

**CITY OF LANDER
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS
240 LINCOLN STREET
LANDER, WY 82520
October 12, 2021**

THE CITY OF LANDER IS AN EQUAL OPPORTUNITY PROVIDER

Governing Body Present: Mayor Monte Richardson, Council Members John Larsen, Chris Hulme, Missy White, Julia Stuble

Governing Body Absent: Council Members Melinda Cox and Dan Hahn

City Staff Present: City Clerk Tami Hitshe, City Treasurer Charri Lara Assistant Mayor RaJean Strube Fossen, Public Works Director Lance Hopkin, Chief Scott Peters, Attorney Adam Phillips

Call to Order.

Mayor Richardson called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

I. Approval of Agenda

MOTION: Council President White moved to approve agenda. Council Member Larsen made second. Motion passed.

II. Oral Comments

(a) Personal Privilege – Mayor and Council

Chris Hulme updated on skate park. Will not happen until next spring.

Fundraising has been happening to help pay for the repairs

Missy White mentioned Fremont County Air services was awarded the innovation award for 2021 from WEDA last Friday. Thanked Lance and RaJean for taking the time to talk at the Rotary meetings. It's great to have outreach for educating the public. Excited about the Solar grant for the senior center. Good things happened in the planning commission.

Julia Stuble said she has noticed the crews out on the streets working on picking up the extra chips. She also met with staff members about what the city can do about some acts of discrimination that we have heard about. about the still working on the that issue. We will bring a resolution to the next work session meeting to discuss.

Monte Richardson mentioned Light up Lander is December 4th. Working to get that going.

(b) Proclamation – National Domestic Violence Awareness Month

Council President White read the proclamation.

(c) Lift Committee Update – Andy Gramlich

Andy said he is here to talk about the LIFT Committee. After the appointment of the members, we had a lot of work to do. Had to develop the application. Work on bylaws and work on the requirements. We developed a marketing plan to get the word out. We have a November 1st deadline for the applications for the first review. We will go quarterly after that.

Currently we only have one application. We will meet on November 8th. It goes to LEDA on the 9th and then to council on November 23rd. Julia is glad to see the quick turnaround that he is proposing. Missy White wanted to reiterate for the audience to let them know the definition of economic development.

Andy said we are focus on bring primary dollars to town. Chris Hulme wanted to make sure the City of Lander fits within that list in case they want to apply for funding.

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(d)Communication from the Floor – Citizens Comments - None

(e) Staff Discussion Items

Chief Peters mentioned the data systems grant has made it through the first stage, so it is under final review. They will give us a 60-day notice of whether we are accepted or not. He is hoping to get the patrol vehicle back next week. Finalize the radio purchase and should happen in the next week. Missy asked about the partnership with the city and Pet Connection. Scott said we are in the middle of the process. We will be meeting with their board on Thursday and come up with a contract. It is moving forward.

Lance Hopkin updated everyone on the chip seal project. Looking at the chamber area next for the flood repair project. Will be limited working space. Hopefully done in a couple of weeks. Mentioned we hired a new person for the fire administration/airport position. That person will start October 26th.

RaJean Strube Fossen talked about Lynda Hewitt Community Development Award that was won by Kevin Kershiznik from Riverton. From the planning commission meeting, we hope to have at the house keeping items from the changes in some of the codes on the Oct 26th work session for your review. We have received six applicants for the two open positions for the planning commission. You will get a recommendation from Planning commission for two appointments after they are through doing the interview process.

Charri Lara asked if we should read the next two chapters of the book for the next work session meeting. Everyone agreed to read them

Adam Phillips said he has been reviewing all the contracts for the grants that RaJean has been working on.

