
Northern Wyoming Community College	SEEDA Administrator Contribution - March 2019	3,173.68
Office Shop Inc	Contract Period-0401-04.30.19-usage/ovrg	111.27
One-Call of Wyoming	Tickets for April CDC Code CSH	312.75
Peak Pest Solutions LLC	Monthly service- BGWTP & Intake	210.00
Peaks to Plains Design, PC	Parks & Recreation Update 2018	11,812.60
Pete & Debra May	Golf Pass Refund/Senior Couple	536.75
Plains Tire & Battery	tire repair, tires, alignment, serpentine belt	1,909.10
Post and Associates	pre-employment exam and protocols - Largent	400.00
Powder River Heating & Air Conditioning, Inc	Fabricated roof cap- labor and sheet metal	324.92
Powder River Power Co	supplies	1,030.29
Prime Rate Motors	2017 Dodge Ram 1500 SLT	26,970.00
Public Safety Center, Inc.	Exam gloves for lab	209.99
Qwick Kurb, Inc	yellow sheeting, pavement anchors, black arcs - sig	2,875.73
Randall Engineering Surveys	Survey to Determine Elevation of Settlement Points	1,370.00
Rapid Fire Protection, Inc.	Backflow repair	460.00
Rhonda M Gould	Sew patches on shirt for Ringley	7.50
Richard Urbatchka	Hikes in the Bighorns Maps	310.00
Ricoh USA, Inc.	May Copier Charges	473.35
Ridgepoint Consulting, LLC	R&O for 2019 Pavement Maintenance #4701	9,515.00
Ronnie Block	Deposit Refund/5071 Coffeen Ave.	16.87
Servall Uniform and Linen, Inc	April rug cleaning	427.64
Seth Shumaker	Attorney Fees for April 2019	70.00
Sheridan Commercial Co.	supplies	749.89
Sheridan Econ-O-Wash	Uniform laundering	200.00
Sheridan Media	Fly Sheridan Marketing	235.00
Sheridan Motor Inc	parts and repairs/2 Dodge chargers	52,309.10
Sheridan Newspapers Inc	Ads	3,451.38
Sheridan Seed Co., Inc.	50lbs tough lawn	210.00
Sheridan Transportation Taxi	April Safe Rides	2,335.00
Source Office & Technology	Office supplies	1,485.47
State of WY - Judicial Systems Automation Acct	Court Automation Fund 04.2019	3,810.00
State of Wyoming	4MG Tank #4502 - Accrued Interest DWSRF #165	43,543.08
Steve's Truck Service Inc	Parts and repairs	7,691.78
Swagit Productions, LLC	Video Streaming Services - April 2019	1,295.00
Tara Riedesel	Deposit Refund/440 W Brundage St.	9.73
The Brinton Museum	Rental of the Brinton Museum (WAM conference)	2,902.50
The Lamar Companies	Billboards	3,337.00
Thomas J Klepperich	Arraignments - April 2019	3,200.00
Tire Rama	trailer tires unit 5.64 ST, mount 2 tires ST unit	2,007.10
Titan Machinery Inc.	chute lining unit 4.92 ST	301.51
TNFF 14 Inc.	New Fly Fisher Episode	4,000.00
Tongue River Stone	tons of chips for hot plant	1,669.55
Top Office Products Inc	42 inch lateral file cabinet for records office	777.90
Toter LLC	96 gallon trash carts - quantity 70	3,892.28
Transaction Warehouse, Inc	Web Payment Transaction Fee, Apr 2019	2,680.20

Travis Zeilstra	Deposit Refund/308 1st W Parkway	22.55
U.S. Armor Corporation	Duty Vest for Stallions	814.25
USA Blue Book	high torque root cutter kit - Storm	2,033.79
Valley Motor Honda	o, ring, fuel tank joint, cap Unit 4.74- ST	23.16
Victim Services	Crime Victims Fund 04.2019	935.00
Visionary Communications	BG & Intake: Internet for April and May	400.90
Visit.Com Inc.	Monthly Support Fee - March	300.00
VRM	500 hr. Service on CAT 826 Landfill Compactor/recycling bale	1,150.00
WAM	2019 WAM Summer Convention Registration CG & EB	435.00
Wastequip Manufacturing, LLC	2 yard trash containers - quantity 10	5,921.00
Way Oil Inc	Oil	2,755.05
Wayne Coleman Construction, Inc.	Retainage Release for 2019 Crushing Project	5,185.99
Wells Fargo Bank-CC	Credit card charges for April 2019	34,820.13
Western Emulsions, Inc.	1.86 tn - CRS-2 oil - durapatcher - st	855.60
William Ford	Balance Refund/338 Adkins Ave.	2,583.90
Winsupply of Sheridan Wy Co	Ball valves, PVC unions, rubber gaskets	1,699.98
Wyoming Audiology & Hearing	Hearing test UM	288.00
Wyoming Department of Workforce Services	Unemployment Insurance for 1st Qtr - 2019	2,124.54
Wyoming Electric, Inc.	New Switch for Recycling Belt	474.00
Wyoming Machinery Co	Parts for Unit 4-82	1,287.97
Wyoming Public Media-KUWR	Radio Advertising April	1,220.00
Wyoming Rents, LLC	Pumps and hoses rental	517.00
Xerox Corporation	Xerox lease and copies - April	157.24
Yonkee & Toner, LLP	Legal Services for April 2019	200.00
Zowada Recycling & Steel, LLC	flat bar unit 3.90- ST, 3/16 flat bar -supplies-ST	41.60
Grand Total:		**525,017.15**

Prepaids 05-03-19

Vendor Name	Description	Total
CenturyLink Communications, LLC	SCADA Lines and Extensions	492.27
Dick Anderson Construction Inc.	Weatherby Building Construction - #5315	423,960.65
Law Office of Rex O. Arney	Public Records Act review, transfer of property	160.00
Montana Dakota Utilities	Um shop, pump stations/numerous electric bills	18,049.91
Grand Total:		**442,662.83**

Prepaids 05-08-19

Vendor Name	Description	Total
Wyoming Annual Shrine Bowl Game Program	Ad - Wyo Shrine Bowl Game Program (2019)	250.00
Grand Total:		**250.00**

Prepaids 05-09-19

Vendor Name	Description	Total
CenturyLink Communications, LLC	SCADA Lines and Extensions	301.02
Montana Dakota Utilities	N Sheridan Interchange Misc #4729/numerous electric bills	18,414.40
Grand Total:		**18,715.42**

Regular Payroll 05-10-19

Vendor Name	Total
497-874-NCPERS Wyoming	320.00
Aflac	1,458.90
Blue Cross Blue Shield of Wyoming	84,150.55
Child Support-Ohio	196.14
Circuit Court of Sheridan	319.90

CITCO FCU	3,095.13
First Federal Savings Bank	9,482.88
HealthEquity, Inc.	2,522.95
IRS 941	68,885.25
LegalShield	45.85
LOCAL 276, IAFF	800.00
Nationwide	72.12
Optum Bank, Inc.	722.93
Orchard Trust	4,898.96
Police Protective Assoc.	55.00
Security State Bank	156.25
Sunlight Federal Credit Union	1,861.70
Vantagepoint Transfer Agents 300698	7,111.15
VSP	1,084.95
Workers' Safety &	9,633.68
Wyo Educator's Benefit Trust	1,158.37
Wyoming Retirement System	62,290.88
Wyoming State Disbursement Unit	773.76
Grand Total:	**261,097.30**

Councilor Martin moved, seconded by Councilor Shafer, for the approval of the consent agenda. Councilor Beaver stated that the Council Minutes from May 6th do not reflect the presentation provided by Jim Shellenberger. Councilor Shafer moved, seconded by Councilor Martin, to approve the minutes with the addition. Council approved the motion for approval of the consent agenda with the amendment to the May 6th Minutes: voice vote; unanimous.

