

RESOLUTION NO. 2022-95

A RESOLUTION APPROVING THE PROPOSITION FOR IMPOSITION OF A ONE PERCENT (1%) SPECIFIC PURPOSE SALES AND USE EXCISE TAX IN SWEETWATER COUNTY, WYOMING, SAID PROPOSITION TO BE PLACED ON THE BALLOT AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022.

WHEREAS, pursuant to Wyo. Stat. §§39-15-203(a)(iii), 39-15-204(a)(iii), 39-16-203(a)(ii), 39-16-204(a)(ii) and 39-16-202(e), counties may impose an excise tax not to exceed two percent (2%) upon retail sales of tangible personal property, admissions and services made, and upon sales and storage, use and consumption of tangible personal property, within the county, for specified purposes and in specified amounts as authorized by the qualified electors of the county; and,

WHEREAS, the City of Rock Springs, Wyoming ("Rock Springs") requests that the Board of County Commissioners (the "Commissioners") of Sweetwater County, Wyoming (the "County") makes a one percent (1%) specific purpose sales and use excise tax (the "Tax") available as a source of funding for the following Projects in the amount of \$83,511,570.00 and interest earned thereon:

1. \$2,310,215 to the Town of Bairoil for the repairs/replacements needed for the water and sewer lines, including replacing all defective valves, upgrading old chlorine system, street repairs from decay and excavations, upgrade obsolete mapping for water and sewer system, engineering costs with the above projects;
2. \$1,343,148 to the Town of Granger to reconstruct and pave the currently unpaved town streets with 3" asphalt, including curbing and gutters.
3. \$22,027,627 to Green River for the following: (1) paving, curb, gutter, sidewalk, and rehabilitation of water, sewer and storm sewer infrastructure in various locations on the following streets - westbound Riverview Drive (from Hackberry Street to Locust Street), eastbound Riverview Drive (from Locust Street to Fir Street), Bridger Drive (from East Teton Boulevard to West Teton Boulevard), Faith Drive, Evans Drive (from Faith Drive to Faith Drive), Easy Street (from Hutton Street through Easy Circle), Wilkes Drive (from Hutton Street to Evans Drive), and Indian Hills Drive (from Shoshone Avenue to Uinta Drive); and (2) Cape seal selected streets to preserve the integrity of the asphalt surface.
4. \$9,670,666 to the Jamestown-Rio Vista Water and Sewer District, Sweetwater County, for installation of a sewer trunk line through the district to connect to the City of Green River sewer system;

5. \$1,998,604 to the Town of Superior for water system upgrades and improvements including water well testing and maintenance and a new transition line and valves, sewer system updates and a new water well;
6. \$6,662,014 to the North Sweetwater Water and Sewer District, Sweetwater County, to rebuild its over 50 year old lagoons and replace about 12,000 linear feet of collection system piping in order to address compliance, capacity and structural issues such as cracked, collapsed and misaligned pipe;
7. \$35,093,771 to the City of Rock Springs for the following five (5) water, sewer, wastewater, storm water, and building repair infrastructure projects:
 - a. Water facility odor control and improvements - Design and construction of a processing facility that will utilize solar and supplemental heating sources to dry and process biosolids produced from the wastewater treatment process. The year around processing of the biosolids will reduce the odors released during this operation. In addition, air scrubbers will be installed to reduce the odors emitted from the facility.
 - b. Northeast Rock Springs detention basin - Design and Construction of two detention basins near Century Park to reduce flooding impacts in the area. These basins will decrease the peak storm water outflows from the natural drainages flowing into them.
 - c. Killpecker creek detention basin - Design and Construction of two detention basins located along the Killpecker drainage along with channel improvements to the lower limits of Killpecker Creek. One Basin will be located near the White Mountain Golf Course and the other North of Reliance. These improvements will reduce the peak flood flow rate of Killpecker creek within the City of Rock Springs and reduce the impacts to adjacent properties.
 - d. Facility infrastructure repairs - Replace the original irrigation system at Wataha Recreation Area. This system irrigates the original 18-holes on the golf course along with the ball complex, picnic areas, driving range and clubhouse grounds. The system was installed in 1977 and is the lifeblood of this outdoor facility. Replace the original Holmsten ice compressor system that cools the Family Rec Center ice rink floor. The system was built in 1984 and utilizes R22 Freon which has not been manufactured for years and will soon be unavailable or if reclaimed R22 is available it will be cost prohibitive. This unit is the lifeblood of the ice rink and without it we have no rink. Replace the original field lights on the three softball fields at Wataha Ball Complex. These incandescent lights were installed in 1978 and need to be upgraded soon if we want to continue using these fields at night. Currently replacement bulbs are difficult to purchase.
 - e. Rehabilitation of water, sewer and storm sewer infrastructure in various locations throughout the City of Rock Springs. This will include line replacement and/or pipe lining along with replacement of other necessary appurtenances.
8. \$4,405,525 to the Town of Wamsutter to replace the red clay sewer pipe and waterline and curb and gutter, sidewalk and pavement for 7 blocks; and,

