

**City Council Meeting Minutes  
January 13, 2020**

The regular meeting of the Douglas City Council was held on Monday, January 13, 2020, at 5:30 p.m. in the Council Chambers of City Hall at 101 N. 4<sup>th</sup> Street, Douglas, Wyoming.

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL:** Mayor Kemper called the meeting to order and led the assembly in the Pledge of Allegiance. Upon roll call the following were present:

Mayor:	René Kemper
Council Members:	John Bartling
	Monty Gilbreath
	Kim Pexton
	Karl E. Hertz

**Others Present:**

City Administrator	Jonathan Teichert
City Attorney	Heather Duncan-Malone
City Clerk	Karen Rimmer
City Treasurer	Mary Nicol
Police Chief	Ron Casalenda
Public Works Director	John Harbarger
IT Director	Gary Schwarz

**Disclosures by City Councilmembers:** Mayor Kemper asked for disclosures of any conflicts of interest for Council members; there were none.

**Consent Agenda:** Councilmember Bartling moved to approve the Consent Agenda as presented: **Item 2.I. Corrections, Additions, and Approval of Agenda for January 13, 2020; Item 2.II. Consideration of Resolutions and Ordinance by Title Only; Item 2.III. Warrant Register, December 2019; Item 2.IV. Minutes, Regular City Council Meeting, December 9, 2019; Item 2.V. Minutes, City Council Work Session, December 12, 2019; Item 2.VI. Minutes, City Council Work Session, December 19, 2019:** Councilmember Hertz seconded; no discussion and motion approved 5-0.

**Presentations to Council/Public Hearing:** **Item 3.I. Show Cause Hearing, Sales Tax Delinquency, P&Z Inc. DBA Double D Liquors:** Mayor Kemper opened the show cause hearing; Clerk Rimmer provided evidence on behalf of the City including: an overview of the sales tax delinquency issue, the fifth for this licensee; dates and Council actions for all other violations; amount of and type of delinquency (penalties and interest), which is now paid in full; overview of discussions with the licensee regarding situations contributing to this delinquency; and Council authority provided by Municipal Code and State Statute. A detailed overview was provided of all Council actions for each of the previous show cause hearings, which occurred October 10,

48 2016; October 9, 2017; June 25, 2018; and November 13,  
49 2018. Council asked for clarification on certain previous actions  
50 and sales tax payment processes. Dawn Patterson, representing  
51 P&Z, Inc., approached Council to provide further clarification  
52 of the situation, including significant computer issues in  
53 September 2019. She stated this delinquency was for September  
54 2019 (paid in November), and provided an overview of discussions  
55 with the Wyoming Department of Revenue; how she pays her taxes  
56 online and was unaware of this delinquency; and how her online  
57 account did not show the delinquent penalties and interest. No  
58 further questions and the show cause hearing was closed.  
59 Councilmember Bartling moved to impose a \$500.00 fine against  
60 P&Z Inc. due no later than 12:00 p.m. the following day [or  
61 suspension would occur until the fine was paid, to be consistent  
62 with past actions]; seconded by Councilmember Gilbreath.  
63 Following discussion, a friendly amendment and second to the  
64 motion was made requiring the licensee to report all sales tax  
65 payments to the City Clerk for twelve consecutive months, and to  
66 notify the City Clerk of any other issues. Further discussion of  
67 Council actions if the reporting requirement wasn't met were  
68 discussed; Attorney Duncan-Malone advised that the mechanism for  
69 a show cause hearing is a delinquency, not a failure to report.  
70 Further discussion ensued regarding progressing this penalty by  
71 increasing the fine due to the number of delinquencies. Another  
72 friendly motion and second were made to the main motion changing  
73 the fine amount from \$500.00 to \$650.00 to be paid by noon  
74 tomorrow, and reporting of sales tax payments for the next  
75 twelve consecutive months. No further discussion and motion  
76 approved 5-0. **Item 3.II. Show Cause Hearing, Sales Tax**  
77 **Delinquency, Friendz LLC DBA Friendz:** Mayor Kemper opened the  
78 show cause hearing; Clerk Rimmer stated that there was no  
79 representative of Friendz LLC present and deferred to the City  
80 Attorney regarding how to proceed. The Clerk clarified that the  
81 licensee had been notified and had indicated someone would be in  
82 attendance. Attorney Duncan-Malone advised Council of their  
83 options, including rescheduling the hearing or going ahead and  
84 acting due to the licensee's notification. Following further  
85 instruction from the City Attorney, Councilmember Gilbreath  
86 moved to table this item; Councilmember Pexton seconded; no  
87 further discussion and motion approved 5-0.