8. Staff Update

A. Public Works Director Lane Thompson provided an update on the Golf Course Equipment Inventory and Replacement Schedule.

B. City Treasurer Karen Burtis provided a Sales & Use Tax update.

C. Public Works Director Lane Thompson and Community Development Director Brian Craig provided an update on the Main Street Reconfiguration Test.

9. Community Update

A. Executive Director Susan Carr presented an update on Compass Center for Families/CASA.

B. Utilities Director Dan Roberts recognized the Community Cleanup Volunteer Groups and presented an update on Trees for Trash.

Old Business:

10. Public Works Director Lane Thompson delivered a presentation to Council regarding the Second Reading of Ordinance #2201 Amending City of Sheridan Tree Code. City Attorney Kerns presented proposed amendments to Ordinance #2201. Councilor Beaver moved, seconded by Councilor Martin, to amend Ordinance #2201 with the language as presented by the City Attorney. Council approved the motion: voice vote: unanimous. Councilor Henderson moved, seconded by Councilor Linden, for the Approval of the Second Reading of Ordinance #2201 Amending City of Sheridan Tree Code. Council approved the motion: roll call vote: unanimous.

New Business:

11. City Clerk Cecilia Good delivered a presentation to Council regarding Resolution #25-19 Amending the Public Records Request Policy. Councilor Bridger moved, seconded by Councilor Shafer, for the Approval of the Resolution #25-19 Amending the Public Records Request Policy. Council approved the motion: voice vote: unanimous.

12. Utilities Director Dan Roberts delivered a presentation to Council regarding a 3-Year Professional Services Agreement with Trihydro Corporation for Landfill Monitoring and Reporting Services. Councilor Martin moved, seconded by

Councilor Shafer, for the Approval of a 3-Year Professional Services Agreement with Trihydro Corporation for Landfill Monitoring and Reporting Services. Council approved the motion: voice vote: unanimous.

13. Council Comments and Requests for Future Agenda Items.

A. Councilor Richard Bridger asked why the City Administrator Ordinance was moved to the next City Council meeting. City Attorney Kerns responded that he had requested that it be removed in order to have the time to compile the changes based on the Charter Ordinance Committee's edits. The Ordinance will be presented to Council at the June 3rd Council Meeting. Councilor Beaver requested that a public forum be held prior to the first reading of the Charter Ordinance. Council further discussed the details of the public forum.

B. Councilor Beaver expressed appreciation for the work that that the Police Department has done, specifically Lt. Ringley, regarding the safety concerns on Burkitt St related to speeding. Councilor Beaver requested that Council discuss safety practices for pedestrians and motorists at a future Study Session (e.g., crosswalks, lights, etc.).

C. Patrick Henderson thanked staff for the fast response to concerns regarding the Kendrick Municipal Golf Course.

14. Comments from the public.

A. Patrick Hayworth, an avid golfer, thanked Council, Public Works Director Lane Thompson and everyone involved in improving the golf course. Additionally, he asked why there is not more of an effort to bring outside people to the golf course. He further talked about opportunities to bring in people for tournaments or other events at the course.

15. Councilor Beaver moved, seconded by Councilor Shafer, to adjourn the meeting at 8:49 P.M. Council approved the motion: voice vote: unanimous.

APPROVED:

_____
Roger Miller, Mayor

ATTEST:

_____
City Clerk, Cecilia Good

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Treasurer

MEMORANDUM

Project Name:	Claims
From:	
To:	Mayor and Council
CC:	
Date:	05/30/2019

Attachments

Claims
Prepaids
Payroll

City of Sheridan
Claims paid on 06/04/19

Sum of Amount		
Vendor Name	Description	Total
Ace Hardware-Newkirk	PVC parts, carton seal tape, super glue	156.13
Ace Radiator LLC	new radiator unit 3.63- Recycle	693.30
ACRO, Inc.	Install card access software	85.00
Advance Fence	UM fence install	4,000.00
AlphaGraphics of Wyoming	Boondock Nation Poster/trail signs/Tree brochures	2,055.05
Altitude Recycling Equipment, LLC	Baler Parts - guide tubes, wear plates	1,040.00
American Maid	City Hall & Public Restroom Cleaning-April 2019	2,650.00
Axis Forensic Toxicology, Inc	Lab Results - 19P002835, 19P003078 and 19P003259	1,323.00
Bighorn Design Studio	uniforms - shirts - Streets	449.00
Brian's Boot & Shoe	safety boots	752.35
Carquest Auto Parts	oil filter, air filter, trailer connector,solenoid/hoses/gloves	986.47
Cascade Fire Equipment Co	12 Tail Gaskets for Engines Inv 098810 GJ	34.20
Cascadia Partners, LLC	Code Audit expenses	7,587.39
CDG Engineers, Inc.	Sheridan Hillslides Project- Engineering Services	9,053.58
CED- Consolidated Electrical Distributers Inc.	Butt splice connector/anode clamps	151.54
Cedars Health LLC	April Occupational Testing	490.56
CH Diagnostics and Consulting	Crypto and Giardia Analysis 4/8/2019	525.00
Chemtrade Chemicals US LLC	1 truckload Alum	6,595.49
Circle S Sanitation	Empty dumpster at BGWTP on 5/17/2019	80.00
Cody Enterprise	SPAC Celebrate the Arts	488.25
Collection Professionals Inc.	CPI Acct #1885-4/1-4/30/2019	448.30
Confluence Collaborative	Fly Sheridan Marketing/website maintenance	499.25
Connie's Glass, Inc.	Front Door Glass Seal City Hall	284.00
Courtland & Jade Roy	Deposit Refund/932 S Sheridan Ave.	49.74
Craftco Metals Services, Inc	under bridge bird guards/black sign holders	4,038.88
Current Electric LLC	Data and TV for bldg dept	248.80
Dana Kepner Company	tapping saddles, repair coupling	1,376.10
Daniel Mciver	Balance Refund/1140 Illinois St.	250.00
David Schlenker	Police duty boots/pre-employment travel	253.27
Dixon Land Management and Consulting Inc	mowing and maintenance for April & May	2,340.00
Edward Boone	Propane for Gun Range House	30.00
Employ, LLC	Temporary Labor	11,753.82
Employers Council	Background Checks - April	1,130.00
Energy Laboratories, Inc	TOC Analysis 5/6/2019, WO# C19050297	168.00
Farmers Co-op Oil Co.	Fuel	24,524.61
Fastenal Company	HCS 1/4-20X unit 3.33, earmuffs - safety supplies	12.53
Floyd's Truck Center WY	power window switch-air dryer unit	658.55
Galls, LLC	Long Sleeve Shirt - Koltiska	54.63
GameTime	merry-go-all and accessories, tilted whirlwind	8,195.89
Government Finance Officers Association	Membership renewal TW - 07/01/19-6/30/20	150.00
Green Carpet Sod Co	KB sod pallets	288.00
Inter-Mountain Laboratories Inc	City & DNISD Bacteria, TTTHM/HAA5s April 2019	1,650.00
Ironman Towing	Tow to impound - 19P003568	175.00
J5 Plumbing & Heating Inc	Service line repair, meter install Kendrick Park	1,511.20
Jana Mackin	Deposit Refund/535 Carlin St.	67.88
Jeff Woolridge	Deposit Refund/1376 Ridgeway Ave.	54.37
Jill W Chase	SPAC Coordinator - May 2019	1,000.00
Joe Schoen	Flex Account Reimbursement	2,041.48
John Deere Financial #1111308145	Cable blocks-gas mix oil-welding supplies	1,107.05
John H Kane	Hay for Buffalo and Elk at Kendrick	960.00
Johnathon Stallions	Police ID Card, Fuel to WLEA Basic in Douglas	30.50
Jonathan Snoozy	Per Diem and Fuel for NPCA K-9 training in Jackson	424.17
Kilpatrick Creations Inc.	Park 2 Park event hats	1,207.50
Knecht Home Center	lumber and supplies	1,730.72
KXK Construction	remove sod and install concrete pathway	4,375.00
Landon's Greenhouse & Nursery, Inc.	flowers and plants/mulch-tree water bags	2,727.89
Landscaping Services Inc.	mowing of soccer field/lawn maintenance	425.00
LinkeSculpture.com	SPAC Purchase of sculpture - Compass Pointe	2,945.00
LN Curtis & Sons	Blind Cap with cable/2 batteries	223.48
Local Govt Liability Pool	Deductible GL20191062	2,000.00
Mac's Moving Acquisition, Inc	move furniture for carpet installation	200.00
Madden Media	Silver Co-op Partner Package	2,500.00