WHEREAS, pursuant to the provisions of Wyo. Stat. §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A), before any proposition to impose the Tax shall be placed before the electors of the County, the Commissioners and the Governing Bodies of at least two-thirds (2/3) of the incorporated municipalities within the County shall adopt a resolution approving the proposition, setting forth a procedure for qualification of a ballot question for placement on the ballot and specifying how excess funds shall be expended; and,

WHEREAS, Rock Springs supports the proposition for imposition of the tax and submission of a ballot proposition to the qualified registered electors of the County at an election to be held on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, WYOMING:

Section 1. The City of Rock Springs hereby requests that the Commissioners recognize this Resolution, dated July 5, 2022 (the "Rock Springs Resolution"), as Rock Springs's approval as required by Wyo. Stat. §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

Section 2. The City of Rock Springs Rock Springs hereby requests that the Commissioners adopt the Resolution attached hereto as Exhibit A (the "County Resolution," which by this specific reference and passage of this Rock Springs Resolution is made a part hereof), and that the County Resolution will constitute the County's approval as required by Wyo. Stat. §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

Section 3. Should any part or provision of this Rock Springs Resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this Resolution is severable.

PASSED AND APPROVED THIS _____ day of _____, 2022.

President of the Council

Mayor

Attest:

City Clerk

RESOLUTION NO. 22-07-CC-02

A RESOLUTION APPROVING A PROPOSITION TO IMPOSE A 1% SPECIFIC PURPOSE SALES AND USE TAX IN SWEETWATER COUNTY, STATE OF WYOMING, FOR THE EXCLUSIVE PURPOSE OF FUNDING SPECIFIC PURPOSES FOR SPECIFIC AMOUNTS; THE PROPOSITION TO BE VOTED ON AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022.

WHEREAS, pursuant to Wyoming Statute §§39-15-203(a)(iii), 39-15-204(a)(iii), 39-16-203(a)(ii), 39-16-204(a)(ii) and 39-16-202(e), counties may impose a sales and use excise tax not to exceed two percent (2%) (hereinafter the "Tax") upon retail sales of tangible personal property, admissions and services made, and upon sales and storage, use and consumption of tangible personal property, within the county, for specific purposes and in specific amounts as authorized by the qualified electors of the county; and

WHEREAS, the Board of County Commissioners for Sweetwater County, State of Wyoming (the "Commissioners"), in response to the needs of the County and requests received from the governing bodies of the Town of Bairoil, the Town of Granger, the Town of Superior, Town of Wamsutter, the City of Green River and the City of Rock Springs (hereinafter, being sometimes individually referred to as "Sponsoring Entity" and collectively referred to as "Sponsoring Entities"), has determined to make such source of funding available in the following specific amounts for the following specific purposes (the "Projects"):

For the following Projects in the amount of \$83,511,570 and interest earned thereon:

1. \$2,310,215 to the Town of Bairoil for the repairs/replacements needed for the water and sewer lines, including replacing all defective valves, upgrading old chlorine system, street repairs from decay and excavations, upgrade obsolete mapping for water and sewer system, engineering costs with the above projects;
2. \$1,343,148 to the Town of Granger to reconstruct and pave the currently unpaved town streets with 3" asphalt, including curbing and gutters.
3. \$22,027,627 to Green River for the following: (1) paving, curb, gutter, sidewalk, and rehabilitation of water, sewer and storm sewer infrastructure in various locations on the following streets – westbound Riverview Drive (from Hackberry Street to Locust Street), eastbound Riverview Drive (from Locust Street to Fir Street), Bridger Drive (from East Teton Boulevard to West Teton Boulevard), Faith Drive, Evans Drive (from Faith Drive to Faith Drive), Easy Street (from Hutton Street through Easy Circle), Wilkes Drive (from Hutton Street to Evans Drive), and Indian Hills Drive (from Shoshone Avenue to Uinta Drive); and (2) Cape seal selected streets to preserve the integrity of the asphalt surface.
4. \$9,670,666 to the Jamestown-Rio Vista Water and Sewer District, Sweetwater County, for installation of a sewer trunk line through the district to connect to the City of Green River sewer system.;
5. \$1,998,604 to the Town of Superior for water system upgrades and improvements including water well testing and maintenance and a new transition line and valves, sewer system updates and a new water well.;
6. \$6,662,014 to the North Sweetwater Water and Sewer District, Sweetwater County, to rebuild its over 50 year old lagoons and replace about 12,000 linear feet of collection system piping in order to address compliance, capacity and structural issues such as cracked, collapsed and misaligned pipe. ;
7. \$35,093,771 to the City of Rock Springs the following five (5) water, sewer, wastewater, storm water, and building repair infrastructure projects:

- a. Water facility odor control and improvements - Design and construction of a processing facility that will utilize solar and supplemental heating sources to dry and process biosolids produced from the wastewater treatment process. The year around processing of the biosolids will reduce the odors released during this operation. In addition, air scrubbers will be installed to reduce the odors emitted from the facility.
 - b. Northeast Rock Springs detention basin - Design and Construction of two detention basins near Century Park to reduce flooding impacts in the area. These basins will decrease the peak storm water outflows from the natural drainages flowing into them.
 - c. Killpecker creek detention basin - Design and Construction of two detention basins located along the Killpecker drainage along with channel improvements to the lower limits of Killpecker Creek. One Basin will be located near the White Mountain Golf Course and the other North of Reliance. These improvements will reduce the peak flood flow rate of Killpecker creek within the City of Rock Springs and reduce the impacts to adjacent properties.
 - d. Facility infrastructure repairs - Replace the original irrigation system at Wataha Recreation Area. This system irrigates the original 18-holes on the golf course along with the ball complex, picnic areas, driving range and clubhouse grounds. The system was installed in 1977 and is the lifeblood of this outdoor facility. Replace the original Holmsten ice compressor system that cools the Family Rec Center ice rink floor. The system was built in 1984 and utilizes R22 Freon which has not been manufactured for years and will soon be unavailable or if reclaimed R22 is available it will be cost prohibitive. This unit is the lifeblood of the ice rink and without it we have no rink. Replace the original field lights on the three softball fields at Wataha Ball Complex. These incandescent lights were installed in 1978 and need to be upgraded soon if we want to continue using these fields at night. Currently replacement bulbs are difficult to purchase.
 - e. Rehabilitation of water, sewer and storm sewer infrastructure in various locations throughout the City of Rock Springs. This will include line replacement and/or pipe lining along with replacement of other necessary appurtenances.
8. \$4,405,525 to the Town of Wamsutter to replace the red clay sewer pipe and waterline and curb and gutter, sidewalk and pavement for 7 blocks.

WHEREAS, the Commissioners have determined that in order to fund the above-referenced projects, and to pay debt service, and/or lease payments relating to the Projects, and if available, to be used to leverage or match federal and/or state grant funds or other revenue sources relating to the Projects, a specific purpose sales and use excise tax should be imposed within the County; and

WHEREAS, the Commissioners have determined it is necessary to submit the proposition for the imposition of the Tax to the qualified registered electors of the County; and

WHEREAS, the Tax will end when the amounts set forth above have been collected; and

WHEREAS, pursuant to the provisions of Wyoming Statute §§ 39-15-203(iii)(A) and 39-16-203(a)(ii)(A), before any proposition to impose or extend the Tax or incur debt shall be placed before the electors of the County, the Commissioners and the governing bodies of at least fifty percent (50%) of the incorporated municipalities within the County shall adopt a resolution approving propositions, setting forth a procedure for the qualification of a proposition for the placement on the ballot, and specifying how excess funds shall be expended.

NOW, THEREFORE, BE IT RESOLVED BY AT LEAST FIFTY PERCENT (50%) OF THE GOVERNING BODIES OF THE INCORPORATED MUNICIPALITIES OF SWEETWATER COUNTY AND THE BOARD OF COUNTY COMMISSIONERS OF SWEETWATER COUNTY, STATE OF WYOMING, THAT:

Section 1. At the general election to be held in Sweetwater County, State of Wyoming, on Tuesday, November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m., there will be submitted to the qualified registered electors of the County a proposition for imposing a 1% Specific Purpose Sales and Use tax for the exclusive purpose of funding the above-referenced Projects, as more particularly set forth in the ballot question at the general election and in the Sweetwater County General Election Proclamation, to be published by the Sweetwater County Clerk in accordance with law.