III. Consent Agenda

- (a) Regular Meeting Minutes – September 14, 2021
- (b) Work Session Meeting Minutes – September 28, 2021
- (c) Bills and Claims

TEGLER INSURANCE 313,S & L INDUSTRIAL 3986.9,STRIKE CONSULTING GROUP 11112.5,WYDOT - FINANCIAL SERVICES 5130.96,B & T FIRE EXTINGUISHERS 155,BLOEDORN LANDER LUMBER 84.76,DYTA CONSULTING 7150,ECONO SIGNS 219.08,FASTENAL 158.26,FREMONT COUNTY ASSN OF GOV 25842.93,FREMONT COUNTY TREASURER 19079.83,HOLTHOUSE APPRAISAL GROUP 10000,JIRDON AGRICHEMICALS 1349.04,PATRICK CONSTRUCTION INC 494733.11,OFFICE OF STATE LANDS & INVEST 2386.83,STOTZ EQUIPMENT 374.01,SWEETWATER AIRE 142.5,WAMCO LAB INC. 380,MASTERCARD 41369.37,T-O ENGINEERS 13096.32,HDR ENGINEERING INC 55136.79,WILLIAM H SMITH & ASSOC 4680,ADAM E PHILLIPS ATTORNEY AT LAW 4460,ALSCO 174.66,BADGER METER INC 161.05,BERNARD PLUMBING 200,CITY OF RIVERTON 51955.85,CPS DISTRIBUTORS INC 3146.67,LOOSE GARY R 3750,DOWL 341.25,HACH COMPANY 1165.91,LOZIER TERESA 950,ROCKY MOUNTAIN POWER 21172.63,LACAL EQUIPMENT INC 4100.6,MASA 160,SHIELDS CLEANING 3345.83,FREMONT CO SOLID WASTE DISPOS 19.4,CENTRAL BANK & TRUST 1000,FREMONT MOTOR COMPANY 307.4,NORCO INC 104.47,ROCKY MOUNTAIN PRE-MIX 99.75,WINSUPPLY 28,TEAM LABORATORY CHEM LLC 6528.98,THATCHER COMPANY 8049.67,EATON SALES & SERVICE 798.75,QUADIENT INC 234,WIND HOSTING 119.4,VFW 1000,APEX SURVEYING 4382.41,ARMSTRONG CONSULTANTS INC 56116,NAPA AUTO PARTS - LANDER 774.3,CITY SERVICE VALCON 22253.91,NAPA AUTO PARTS - LANDER 981.99,FLEX SHARE BENEFITS 200.25,FAGNANT LEWIS & BRINDA P.C. 7309.05,HOMETOWN OIL 253.75,JOHNSTON BOBBY 226.5,UNITED LIFE INSURANCE COMPANY 2763.6,WYOMING RETIREMENT SYSTEM 693.75,CENTURY LINK 777.64,FREMONT COUNTY TREASURER 1185.03,LANDER MEDICAL CLINIC 100,FLEX SHARE BENEFITS 200.25,WHITING LAW PC 1470

MOTION: Council Member Stuble moved to approve. Council President White made second. Motion passed

IV. New Business

- (a) Authorize Mayor to sign Termination of License and Indemnification Agreement between the City and Lander Chamber of Commerce for

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the stage

MOTION: Council Member Larsen moved to approve. Council President White made second. Motion passed

- (b) Authorize Mayor to sign the Blue-Sky MOU and block program for the Lander Senior Center

MOTION: Council Member Stuble moved to approve. Council Member Hulme made second. Motion passed

- (c) Authorize Mayor to sign the Project Partnership Agreement with the US Corps of Engineers for design and construction of Flood Mitigation

RaJean Strube Fossen mentioned she doesn't have any new information to present tonight but does have the response to Council Member Hulmes questions. They don't want to take out the word Floodwall, but they did remove the word concrete and they are willing to add an option, which is a standard form they have for the federal agreement, not an obligation of future appropriations. Council President White ask RaJean to reiterate why not to use the Hesco barriers. Hesco barriers are the large barrier that we used in the 2010 and 2017 floods. Those are called temporary measures and the Corps of Engineers will not fund temporary measures. That would be a loss of your 60% funding from the federal agency if that is what the city decided to do. She said the Hesco barriers work great if you know the flood is coming. But the event that projected and was studied for the 100-year event, you have 6 hours' notice between a flood gauge and it being in your city park. 6 hours of notice is not enough time to mobilize forces, get the barriers from FEMA, get volunteers and all the equipment for a temporary measure.