Vendor Name	Description	Total
MAP, LLC	Contractual Services	2,174.63
Max Fire Apparatus, Inc.	Strobe Light/repair kit with plastic ball	595.43
Memorial Hospital of Sheridan County	Medical Laboratory /occupational testing	717.00
Miss Rodeo Wyoming Association	Miss Rodeo Wyoming Sponsorship	500.00
Mullinax Concrete Service & Irrigation	pea gravel,water stop-sand for hot plant	23,172.52
Napa Auto Parts	parts and supplies	774.28
Nevada Krinkee	Per Diem REID Training in Billings	215.00
Norco, Inc	supplies	1,010.36
Office Shop Inc	Copy counts	577.63
Office Shop Leasing	Copier Lease	146.05
Paul M Juergens	Reimb running shoes PJuergens Inv 49237	70.75
Peak Pest Solutions LLC	Montly services- BGWTP & Intake	210.00
Peterbilt of Wyoming	brake shoe kit -core unit 3.42- ST	201.40
Plains Tire & Battery	tires unit 1.70- CE	1,557.68
Pollardwater	De-chlor tablets for flushing hyd	1,420.97
Pontem Software by RIA	Online Burial Search	2,100.00
POS Prophet Systems	Annual software rental for point of sales-KGC	4,330.00
Powder River Power Co	hose fittings and assembly unit 4.30- ST	138.91
Pump & Process Solutions	chesterton seal	1,621.30
R. J. Thomas Manufacturing Company, Inc.	picnic tables for parks	5,093.00
Rebecca Hartman	Notary Bond Renewal	50.00
Rhonda M Gould	Hem pants/sew patches - Koltiska and Schlenker	60.00
Robert & Linda Julian	Balance Refund/624 S Canby St.	186.56
Rocky Mountain Ambulance Service LLC	Ambulance Services June 2019 last payment for FY19	10,000.00
Russell Industries Inc.	Booster repair	421.31
SCS Engineers	Solid Waste Rate Study for April 2019	7,518.00
Servall Uniform and Linen, Inc	Rug cleaning and rugs	500.07
Shaunessey Reeves	Cleaning	1,550.00
Sheridan Commercial Co.	Supplies	843.95
Sheridan County Conservation District	seedling tree order	156.00
Sheridan Econ-O-Wash	uniform laundry - Pierce / Bates - Shop	52.00
Sheridan Media	Fly Sheridan Marketing	235.00
Sheridan Newspapers Inc	3 Ad Publications - Celebrate the Arts - SPAC	600.00
Source Office & Technology	Office supplies	716.41
SWANA	Public Member Association Dues	228.00
Thomas Sampey	Deposit Refund/655 Monte Vista St	7.01
Tire Rama	tires and mounting	517.51
Tongue River Twisters	WY State Gymnastics Meet Grant	750.00
Top Office Products Inc	Copy Charges - Sharp Printer - May 2019	384.19
Verizon Wireless	Aircards for MDC`s Monthly	578.74
Vermeer Rocky Mountain	Rental of stump grinder	2,929.94
Vertical Door Solutions, Inc.	door repair in UM old shop- CSC	80.00
VRM	Checked & Refilled Ride Contrl/repair bucket crack/loader	4,835.00
Wamco Lab Inc.	QA tests	380.00
Water Products, Inc	Water	49.00
Way Oil Inc	grease and oil	313.84
Winsupply of Sheridan Wy Co	Parts	3,410.40
WWC Engineering, A Division of	CIP Update data collection, public Involvement	37,863.77
WY Dept of Transportation	5th St-Mydland to End of Pavement West #4750	18,785.23
Wyoming Assoc Rural Water	UM spring training - JB,SB,AP	1,335.00
Wyoming Demolition, Inc	Hydrant Deposit Refund/Wyo Dem	600.00
Wyoming Machinery Co	5.1-6.30 rental -skidsteer, wheel loader, mini exc	5,180.66
Wyoming Public Media-KUWR	Radio advertising - May	1,220.00
Zowada Plumbing & Heating Inc	repair work on water fountain	286.88
Zowada Recycling & Steel, LLC	angle bar - unit 4.35 st	28.00
Grand Total		272,586.30

City of Sheridan
Prepaids paid on 05/16/19

Sum of Amount		
Vendor Name	**Description**	Total
CenturyLink Communications, LLC	SCADA Lines and Extensions	**956.44**
Montana Dakota Utilities	Numerous Electric Bills	**20,510.70**
Wyoma J. Sampson	Claim Settlement	**7,000.00**
Grand Total		**28,467.14**

City of Sheridan
Prepaids paid on 05/22/19

Sum of Amount		
Vendor Name	**Description**	Total
Caterpillar Financial	CAT 140M2 Motor Grader Streets Payment #4	**15,797.84**
Cathy Wright Bare	Wellness Participation Reimbursement	**169.60**
Montana Dakota Utilities	Numerous electric bills	**3,009.56**
Wyoming Bank & Trust	SID #77 Interest	**5,288.75**
Grand Total		**24,265.75**

City of Sheridan
Prepaids paid on 05/29/19

Sum of Amount		
Vendor Name	**Description**	Total
Arete Design Group	Weatherby Building CA - #5315	**21,477.75**
Carter-Isakson Appraisals Inc.	Appraisal of 366 E Brundage St	**3,500.00**
Dick Anderson Construction Inc.	Weatherby Building Construction - #5315	**128,217.07**
Law Office of Rex O. Arney	Review public records request, bylaws, MOUs	**800.00**
Montana Dakota Utilities	Numerous Electric Bills	**11,450.95**
Northern Wyoming Community College	SEEDA Administrator Contribution - March 2019	**6,443.52**
Pitney Bowes Inc	postage for City Hall for March and April	**1,220.99**
Porter, Muirhead, Cornia & Howard	Reimbursement of WAM fees sent by mistake	**175.00**
Grand Total		**173,285.28**

City of Sheridan
Regular Payroll paid on 05/24/19

Sum of Amount		
Vendor Name	Description	Total
497-874-NCPERS Wyoming	Regular Payroll 05.24.19	320.00
Aflac	Regular Payroll 05.24.19	1,458.90
Blue Cross Blue Shield of Wyoming	Regular Payroll 05.24.19	75,725.50
Child Support-Ohio	Regular Payroll 05.24.19	196.14
Circuit Court of Sheridan	Regular Payroll 05.24.19	319.90
CITCO FCU	Regular Payroll 05.24.19	3,095.13
First Federal Savings Bank	Regular Payroll 05.24.19	9,766.21
HealthEquity, Inc.	Regular Payroll 05.24.19	2,522.95
IRS 941	Regular Payroll 05.24.19	68,697.05
LOCAL 276, IAFF	Regular Payroll 05.24.19	800.00
Nationwide	Regular Payroll 05.24.19	72.12
Optum Bank, Inc.	Regular Payroll 05.24.19	722.93
Orchard Trust	Regular Payroll 05.24.19	4,898.96
Security State Bank	Regular Payroll 05.24.19	1,197.95
Sunlight Federal Credit Union	Regular Payroll 05.24.19	1,891.70
Vantagepoint Transfer Agents 300698	Regular Payroll 05.24.19	7,141.77
VSP	Regular Payroll 05.24.19	1,148.97
Workers' Safety &	Regular Payroll 05.24.19	9,726.52
Wyoming Retirement System	Regular Payroll 05.24.19	62,425.73
Wyoming State Disbursement Unit	Regular Payroll 05.24.19	880.32
Grand Total		253,008.75

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Attorney

MEMORANDUM

Project Name:	Consideration of the Third Reading of Ordinance #2201 Amending City of Sheridan Tree Code - Public Works Director Lane Thompson
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	Mark Collins, City Administrator
Date:	6/3/2019

Recommendation:

Staff recommends that Mayor and Council approve the adoption of the proposed changes to the current Tree Ordinance.