Section 2. The election on the propositions shall be held at those Election Districts, Precincts and Polling Places as more particularly set forth in the Sweetwater County General Election Proclamation, to be published by the Sweetwater County Clerk in accordance with law.

Section 3. The votes, including absentee votes, shall be registered on official ballots. The ballots shall be in substantially the following form:

“Shall Sweetwater County, Wyoming, be authorized to adopt and cause to be imposed a one percent (1%) specific purpose sales and use excise tax within the County, the proceeds from which and the interest earned thereon to be used and applied for funding acquisition of land (if necessary), the planning, engineering, constructing, remodeling, furnishing, equipping and supplying; and, to the extent allowed by law, the payment of operation and maintenance, debt service, federal and/or state grant funds or revenue streams as leverage or a match and/or lease payments, in the following specific principal amounts for the following specific purposes:

For the following Projects in the amount of \$83,511,570 and interest earned thereon:

1. \$2,310,215 to the Town of Bairoil for the repairs/replacements needed for the water and sewer lines, including replacing all defective valves, upgrading old chlorine system, street repairs from decay and excavations, upgrade obsolete mapping for water and sewer system, engineering costs with the above projects;
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of Killpecker Creek. One Basin will be located near the White Mountain Golf Course and the other North of Reliance. These improvements will reduce the peak flood flow rate of Killpecker creek within the City of Rock Springs and reduce the impacts to adjacent properties.

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e. Rehabilitation of water, sewer and storm sewer infrastructure in various locations throughout the City of Rock Springs. This will include line replacement and/or pipe lining along with replacement of other necessary appurtenances.

8. \$4,405,525 to the Town of Wamsutter to replace the red clay sewer pipe and waterline and curb and gutter, sidewalk and pavement for 7 blocks.

FOR THE TAX _____

AGAINST THE TAX _____

Section 5. The County Clerk shall cause the Sweetwater County General Election Proclamation to be published in accordance with law.

Section 6. The election on the propositions shall be held, conducted and the results canvassed as provided by the Wyoming Election Code of 1973, more particularly, the Political Subdivision Bond Election Law (Wyoming Statute §§22-21-101 to 22-21-112, inclusive).

Section 7. In the event the proposition shall be approved by the qualified registered electors of Sweetwater County, the Tax shall commence on January 1, 2023. Upon distribution of the approved Tax funds to the County (or such lesser amount if the County agrees to terminate the Tax pursuant to the provisions of Wyo. Stat §§ 39-15-203(a)(iii)(G) and 39-16-203(a)(ii)(G), excess Tax funds shall be retained by the Sweetwater County Treasurer for one (1) year for refund of overpayments. After one (1) year, the excess Tax funds (less any refunds), plus any interest earned thereon, shall be distributed to the County and the Municipalities based upon the respective ratio which the principal amount of each Project approved bears to the total principal amount of all Projects approved. All Tax funds, and interest thereon, shall be used for construction, operation, equipment and maintenance of the Projects specified in the ballot question.

Section 8. Before the proposition may be placed before the qualified electors of Sweetwater County, the Commissioners and the governing bodies of at least fifty percent (50%) of the incorporated municipalities within the County must adopt this joint resolution as required by Wyo. Stat §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

Section 9. The passage of this resolution shall constitute written notification to the County Clerk, in accordance with Wyo. Stat § 22-21-103, specifying the date of the election and the propositions, and shall further constitute approval as required by Wyo. Stat §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

Section 10. Should any part or provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this joint resolution is severable.

ADOPTED AND APPROVED as of the _____ day of _____ 2022.

BOARD OF COUNTY COMMISSIONERS IN AND FOR SWEETWATER COUNTY,
WYOMING

BY _____
JEFFREY SMITH, CHAIRMAN

BY _____
ROY LLOYD, MEMBER

BY _____
LAUREN SCHOENFELD, MEMBER

BY _____
MARY THOMAN MEMBER

BY _____
RANDY WENDLING, MEMBER

STATE OF WYOMING)
):SS
COUNTY OF SWEETWATER)

Signed or attested before me on _____, 20____ by Jeff Smith, Chair, Roy
Lloyd, Member, Lauren Schoenfeld, Member, Mary Thoman, Member and Randy Wendling,
Member, Board of Sweetwater County Commissioners.

CYNTHIA LANE,
SWEETWATER COUNTY CLERK

(Seal)

My commission expires: _____