Lance Hopkin said looking at the pictures from the 60's, the major event completely took out 3rd street which is where these barriers would be sitting. If you have a break in one of the barriers, the flood is going to remove the rest of them, so they are not designed as a permanent structural solution to people downstream. The other issue is it's temporarily modifying the theme of the floodplain by putting up a wall with the barriers and that is not being represented in the FEMA mapping. With the temporary flood mitigation, you end up with a revised floodplain map of who would be effect and who would not. Council President White said if we only use temporary barriers, then the FEMA map would not be amended which could affect the rates for flood insurance. The goal of this project is to take people out of the floodplain and not put them in it. The improvements would take 84% of those people out of the floodplain. RaJean said this agreement is for the design and construction of the wall based on the flood study that was already done. Mayor Richardson asked what the cost to the city would be if we sign this agreement. The city share would be 35% local share. The estimated costs would be \$3,008,460. Council President White mentioned she looked back at an article from the 2010 flood and said there were 400 National Guard Members, 500,000 sandbags filled and 35,000 hour of volunteer efforts. Council Member Stuble asked what the public input opportunity for the types of barriers would look like. RaJean showed the schedule to everyone.

Warren Thompson - 585 Fremont. Very frustrated that we are even spending our time on this. 90% of people in Lander don't even know about this. Doesn't feel we need to spend \$8 million on this project. 1963 flood is being blown out of proportion. There is no way I will accept spending that much on this project. Poor business decision. We will have no control what the wall is going to look like. The Corps of Engineers will build what they want. It will bring my property value way down along with my neighbors. Poor thing to push and appreciate if council would think this over.

Robert Tipton – He grew up in lander and now is retired and has returned. He is very passionate about this river. I have worked with the council before on the healthy river initiative. Been involve with the process. The city can either take the route to flood fight or take more strategic vision on how to address this going in the future. The Hesco barriers don't last forever. So that would be another cost. Looking at the river it changed significantly after the 1963 flood. He mentioned that they took two dozers and ran it down the middle of the river to increase conveyance of the river. That section river became a dead section for fish and wildlife. Since then, we have changed the dynamics of the river twice in the last 30 years and the river needs a place to breed. We get all the snowpack off the mountains all at one time. We are going to have big floods in the future. The areas of concern are upstream. Building walls or levees on a river is not the best solution. He like this project because the wall is not constraining the river. It allows the river to breach and then funneling it back into the river and its gives us a lot of green area for the ground to absorb some of the flood. If we don't take control of that ground and we continue to

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develop, we are going to be in a world of hurt. This project gives us the opportunity to acquire green space that Lander desperately needs. You won't get the opportunity to get 60% funding from the federal government. I commend Lander for getting this far with this process.

Del McOmie - 680 Cliff Street. Asked a few questions. How was the 6 hours determined. Would the action tonight commit the city through this project? Talked about the stream bed erosion problem. What this wall would do is just throw the water back into the river through the areas where that really have stream bed erosion problems. There is also issues downstream where we lost banks and water pipes. Maybe this amount of money could be used to work on the problem areas while the temporary wall would protect us on a longer-term basis. They can be reused if they are dried and stored properly.

Lance Hopkin explained that the model that the Corps put together came up for the 6 hours. It would be more likely to happen with a rain on snow event and warmer temperatures. RaJean Strube Fossen talked about the stream bed erosion. Julia Stuble asked if we sign this agreement what is our option, if we don't come up with a design that we like? RaJean said that at any time during the design and construction process, the federal allocation is not awarded by congress or that the state and city doesn't have money, then you can stop or slow down the process.

Adam Phillips concern was if we can't agree on a design, can we say no and step away. We need to look into this a bit closer to see if we can the capabilities to either have a hand in the design or figure out exactly what that all means. That is what I am hearing from the conversations. RaJean said unless we get the designs, and you know what the designs are in the community is involved in the designs you are not going to know what the final costs are. It is really hard to vote to sign a contract where you don't know what the end results of cost are.