Discussion:

The City Arborist and the Sheridan Tree Board have been working together over the past six (6) months to update and make changes to Chapter 26 of the Sheridan Municipal Code. In 2008, the City was awarded a Tree City ISA designation. This designation requires maintaining a Tree Board and a Tree Care Ordinance for the community. The current Tree Ordinance was created for this reason. With the addition of a City Arborist, the Code needs to be updated. Many of the proposed changes focus on defining the City Arborist's roles and responsibilities within the context of the ordinance. The other major changes to the document focus on requiring any person or business performing tree maintenance activities on public trees to follow the best management practices and safety requirements laid out by the American National Standards Institute (ANSI). Both the*American National Standards Institute, Inc., ANSI A300 (Part 1) - 2017* and the *ANSI Z133.1 - 2017. Safety Requirements* are documents that are recognized nationally as the standard for arboricultural practices. These documents have been adopted by many municipalities around the State of Wyoming and the United States. Other changes in the ordinance include a change to the required clearance height of trees over roadways (from 20ft to 14ft), and change in the definition of Tree Board and it's bylaws, and a change in the amount of insurance required for contractors to obtain a license to work on public trees in the City of Sheridan. A majority of the requirements in the current ordinance will remain intact.

Attachments

Ordinance #2201 (Redlined)- Amending City Tree Code

Ordinance #2201 (Clean)- Amending City Tree Code

Ordinance 2201

AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF SHERIDAN MUNICIPAL ORDINANCES CONCERNING TREES, PLANTS AND SHRUBS, AND CHAPTER 18 CONCERNING NUISANCES, SPECIFICALLY;

WHEREAS, the City of Sheridan Ordinances contain certain provisions concerning the maintenance and removal of trees, plants and shrubs;

WHEREAS, the City of Sheridan desires to amend the City Ordinances to better improve the City of Sheridan Community Forest.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

The following Section of Chapter 18-2(b) shall be amended to include the additional provision:

(35) 26-5 [Distance from street corners and fire hydrants].

(36) 26-6 [Distance from curbs and public sidewalks].

(37) 26-7 [26-7 Utilities]

(38) 26-9 [Height—Corner clearance.]

(39) 26-12 [Dead or diseased tree removal on private property]

(40) 26-14 [Improper planting on private property]

The following Sections of Chapter 26 are hereby amended and renumbered:

26-1 Purpose.

This Chapter provides for the care of trees, plants, and shrubs on City property and aids in the creation of a Community Forestry Program. The mission of this Program is to effectively promote the wellbeing and safety of the City of Sheridan Community Forest. Any violation of this Chapter shall be considered a nuisance as defined by Chapter 18 of City of Sheridan Ordinances. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079 § 2, 1-18-10.)

26-2 Definitions.

(a) *City Arborist* is herein defined as the appointed City employee who plans, develops, implements and manages the City's Community Forestry Program. This individual oversees the planting and maintenance of all City trees in parks, open space, landscaping and City right-of ways and property.

(b) *Community Forest* is herein defined as the care and management of single trees, tree populations and public landscapes for the purpose of enhancing the City's urban environment

(c) *Street trees* are herein defined as trees, plants, shrubs, bushes and all other woody vegetation lying in the city right-of-way.

(d) *Rights-of-way* are herein defined as a strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, alley, boulevard (the strip of land between a sidewalk and street) shade tree or for another special use or otherwise reserved by easement.

(e) *Public sidewalks* are herein defined as sidewalks located within the City right-of-way.

(f) *Park trees* are herein defined as trees, plants, shrubs, bushes and all other woody vegetation in parks, and all areas owned by the City, or to which the public has free access as a park.

(g) *Public trees* are herein defined collectively as all street trees, park trees and any other trees located on public property.

(h) Topping or *Top* is herein defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(i) *Tree Day*. A proclamation, created by City Staff, shall be presented to the Mayor annually in the Spring, per the Tree USA standards which shall designate a day to be by the citizens of the City, calling upon them to devote the day to tree planting and toward the cultivation of trees and shrubbery.

(j) *Tree Pruner*. A person or company who has been issued a license to provide a commercial service to prune or remove trees as specified by this Chapter.

26-3 Tree Board

(a) The City Tree Board shall consists of up to seven (7) members who are residents of the City or own a business in Sheridan. One (1) member of the Board shall include the Public Works Director or his designee. One (1) member of the Board shall be the City Arborist. Tree Board members shall be appointed by the Mayor with the approval of the City Council.

(b) It shall be the responsibility of the City Arborist and/or City Tree Board to study, investigate, counsel, and develop written standards, rules and regulations for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such standards shall be approved by City of Sheridan

Governing Body, and shall constitute the official comprehensive city tree plan for the City of Sheridan, Wyoming.

(c) The City Tree Board, when requested by the Mayor or City Governing Body, shall consider, investigate, make findings, report, and recommend upon any special matter or question.

(d) The City Tree Board shall choose its own officers, set the board member terms and make its own rules and regulations regarding internal procedures consistent with the provisions of this chapter, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079 § 2, 1-18-10.)

26-4 Tree Size and Species.

The following tree size classification shall apply in subsequent sections:

Small tree	Up to twenty-five feet (25') projected height at maturity.
Medium tree	Twenty-five (25') to forty feet (40') projected height at maturity.
Large trees	Over forty feet (40') projected height at maturity.

Specific tree choices and prohibited tree species shall be adopted by the City Tree Board through its regulations. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-5 Distance from Street Corners and Fire Hydrants.

No street trees shall be planted closer than thirty feet (30') from any street corner, measured from the point of the nearest intersecting curbs or curb lines. No small street tree shall be planted closer than ten feet (10') from any fire hydrant. No large or medium street tree shall be planted closer than fifteen feet (15') from any fire hydrant. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-6 Distance from Curbs and Public Sidewalks.

The distance trees may be planted from curbs or curb lines and public sidewalks will be in accordance with the tree species size classes as adopted in the regulations of the City Tree Board, and no trees may be planted closer to any curb or public sidewalk than the following: small trees—two feet (2'), medium trees—three feet (3'), and large trees—four feet (4'). Provided, the City Governing Body, at its discretion, may permit trees to be planted closer to curbs, curb lines and sidewalks. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-7 Utilities.

(a) No small street trees other than those permitted by the City Tree Board in its regulations, may be planted under or within ten lateral feet (10') of any overhead utility wire, or over or within five lateral feet (5') of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

(b) No medium or large street trees other than those permitted by the City Tree Board in its regulations, may be planted under or within fifteen lateral feet (15') of any overhead utility wire, or over or within ten lateral feet (10') of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-8 Public Tree Care.

The City shall have the right to plant, prune, preserve, and remove trees, plants, and shrubs within the rights-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City may, at its option, remove or cause to be removed any public tree or part thereof which presents an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-8.01 Property Owner Responsibilities.

The owner of property abutting any public street, alley or sidewalk, rights-of-way, boulevards or other public place, shall properly maintain and care for all trees, shrubs, hedges or vines located upon or affecting these areas pursuant to the terms set forth in Sections 26-9 through 26-14. (Ord. No. 2079, § 2, 1-18-10.)