88 **Public Comments:** Cub Scout Pack 1026 approached Council and  
89 asked why the City had stopped its recycling program, as well  
90 as when [the program] would either resume or end for good.  
91 Administrator Teichert explained the program had been suspended  
92 due to not having a company to purchase recycled commodities,  
93 and that the City is currently seeking another buyer. He added  
94 that the City still accepts metals at the Transfer Station,

95 which is recycled. The City is waiting to hear from the City of  
96 Casper who may be beginning a recycling program of their own.  
97 Director Harbarger explained how the Casper program currently  
98 works, and that their program is of great expense to them. He  
99 provided an overview of costs and added that the U.S. is working  
100 on developing its own recycling program. Council reminded the  
101 Troop to reduce, reuse, and refuse. Grant Humphrey approached  
102 Council and asked if there were any departments that would like  
103 ten free trees that he received that he does not want.  
104 Administrator Teichert thanked him and stated they would  
105 definitely take the trees and explained some of the places they  
106 could go. Mr. Humphrey will contact Director Harbarger and make  
107 arrangements.

108 **Council Appointments: Item 5.I. Converse County Tourism and**  
109 **Promotion Board, Council-Appointed Vacancy:** Councilmember Hertz  
110 moved to appoint Robin White to the Converse County Tourism and  
111 Promotion Board for the remainder of the vacant 3-year term,  
112 from January 14, 2020, to June 30, 2021; Councilmember Bartling  
113 seconded; no discussion and motion approved 5-0. **Item 5.II.**  
114 **Converse County Justice Center Joint Powers Board, 2020 Council**  
115 **Member Appointment:** Councilmember Pexton moved to appoint  
116 Councilmember Bartling to the Converse County Justice Center  
117 Joint Powers Board for a 3-year term from February 1, 2020, to  
118 January 31, 2023; seconded by Councilmember Gilbreath; no  
119 discussion and motion approved 5-0. **Item 5.III.**

120 **Municipal/County Joint Powers Board, 2020 Council Member**  
121 **Appointments:** Councilmember Bartling moved to appoint Mayor René  
122 Kemper to the Joint Powers Board as a voting member from January  
123 14, 2020, to December 31, 2020; seconded by Councilmember  
124 Gilbreath; no discussion and motion approved 4-0 with Mayor  
125 Kemper abstaining. Councilmember Hertz moved to appoint  
126 Councilmember Kim Pexton to the Joint Powers Board as a voting  
127 member from January 14, 2020, to December 31, 2020; seconded by  
128 Councilmember Gilbreath; no discussion and motion approved 4-0  
129 with Councilmember Pexton abstaining. **Item 5.IV. Wyoming**  
130 **Community Gas Board, 2020 City Appointments:** Councilmember  
131 Pexton moved to appoint Councilmember John Bartling to the Joint  
132 Powers Board as a voting member from January 14, 2020, to  
133 December 31, 2020; Councilmember Hertz seconded; no discussion  
134 and motion approved 4-0 with Councilmember Bartling abstaining.  
135 Councilmember Pexton moved appoint Councilmember Gilbreath to  
136 the seconded by Councilmember Hertz; motion approved 4-0 with  
137 Councilmember Gilbreath abstaining. Bartling **Item 5.V. Douglas**  
138 **Area Urban Systems Advisory Board, 2020 City Appointment:**  
139 Councilmember Bartling moved to appoint John Harbarger to the  
140 Federal Systems Advisory Board for a 4-year term from January

141 14, 2020, to December 31, 2024; Councilmember Gilbreath  
142 seconded; no discussion and motion approved 5-0.

143 **Council Items: Item 6.I. Amendment Number Two to Agreement**  
144 **Between the City of Douglas, Wyoming, and Heather Duncan-Malone**  
145 **for Attorney Services Motion:** Councilmember Gilbreath moved to  
146 approve the amendment as presented; Councilmember Pexton  
147 seconded. Council thanked Attorney Duncan-Malone for the job she  
148 is doing; no further discussion and motion approved 5-0. **Item**  
149 **6.II. Bid Recommendation, New Specified 2020 4X4 Half-Ton Pickup**  
150 **Truck, Shop Department Motion:** Councilmember Hertz moved to  
151 approve the bid as presented and accept the bid from Fremont  
152 Motors Casper in the amount of \$34,495.00, and further authorize  
153 the City Administrator to sign all associated documentation;  
154 Councilmember Bartling seconded; no discussion and motion  
155 approved 5-0.