Charri Lara talked about costs. How this would have to be funding is it would have to go to a vote of the people for a revenue bond because her opinion the city does not have the money available to put on the line without having absolutely zero money left over. Talked about the debt limit. We can go a total of 4% of assess valuation for sewer and general fund projects. Which is about \$3,000,000. So, all we have without going into debt without bonding this project would be \$3,000,000. That's if we went after slip loans or another avenue. If we use all of our monies and we had to go after loans, we will be limited on the loan amounts based on our assessed valuation of the 4%. Her idea of where the money would have to come from is we would have to sell revenue bonds. John Larsen asked how much money we have already spend on the project to date. RaJean said the cost of the study was \$980,000. Popo Agie Conservation paid almost 25%. The County paid 8% and the city paid around \$300,000. Lance Hopkin said his biggest concern is Main Street bridge and infrastructure. Taking care of upstream or downstream issues is benefit for the community. They are all improvements in the right direction. He talked drop structures that he has seen in other communities in Colorado.

Bill Sniffin, 1 Aspen Way, Lived in Lander for 51 years. We own 1/3 mile of the Popo Agie River. He believes the wall project is a bad idea. Huge waste of money. Can't imaging engineers making it better. I don't like what ifs. Rare possibility that will have a 6-hour notice on a flood. The flooding in 2010 was man caused. The river was breached by man and the river. The hydraulic action of the water coming out and then they had it put it widened the riverbed. He has watched the riverbed for 22 years and said the riverbed is a lot bigger now than before the 2010 flood. Building the wall is over kill and unnecessary. It's a solution in search of a problem. We have to be practical. Money is tight. Feels there is no problem requiring an extreme solution. Missy White appreciate that the topic of funding has come up and know it is Charri's job be concerned about financing but it was discussed earlier that there are some other options available to us from. Homeland Security, Arpa funding, etc. Asked how much we spend in the 2017 and repairs to date. Charri stated we paid \$1,068,000 and we don't get reimbursed that money until the project is totally completed. Will not get reimbursed until the project is complete. For the 2010 flood we got reimbursed in 2017. Missy White said we pay money one way or another. Julia Stuble asked for a definition of what a drop-down structure and self-actuating barriers are. Lance explained a drop-down structure is a concrete structure put in as improvements or things that look aesthetic. RaJean said a self-actuating structure is a wall that is underground and as the flood waters go and fall into the trench, that wall come up from the flood water pressure. Council Member Stuble asked the question again if we are committed to construction if the agreement gets signed tonight. Lance Hopkin's opinion is fi there is a clause in the contractor then no. If we don't have the money to do it right. Adam Phillip said he would have to review the contract. RaJean's interpretation after talking with the Corps of Engineer, with the addition of option one to the contract, that funding on either side is our way out. If we go through the design process and end up not liking it, we can say we don't want the money. That would either end or delay the process. Bob Tipton spoke again and said there are a lot of projects that the Corp goes forward

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with design, and due to either money on either that never get executed and are still sitting around, so it does happen all the time.

MOTION: Council Member Larsen moved to approve. Council Member Stuble made second. Mayor and council members agreed that we need to move forward with this project. Motion passed.

- (d) Authorize Mayor to sign Change Order 1 from Patrick Construction, Inc. for Bank Restoration and Utility Crossing project

MOTION: Council President White moved to approve. Council Member Hulme made second. Motion passed

- (e) Approve County Subdivision Plat for Lander Ranchettes West, Tract 2A, 2B replat.

MOTION: Council Member Hulme moved to approve. Council Member Larsen made second. Motion passed

- (f) Authorize Mayor to sign the LWCF Popo Agie River Park agreement for \$250,000 grant.

MOTION: Council President White moved to approve. Council Member Stuble made second. Motion passed

V. Adjournment

Being no further business to come before the Council, the meeting was adjourned at 7:27 p.m.

The City of Lander

ATTEST:

By: _____
Monte Richardson, Mayor

Tami Hitsheew, City Clerk

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