26-9 Height—Corner Clearance.

(a) Street trees shall be maintained with the following clearance: eight feet (8') above the pedestrian thoroughfare and eighteen feet (18') above driving surface.

(b) In order to provide clear visibility at street intersections, a minimum of eight feet (8') vertical clearance along the pedestrian thoroughfare must be maintained and eighteen feet (18') above driving surface within the triangular area at any street intersection corner which is formed by the intersecting back of curb lines. A thirty-foot (30') distant, as measured horizontally, must be maintained as measured along said back of curb lines, from their projected points of intersection.

i. If owners do not correct such problems, the City shall notify property owners in writing. If owners are advised of the above-mentioned problems and they are not corrected within fifteen (15) days, the City may remove the problem trees or limbs and the cost thereof shall be assessed to the owner. Such trimming will be confined to the area immediately above the right-of-way. Notice to the owner

shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

ii. If such costs to correct a problem are not paid by the owner within thirty (30) days from the date the City notifies the owner of the costs incurred to abate the problem, the City may: (1) issue a citation for a misdemeanor punishable as set forth in Chapter 9 of the Sheridan City Code (section 9-1 et seq.); and may (2) file notice of the claim and lien against the property affected in the Sheridan City Clerk's Office and the Sheridan County Clerk's Office against the owners of the real property.

iii. The owners, after submitting a formal request for financial assistance, may be eligible for reimbursement through the City's abatement fund for no more than fifty percent (50%) of the costs. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-10 Application/Permit for Trees Located in the Right-of-Way.

No person or company shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the City. The person receiving the permit shall abide by the standards set forth in this Chapter. Permits are issued by the City and shall be approved by the City Arborist. The City reserves the right to deny a permit for any reason with or without cause. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-11 Performance Standards.

(a) Any person and/or business performing tree maintenance on public trees shall be required to adhere to the requirements adopted in the American National Standards Institute, Inc., ANSI A300 (Part 1)-2017. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning) practices outlined in the document: American National Standards Institute, Inc., ANSI A300 (Part 1)-2017. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning).

(b) If a tree is to be removed from a public right of way, the stump of that tree must then be ground out at least six (6) inches below the surface grade of the area. Utilities must be located before any stump grinding or digging can occur.

(c) Any person or business proposing to apply pesticides to shrubs, trees or plants located on public property must possess the proper pesticide qualifications and provide proof of their qualifications to the City.

(d) No person shall willfully destroy, break, or mutilate any growing trees located on public property or private property in which they are not the owner. It is unlawful for anyone to

top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the City Arborist.

26-12 Dead or Diseased Tree Removal on Private Property.

(a) Should trees located on private property constitute a hazard to life or property, or harbor insects or disease which constitutes a potential threat to other trees within the City. Owners shall be advised of the above-mentioned issue. The owner shall take action to correct the problem within fifteen (15) days from the date of the issuance of the notice. Should the owner fail to correct the problem, the tree may be removed or caused to be removed by the City and the cost thereof shall be paid by the owner. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

(b) If such costs are not paid, the owner, within thirty (30) days from the date the City notifies the owner of the costs actually incurred to correct the problem, the City may: (1) issue a citation for a misdemeanor punishable as set forth in Chapter 9 of the Sheridan City Code (Section 9-1 et seq.); and may (2) file notice of the claim and lien against the property affected in the Sheridan City Clerk's Office and the Sheridan County Clerk's Office, which if filed.

(c) The owners, after submitting a formal request for financial assistance, may be eligible for reimbursement through the City's abatement fund for no more than fifty percent (50%) of the costs.

(d) Should the property owner contest the fact that the tree is diseased, they may request a hearing in front of the City of Sheridan Board of Adjustments. Said hearing shall be conducted pursuant to the Wyoming Administrative Procedures Act. If a hearing shall be requested, the City shall not cause the removal of the dead or diseased tree until the completion of the hearing. The provisions of this paragraph shall not apply in case of an emergency. Cases of emergency are defined as conditions, which pose an immediate safety or health hazard to the public. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-13 Trees Already in Place.

Trees already in place and growing at the date of the ordinance codified in this Chapter shall be exempt from sections 26-5, 26-6, and 26-7. However, any new or replacement trees shall be subject to sections 26-5, 26-6 and 26-7. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-14 Improper Planting on Private Property.

(a) Whenever a tree or shrub is planted in conflict with the provisions of this Chapter, the City shall notify the landowner in writing. If the landowner has not corrected the problem within fifteen (15) days, the same may be removed or caused to be removed by the City and the cost thereof shall be assessed to the owner. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

(b) If such costs are not so paid by the owner within thirty (30) days from the date the City notifies the owner of the costs actually incurred to correct the problem, the City may: (1) issue a citation for a misdemeanor punishable as set forth in Chapter 9 of Sheridan City Code (section 9-1 et seq.); and may (2) file notice of the claim and lien against the property affected in the Sheridan City Clerk's Office and the Sheridan County Clerk's Office. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

(c) The owner, after submitting a formal request for financial assistance, may be eligible for reimbursement through the City's abatement fund for no more than fifty percent (50%) of the costs. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-15 License and Bond.

(a) It is unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing public trees, or trees on public property within the City without first applying for and procuring a license from City. Applicants shall pass a written examination to insure they are qualified and knowledgeable in tree pruning standards and provide a list of at least three references from past clients or certified arborists attesting to applicant's skill, ability and professionalism. Arborists certified by the International Society of Arboriculture (ISA) will be exempt from the examination. License fee and licenses will not be required for any City employee doing such work in the pursuit of their public service endeavors. The City may waive license requirements for any person or business who is performing work at the request of the City.

(b) A tree pruners' license fee shall be set by City Governing Body. Before issuance of the license, the licensee shall execute and deposit in the office of the City Clerk a surety bond to the City, in form approved by the City Governing Body, in the sum of five thousand dollars ($5,000.00). In addition to such bond, each applicant shall, for the protection of the public, place on file in the office of the City Clerk, a policy of public liability insurance, in force and effect during the license period, issued by an insurance company authorized to do business in the state, in the following minimum amounts: Personal and bodily injury liability with limits of one million dollars ($1,000,000.00) per occurrence and one million dollars ($1,000,000.00) for property damage per occurrence.

(c) All tree pruners' licenses issued under this section shall expire one (1) year from date of issuance. The City shall maintain a list of licensees.

26-15.01 Duties of Care Toward Public.

(a) Any person or business performing any type of tree maintenance on public property will be required to adhere to the requirements adopted in the American National Standards Institute, Inc., ANSI A300 (Part 1)-2017. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning) practices outlined in the document: American National Standards Institute, Inc. ANSI Z133 Safety Requirements" for Arboricultural Operations.

(b) Tree pruners will safeguard all persons and property from injury during the operation of cutting down trees or by trimming off parts thereof, and will exercise every precaution in connection therewith by giving warning to all persons who might possibly be injured by falling trees and limbs and by erecting street and sidewalk barriers to avoid accidents of every nature.

(c) Tree pruners shall clean up all branches, stumps, logs, chips, leaves and twigs scattered as a result of their work and will thoroughly and completely pick up and remove all of the same from streets, sidewalks and alleys.

(d) Tree pruners shall transport logs, stumps, limbs, twigs, chips, leaves and tree trimmings of every nature over the streets and alleys of the City so that there shall be no scattering of such debris during the transportation thereof, to a dumping place approved and designated by the Solid Waste Manager of the City.

(e) Persons pruning trees on their own property are not required to comply with the terms of this Chapter pertaining to licensing or posting of a bond and insurance, but are otherwise regulated by and subject to this section.

(f) Upon more than one conviction of any person for the violation of this section, the license of such person to prune trees may be revoked by for a period of one (1) year by the Tree Board. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-16 Interference with City Arborist/City Tree Board.

(a) It is unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any City employee, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees or shrubs authorized in this Chapter.