156 **Department Reports: Item 7.I. Administrative Services**  
157 **Department/City Treasurer:** Mary Nicol reported on completed  
158 software updates and other components to be added within her  
159 department; new W-4 requirements for employees; year-end items;  
160 and that the FY2021 process will begin soon. She added that the  
161 audit should be finalized and ready for approval at the next  
162 Council meeting. Council thanked her for the Dashboard  
163 information. **Item 7.II. City Clerk:** Karen Rimmer provided an  
164 update for Council on liquor license renewals, which are almost  
165 complete; year-end items and retention changes; upcoming bids  
166 and the completion of updates to bidding documents; ongoing  
167 projects; and upcoming items, including Financial Disclosures  
168 and other annual permits. **Item 7.III. Community Development**  
169 **Department:** Clara Chaffin updated Council on the Brownfield  
170 grant progress and status of Phase I aspects of the grant; Phase  
171 II has been recommended for all properties. She reported that  
172 the SHPO grant was approved for the South Douglas Historic  
173 District; and updates on contractor license renewals;  
174 Conditional Use Permits; Boys & Girls Club building project  
175 progress; current developments; potential residential and multi-  
176 family developments; that Douglas 3rd-grade classes should be  
177 receiving their historic Douglas workbooks soon; and an overview  
178 of meetings with the owner of the old EWC campus and upcoming  
179 potential zoning changes. **7.IV. Police Department:** Chief  
180 Casalenda reported that his department is heavily into training  
181 on the new CAD-EMS software system; that they have eight  
182 department vehicles with some sort of recall that they will be  
183 getting resolved soon; and updated Council on staffing numbers  
184 and progress; disposal of police vehicles and property via a  
185 public bidding site; and budgeted equipment that is now coming  
186 in. **7.V. Public Works Department:** John Harbarger updated Council  
187 on several projects including progress on the Little Boxelder

188 Spring Transmission line project; the Bartling Park Electrical  
189 Upgrades project; Pearson Road storm sewer; and a bid going out  
190 this week for a major water/sewer/street project on Oak Street.  
191 **Item 7.VI. City Administrator:** Jonathan Teichert updated Council  
192 on the WAM Region II/NEWY meeting held in Gillette; discussion  
193 included impacts of various federal law changes; legislative  
194 issues; and anticipated Direct Distribution and amendments.  
195 Council asked questions about how the direct distribution works;  
196 discussion. He invited Council to a Main Street Meet & Greet  
197 tomorrow evening, where they anticipate questions about downtown  
198 street projects; and provided updates on the Mineral Royalty  
199 grant application for the Fire Training facility, which was  
200 recommended for partial funding. Friday he will meet with BLM  
201 Cooperators to review the preliminary final draft of the  
202 Converse County EIS. Council requested Administrator Teichert  
203 provide a more detailed overview of the Fire Training Facility  
204 project and grant; Administrator explained that this is a \$1.2  
205 million grant to build a training facility addressing the energy  
206 industry; the recommendation from SLIB is for \$800,000. A  
207 classroom has been established 126 N. 3<sup>rd</sup>, which is next to the  
208 Fire Department; this allows the grant project to be easily  
209 reduced.

210 **Presentations to Council/Public Hearing: Item 3.II. Show Cause**  
211 **Hearing, Sales Tax Delinquency, Friends LLC DBA Friends:** Due to  
212 representation appearing for Friendz LLC, Councilmember Bartling  
213 moved to remove this item from the table; Councilmember Hertz  
214 seconded; no discussion and motion approve 5-0. Mayor Kemper  
215 opened the show cause hearing; Clerk Rimmer provided evidence on  
216 behalf of the City including: an overview of the sales tax  
217 delinquency issue, the first for this licensee; notifications;  
218 that the sales taxes are now paid in full; and Council authority  
219 provided by Municipal Code and State Statute. Phil Romero, owner  
220 of Friendz LLC, approached Council and explained that this was  
221 an error on his part and that when he paid, the liquor hold was  
222 already in place. No questions from Council and show cause  
223 hearing closed. Councilmember Pexton moved to take no further  
224 action in this matter; seconded by Councilmember Hertz; no  
225 discussion and motion approved 5-0.

226 **Council Information: Item 8.I. Treasurer's Report, November**  
227 **2019; Item 8.II. Dashboards, November 2019; Item 8.II.**  
228 **Unapproved Minutes, Converse County Tourism Board Regular**  
229 **Meeting, November 21, 2019:** Council determined the next Work  
230 Session would be scheduled for Thursday, January 23, 2020. No  
231 further discussion and no action taken.

232 **Executive Session:** None.

233 **Adjourn:** Councilmember Hertz moved to adjourn the regular  
234 Council meeting; Councilmember Pexton seconded; no discussion  
235 and motion approved 5-0. Regular meeting adjourned at 6:35 p.m.

236 **ATTEST:**

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239 \_\_\_\_\_  
240 Karen Rimmer, City Clerk  
Published: January 22, 2019

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Rene' Kemper, Mayor