26-17 Review by the City Council.

The Governing Body of the City of Sheridan shall have the right to review decisions of the City Arborist and/or City Tree Board. Any person may appeal from the ruling or order of the City Arborist and/or City Tree board to the City's Board of Adjustment. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-17 Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, punished as provided in the City Code, Section 9-1. Any tree, shrub or other plant found to be in violation of this chapter or found to be diseased, dangerous, improperly planted, or dead shall be deemed and declared a nuisance. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

WHEREUPON, a motion was passed and the Ordinance declared adopted this ____ day of _____ _____, 2019.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST:

_____
City Clerk

FIRST READING:

SECOND READING:

PUBLISHED:

EFFECTIVE THE _____ DAY OF _____, 2019.

Ordinance 2201

AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF SHERIDAN MUNICIPAL ORDINANCES CONCERNING TREES, PLANTS AND SHRUBS, AND CHAPTER 18 CONCERNING NUISANCES, SPECIFICALLY;

WHEREAS, the City of Sheridan Ordinances contain certain provisions concerning the maintenance and removal of trees, plants and shrubs;

WHEREAS, the City of Sheridan desires to amend the City Ordinances to better improve the City of Sheridan Community Forest.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

The following Section of Chapter 18-2(b) shall be amended to include the additional provision:

(35) 26-5 [Distance from street corners and fire hydrants].
(36) 26-6 [Distance from curbs and public sidewalks].
(37) 26-7 [26-7 Utilities]
(38) 26-9 [Height—Corner clearance.]
(39) 26-12 [Dead or diseased tree removal on private property]
(40) 26-14 [Improper planting on private property]

The following Sections of Chapter 26 are hereby amended and renumbered:

26-1 Purpose.

This Chapter provides for the care of trees, plants, and shrubs on City property and aids in the creation of a Community Forestry Program. The mission of this Program is to effectively promote the wellbeing and safety of the City of Sheridan Community Forest. Any violation of this Chapter shall be considered a nuisance as defined by Chapter 18 of City of Sheridan Ordinances. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079 § 2, 1-18-10.)

26-2 Definitions.

(a) *City Arborist* is herein defined as the appointed City employee who plans, develops, implements and manages the City's Community Forestry Program. This individual oversees the planting and maintenance of all City trees in parks, open space, landscaping and City right-of ways and property.

(b) *Community Forest* is herein defined as the care and management of single trees, tree populations and public landscapes for the purpose of enhancing the City's urban environment

(c) *Street trees* are herein defined as trees, plants, shrubs, bushes and all other woody vegetation lying in the city right-of-way.

(d) *Rights-of-way* are herein defined as a strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, alley, boulevard (the strip of land between a sidewalk and street) shade tree or for another special use or otherwise reserved by easement.

(e) *Public sidewalks* are herein defined as sidewalks located within the City right-of-way.

(f) *Park trees* are herein defined as trees, plants, shrubs, bushes and all other woody vegetation in parks, and all areas owned by the City, or to which the public has free access as a park.

(g) *Public trees* are herein defined collectively as all street trees, park trees and any other trees located on public property.

(h) Topping or *Top* is herein defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(i) *Tree Day*. A proclamation, created by City Staff, shall be presented to the Mayor annually in the Spring, per the Tree USA standards which shall designate a day to be by the citizens of the City, calling upon them to devote the day to tree planting and toward the cultivation of trees and shrubbery.

(j) *Tree Pruner*. A person or company who has been issued a license to provide a commercial service to prune or remove trees as specified by this Chapter.

26-3 Tree Board

(a) The City Tree Board shall consists of up to seven (7) members who are residents of the City or own a business in Sheridan. One (1) member of the Board shall include the Public Works Director or his designee. One (1) member of the Board shall be the City Arborist. Tree Board members shall be appointed by the Mayor with the approval of the City Council.

(b) It shall be the responsibility of the City Arborist and/or City Tree Board to study, investigate, counsel, and develop written standards, rules and regulations for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such standards shall be approved by City of Sheridan

Governing Body, and shall constitute the official comprehensive city tree plan for the City of Sheridan, Wyoming.

(c) The City Tree Board, when requested by the Mayor or City Governing Body, shall consider, investigate, make findings, report, and recommend upon any special matter or question.

(d) The City Tree Board shall choose its own officers, set the board member terms and make its own rules and regulations regarding internal procedures consistent with the provisions of this chapter, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079 § 2, 1-18-10.)

26-4 Tree Size and Species.

The following tree size classification shall apply in subsequent sections:

Small tree	Up to twenty-five feet (25') projected height at maturity.
Medium tree	Twenty-five (25') to forty feet (40') projected height at maturity.
Large trees	Over forty feet (40') projected height at maturity.

Specific tree choices and prohibited tree species shall be adopted by the City Tree Board through its regulations. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-5 Distance from Street Corners and Fire Hydrants.

No street trees shall be planted closer than thirty feet (30') from any street corner, measured from the point of the nearest intersecting curbs or curb lines. No small street tree shall be planted closer than ten feet (10') from any fire hydrant. No large or medium street tree shall be planted closer than fifteen feet (15') from any fire hydrant. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-6 Distance from Curbs and Public Sidewalks.

The distance trees may be planted from curbs or curb lines and public sidewalks will be in accordance with the tree species size classes as adopted in the regulations of the City Tree Board, and no trees may be planted closer to any curb or public sidewalk than the following: small trees—two feet (2'), medium trees—three feet (3'), and large trees—four feet (4'). Provided, the City Governing Body, at its discretion, may permit trees to be planted closer to curbs, curb lines and sidewalks. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-7 Utilities.

(a) No small street trees other than those permitted by the City Tree Board in its regulations, may be planted under or within ten lateral feet (10') of any overhead utility wire, or over or within five lateral feet (5') of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

(b) No medium or large street trees other than those permitted by the City Tree Board in its regulations, may be planted under or within fifteen lateral feet (15') of any overhead utility wire, or over or within ten lateral feet (10') of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-8 Public Tree Care.

The City shall have the right to plant, prune, preserve, and remove trees, plants, and shrubs within the rights-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City may, at its option, remove or cause to be removed any public tree or part thereof which presents an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-8.01 Property Owner Responsibilities.

The owner of property abutting any public street, alley or sidewalk, rights-of-way, boulevards or other public place, shall properly maintain and care for all trees, shrubs, hedges or vines located upon or affecting these areas pursuant to the terms set forth in Sections 26-9 through 26-14. (Ord. No. 2079, § 2, 1-18-10.)

26-9 Height—Corner Clearance.

(a) Street trees shall be maintained with the following clearance: eight feet (8') above the pedestrian thoroughfare and eighteen feet (18') above driving surface.

(b) In order to provide clear visibility at street intersections, a minimum of eight feet (8') vertical clearance along the pedestrian thoroughfare must be maintained and eighteen feet (18') above driving surface within the triangular area at any street intersection corner which is formed by the intersecting back of curb lines. A thirty-foot (30') distant, as measured horizontally, must be maintained as measured along said back of curb lines, from their projected points of intersection.

i. If owners do not correct such problems, the City shall notify property owners in writing. If owners are advised of the above-mentioned problems and they are not corrected within fifteen (15) days, the City may remove the problem trees or limbs and the cost thereof shall be assessed to the owner. Such trimming will be

confined to the area immediately above the right-of-way. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

ii. If such costs to correct a problem are not paid by the owner within thirty (30) days from the date the City notifies the owner of the costs incurred to abate the problem, the City may: (1) issue a citation for a misdemeanor punishable as set forth in Chapter 9 of the Sheridan City Code (section 9-1 et seq.); and may (2) file notice of the claim and lien against the property affected in the Sheridan City Clerk's Office and the Sheridan County Clerk's Office against the owners of the real property.

iii. The owners, after submitting a formal request for financial assistance, may be eligible for reimbursement through the City's abatement fund for no more than fifty percent (50%) of the costs. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-10 Application/Permit for Trees Located in the Right-of-Way.

No person or company shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the City. The person receiving the permit shall abide by the standards set forth in this Chapter. Permits are issued by the City and shall be approved by the City Arborist. The City reserves the right to deny a permit for any reason with or without cause. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-11 Performance Standards.

(a) Any person and/or business performing tree maintenance on public trees shall be required to adhere to the requirements adopted in the American National Standards Institute, Inc., ANSI A300 (Part 1)-2017. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning) practices outlined in the document: American National Standards Institute, Inc., ANSI A300 (Part 1)-2017. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning).

(b) If a tree is to be removed from a public right of way, the stump of that tree must then be ground out at least six (6) inches below the surface grade of the area. Utilities must be located before any stump grinding or digging can occur.

(c) Any person or business proposing to apply pesticides to shrubs, trees or plants located on public property must possess the proper pesticide qualifications and provide proof of their qualifications to the City.

(d) No person shall willfully destroy, break, or mutilate any growing trees located on public property or private property in which they are not the owner. It is unlawful for anyone to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the City Arborist.

26-12 Dead or Diseased Tree Removal on Private Property.

(a) Should trees located on private property constitute a hazard to life or property, or harbor insects or disease which constitutes a potential threat to other trees within the City. Owners shall be advised of the above-mentioned issue. The owner shall take action to correct the problem within fifteen (15) days from the date of the issuance of the notice. Should the owner fail to correct the problem, the tree may be removed or caused to be removed by the City and the cost thereof shall be paid by the owner. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

(b) If such costs are not paid, the owner, within thirty (30) days from the date the City notifies the owner of the costs actually incurred to correct the problem, the City may: (1) issue a citation for a misdemeanor punishable as set forth in Chapter 9 of the Sheridan City Code (Section 9-1 et seq.); and may (2) file notice of the claim and lien against the property affected in the Sheridan City Clerk's Office and the Sheridan County Clerk's Office, which if filed.

(c) The owners, after submitting a formal request for financial assistance, may be eligible for reimbursement through the City's abatement fund for no more than fifty percent (50%) of the costs.

(d) Should the property owner contest the fact that the tree is diseased, they may request a hearing in front of the City of Sheridan Board of Adjustments. Said hearing shall be conducted pursuant to the Wyoming Administrative Procedures Act. If a hearing shall be requested, the City shall not cause the removal of the dead or diseased tree until the completion of the hearing. The provisions of this paragraph shall not apply in case of an emergency. Cases of emergency are defined as conditions, which pose an immediate safety or health hazard to the public. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-13 Trees Already in Place.

Trees already in place and growing at the date of the ordinance codified in this Chapter shall be exempt from sections 26-5, 26-6, and 26-7. However, any new or replacement trees shall be subject to sections 26-5, 26-6 and 26-7. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-14 Improper Planting on Private Property.

(a) Whenever a tree or shrub is planted in conflict with the provisions of this Chapter, the City shall notify the landowner in writing. If the landowner has not corrected the problem within fifteen (15) days, the same may be removed or caused to be removed by the City and the cost thereof shall be assessed to the owner. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

(b) If such costs are not so paid by the owner within thirty (30) days from the date the City notifies the owner of the costs actually incurred to correct the problem, the City may: (1) issue a citation for a misdemeanor punishable as set forth in Chapter 9 of Sheridan City Code (section 9-1 et seq.); and may (2) file notice of the claim and lien against the property affected in the Sheridan City Clerk's Office and the Sheridan County Clerk's Office. Notice to the owner shall be deemed delivered upon notice being mailed by the City to the property owner's mailing address reflected in the real property tax records.

(c) The owner, after submitting a formal request for financial assistance, may be eligible for reimbursement through the City's abatement fund for no more than fifty percent (50%) of the costs. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-15 License and Bond.

(a) It is unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing public trees, or trees on public property within the City without first applying for and procuring a license from City. Applicants shall pass a written examination to insure they are qualified and knowledgeable in tree pruning standards and provide a list of at least three references from past clients or certified arborists attesting to applicant's skill, ability and professionalism. Arborists certified by the International Society of Arboriculture (ISA) will be exempt from the examination. License fee and licenses will not be required for any City employee doing such work in the pursuit of their public service endeavors. The City may waive license requirements for any person or business who is performing work at the request of the City.

(b) A tree pruners' license fee shall be set by City Governing Body. Before issuance of the license, the licensee shall execute and deposit in the office of the City Clerk a surety bond to the City, in form approved by the City Governing Body, in the sum of five thousand dollars ($5,000.00). In addition to such bond, each applicant shall, for the protection of the public, place on file in the office of the City Clerk, a policy of public liability insurance, in force and effect during the license period, issued by an insurance company authorized to do business in the state, in the following minimum amounts: Personal and bodily injury liability with limits of one million dollars ($1,000,000.00) per occurrence and one million dollars ($1,000,000.00) for property damage per occurrence.

(c) All tree pruners' licenses issued under this section shall expire one (1) year from date of issuance. The City shall maintain a list of licensees.

26-15.01 Duties of Care Toward Public.

(a) Any person or business performing any type of tree maintenance on public property will be required to adhere to the requirements adopted in the American National Standards Institute, Inc., ANSI A300 (Part 1)-2017. American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices (Pruning) practices outlined in the document: American National Standards Institute, Inc. ANSI Z133 Safety Requirements" for Arboricultural Operations.

(b) Tree pruners will safeguard all persons and property from injury during the operation of cutting down trees or by trimming off parts thereof, and will exercise every precaution in connection therewith by giving warning to all persons who might possibly be injured by falling trees and limbs and by erecting street and sidewalk barriers to avoid accidents of every nature.

(c) Tree pruners shall clean up all branches, stumps, logs, chips, leaves and twigs scattered as a result of their work and will thoroughly and completely pick up and remove all of the same from streets, sidewalks and alleys.

(d) Tree pruners shall transport logs, stumps, limbs, twigs, chips, leaves and tree trimmings of every nature over the streets and alleys of the City so that there shall be no scattering of such debris during the transportation thereof, to a dumping place approved and designated by the Solid Waste Manager of the City.

(e) Persons pruning trees on their own property are not required to comply with the terms of this Chapter pertaining to licensing or posting of a bond and insurance, but are otherwise regulated by and subject to this section.

(f) Upon more than one conviction of any person for the violation of this section, the license of such person to prune trees may be revoked by for a period of one (1) year by the Tree Board. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-16 Interference with City Arborist/City Tree Board.

(a) It is unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any City employee, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees or shrubs authorized in this Chapter.

26-17 Review by the City Council.

The Governing Body of the City of Sheridan shall have the right to review decisions of the City Arborist and/or City Tree Board. Any person may appeal from the ruling or order of the

City Arborist and/or City Tree board to the City's Board of Adjustment. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

26-17 Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, punished as provided in the City Code, Section 9-1. Any tree, shrub or other plant found to be in violation of this chapter or found to be diseased, dangerous, improperly planted, or dead shall be deemed and declared a nuisance. (Ord. No. 2043, § 2, 2-19-08; Ord. No. 2079, § 2, 1-18-10.)

WHEREUPON, a motion was passed and the Ordinance declared adopted this ____ day of _____ _____, 2019.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST:

_____
City Clerk

FIRST READING:

SECOND READING:

PUBLISHED:

EFFECTIVE THE _____ DAY OF _____, 2019.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Utilities

MEMORANDUM

Project Name:	Consideration of Resolution #36-19 Authorizing a Pay-as-You-Throw Pilot Program and Commercial Organics Collection Pilot Program - Utilities Director Dan Roberts
From:	Dan Roberts, Utilities Director
To:	Mayor and Council
CC:	
Date:	05/30/2019

Recommendation:

Staff recommends that City Council approve Resolution #36-19 authorizing the development and implementation of Pay-as-You-Throw and Commercial Organics Collection pilot programs for Sheridan's residential and commercial customers.

Background:

City staff presented to City Council, during their April 8th Study Session, a 5-year plan aimed at increasing diversion of waste from our landfill from the current 33% to potentially 50%. The primary components of the plan was to increase residential and commercial waste diversion through a cost incentivised collection program referred to as Pay-As-You-Throw (PAYT) where smaller containers for waste disposal are provided to participants in exchange for lower waste collection rates. Nationally, PAYT programs have proven to be the most effective curb-side collection recycling programs toward maximizing diversion of residential and commercial waste.

The cost to implement a city-wide PAYT program and include a commercial organics collection program was presented to City Council as requiring an average of $280K per year over the 5- year implementation period and then $240K annually thereafter to maintain the programs.

During the May 22nd presentation to City Council on the Solid Waste Enterprise Fund FY20 budget, staff shared the cost of implementing PAYT and Commercial Organics Collection pilot programs in FY20. The total costs, or change required to the FY20 recycling budget, was proposed to be $75k. The authorization to establish this funding in the FY20 budget and authorize staff to implement these pilot programs during FY20 have been drafted into proposed Resolution #36-19 for City Council's consideration.

The pilot PAYT and Commercial Organics Collection programs as proposed in Resolution #36-19 are as follows:

- The City of Sheridan shall offer 200 single family residential and 25 commercial accounts a voluntary PAYT service as designed for the purposes of testing the success of such a program.
- The City of Sheridan shall provide up to 25 front-load containers to participating commercial accounts for the purpose of collecting and evaluating the introduction of organic food waste to the current green waste composting program.
- The proposed timeline to design, implement and evaluate are as follows:
  - **June 15 - July 31,** Design pilot programs and determine proposed rates
  - **August 12,** Present and confirm plan designs during the City Council Study Session
  - **August 1 - September 30,** Identify and notify the pilot program participants and order the containers

(8 week delivery time) needed

- **October 1 - October 15,** Delivery and assembly of containers
- **November 1 - April 30,** Operate the pilot program to collect data
- **April 15th - May 1,** Analyze the data and conduct a satisfaction survey of participants
- **May 11,** Report to Council at the regularly scheduled Study Session

The FY20 Recycling Division operations budget will require adjustment as described below in order to provide $75K in funding to conduct the pilot studies:

ADJUSTMENTS REQUIRED TO RECYCLING DIVISION
PROPOSED FY20 BUDGET ACCOUNTS

Account Description	Account No.	FY20 Proposed	FY20 Adjusted
Temporary Services Labor	52.6095.4651	$148,000	$168,000
Non-Capitalized Equipment	52.6323.4651	$65,000	$101,000
Software Expense	52.6325.4651	$4,600	$8,600
Professional Services	52.6340.4653	$24,500	$39,500
Capital Outlay - Improvements	52.6540.4353	$0	$0
	Total	**$242,100**	**$317,100**

Resolution #36-19 as prepared and presented for City Council's consideration defines PAYT and Commercial Organics Collection pilot programs that the City of Sheridan can offer to its citizens and commercial customers. With City Council's approval, city staff will take measures to move forward with final development and implementation of the programs as outlined.

END OF MEMORANDUM

Attachments

Resolution #36-19

RESOLUTION 36-19

PAY-AS-YOU-THROW PILOT PROGRAM AND A
COMMERCIAL ORGANICS COLLECTION PILOT PROGRAM

A RESOLUTION authorizing the development and implementation of a Pay-as-You-Throw ("PAYT" pilot program and a Commercial Organics Collection pilot program for City of Sheridan's residential and commercial customers.

WHEREAS, the City of Sheridan's waste diversion rate (percent of waste kept out of the landfill) has been identified as approximately thirty-three percent (33%); and

WHEREAS, the City Governing Body wishes to consider adopting a higher waste diversion goal for the future; and

WHEREAS, the City of Sheridan City staff and expert consultants have analyzed the fiscal health of the Solid Waste Fund and determined that $75,000 can be spent without further increasing recommended rate increases to the Solid Waste Fund Recycling Division's FY20; and

WHEREAS, the City Governing Body wishes to ascertain, through the implementation of a one year pilot program, the benefits of a PAYT and Commercial Organic Collection program, and further ascertain the support and opinions of the public; and

WHEREAS, the City of Sheridan Solid Waste Division will operate the PAYT and Organics Collection pilot programs, will track and maintain documentation that will identify the costs of implementation and operations, and the change in the level of waste diversion through the two pilot programs; and

WHEREAS, the City staff will report back to City Governing Body with the findings from the pilot studies at the end of the one year study period;

BE IT RESOLVED THAT THE CITY GOVERNING BODY OF THE CITY OF SHERIDAN HEREBY AUTHORIZES THE IMPLEMENTATION OF A PAY-AS-YOU-THROW PILOT PROGRAM AND A COMMERCIAL ORGANICS COLLECTION PILOT PROGRAM DURING THE FISCAL YEAR 2020 AND HEREBY AUTHORIZES FUNDING FOR THESE PILOT PROGRAMS TO BE ESTABLISHED WITHIN THE RECYCLING DIVISION'S FY20 BUDGET AND EXPENDED FOR THE PURPOSES DESCRIBED HEREIN:

1. Design, implement and evaluate a pilot Pay-As-You-Throw and pilot Organics Collection programs as follows
   a. The City of Sheridan shall offer 200 single family residential and 25 commercial accounts a PAYT service as designed for the purposes of testing the success of such a program.
   b. The City of Sheridan shall provide up to 25 front-load containers to participating commercial accounts for the purpose of collecting and evaluating the introduction of organic food waste to the current green waste composting program.
   c. The proposed timeline to design, implement and evaluate the programs are as follows:
      - **June 15 - July 31,** Design the pilot programs and determine proposed rates
      - **August 12,** Present and confirm plan designs during the City Council Study Session
      - **August 1 - September 30,** Identify and notify the pilot program participants and order the containers (8 week delivery time) needed
      - **October 1 - October 15,** Delivery and assembly of containers
      - **November 1 - April 30,** Operate the pilot program to collect data
      - **April 15th - May 1,** Analyze the data and conduct a satisfaction survey of participants
      - **May 11,** Report to Council at the regularly scheduled Study Session

2. Authorized FY20 budget and expenditures:
   a. Existing infrastructure, equipment, and staffing will be utilized to its fullest in developing and implementing the pilot PAYT and Organics Collection programs. The following outlines the adjustments to the proposed FY20 budget that are necessary in order to fund the implementation of these pilot programs and are hereby authorized as adjustments to the proposed FY20 budget:

ADJUSTMENTS REQUIRED TO RECYCLING DIVISION PROPOSED FY20 BUDGET ACCOUNTS			
Account Description	Account No.	FY20 Proposed	FY20 Adjusted
Temporary Services Labor	52.6095.4651	$148,000	$168,000
Non-Capitalized Equipment	52.6323.4651	$65,000	$101,000
Software Expense	52.6325.4651	$4,600	$8,600
Professional Services	52.6340.4653	$24,500	$39,500
Capital Outlay - Improvements	52.6540.4353	$0	$0
	Total	**$242,100**	**$317,100**

3. The Utilities Director will keep track of the costs and effectiveness of the pilot programs, the projected diversion objectives, and the opinions of the pilot account holders regarding the program and whether or not they would prefer a PAYT option of service to be offered permanently. At the end of the pilot study period, the Utilities Director will report the findings of the pilot programs and assist the City Governing Body in determining the programs effectiveness in achieving the City's waste diversion goals.

PASSED, APPROVED AND ADOPTED this _____ day of _____, ____.

CITY OF SHERIDAN, WYOMING

_____
Roger Miller, Mayor

ATTEST:

_____
Cecilia Good, City Clerk