

Wheatland, Wyoming  
February 9, 2004

RECORD OF PROCEEDINGS FOR THE  
GOVERNING BODY OF THE  
TOWN OF WHEATLAND

The regular meeting of the Town Council of the Town of Wheatland, Platte County, State of Wyoming was held in the Council Room of the Town Hall at 7:00 P.M. Monday, February 9, 2004.

The meeting was called to order by Mayor Dingman and upon roll call it was found that the following were present; Councilmen Wilhelm, Hensel, Geile and Wilson. Also present was Clerk/Treasurer, Cindy Kahler, Police Chief, Steve Gilmore, Town Attorney, Doug Weaver and Town Engineer, Russ Schamel.

Mayor Dingman stated that the agenda needed to be amended to include the Oath of Office for Diane Morro. A motion was made by Councilman Wilson and seconded by Councilman Geile to approve the agenda as amended. Motion carried 4-0.

The minutes of the regular meeting of January 12, 2004 and the special meeting of January 26, 2004 were presented. A motion was made by Councilman Geile and seconded by Councilman Hensel to approve the minutes as presented. Motion carried 4-0.

The vouchers for the month of January, 2004 were presented for payment. A motion was made by Councilman Geile and seconded by Councilman Wilson to approve the vouchers as presented. Motion carried 4-0. The vouchers are as follows: Airgas-supplies-90.94; Allen's Parts-veh maint-202.29; Amazing Monogramming-supplies-23.70; Atlas Office Products-supplies-349.11; Auto Electric-supplies-32.55; Brown Company-supplies-91.99; Carolina Software-computer support-200.00; Caselle-computer support-1192.00; Cellular One-phones-103.17; Charlie Trimble-Snap On-supplies-10.75; Chemsearch-supplies-474.40; Climate Engineering-supplies-155.91; Communications Source-supplies-1211.53; Communicom-internet-235.85; Consolidated Mfg.-supplies-237.56; Contractors Materials-supplies-174.47; Courier By George-freight-50.00; Crescent Electric-supplies-1119.50; Dana Kepner-supplies-2169.04; Dept. Of Revenue-public utility taxes-2557.05; Douglas Weaver-attorney fees-1750.00; Down To Earth Satellites-supplies-24.95; Drive Train-veh maint-127.36; Drube's Mfg-supplies-302.53; Phil Dumars-contract labor-195.00; Eastern Wyo. Ambulance Service-ambulance-9000.00; Electrical Systems Consultants-engineering-459.00; Eugene Hayes-travel expense-113.75; Farm Plan-supplies-288,12; Fisher Roofing-roofing-3360.00; Friends of Scouting-contribution-100.00; Gall's Inc-supplies-24.06;

Gases Plus-supplies-67.18; Gemplers-supplies-101.85; Hach Company-supplies-351.30; H & H Concrete-concrete-1763.38; Hartsook-supplies-110.89; Hotline Electrical Sales-\ supplies-371.00; Huffers Food Pride-supplies-24.00; IACP-school-100.00; Jack's Electric-supplies-1119.79; Kinder Morgan-heat-7469.59; Kois Brothers-supplies-8036.31 Kriz Davis-supplies-supplies-352.35; KYCN-ad-30.00; Lab Safety -supplies-127.18; LaFarge Marking-supplies-144.28; Days Inn-lodging-132.00; Laramie Peak Motors-supplies-106.60; Larimer Co. Child Advocacy-school-90.00; Lawson Products-supplies-610.31; Lock Trucking-supplies-32.98; Mader/Tschacher-audit fees-1000.00; Midwinter Fire Conference-school-1040.00; Mikes Printing-supplies-1180.61; Mountain View Tire-supplies-164.40; National Directory of Law Enforcement-dues-116.10; North Park Transport-freight-557.82; Odean Parts-veh maint-727.00; Orbitcom-phones-2083.55; Page One-pagers-40.40; Pamida-supplies-238.60; P.C. Concrete-supplies-87.50; P.C. Record Times-adv-5385.38; Peterbilt of Wyoming-supplies-102.14; Double D's-janitorial] services-400.00; Pipers-supplies-35.00; Project Safe-subsidy-6000.00; Qwest-phones-111.54; Radio Shack-supplies-565.88; Radisson Hotel-lodging-220.00; Rex Johnson-health ins-400.00; Rose Brothers-supplies-58.28; Salt City Sales-supplies-288.00; Sierra Springs-supplies-19.00; Skarshaug Testing-supplies-81.98; Solid Waste Systems-supplies-14,281.00; Dept. Of \ Revenue-sales tax-866.39; Sunshot Engineering-engineering-1987.00; T & R Electric-supplies-450.00; TZA Water Engineers-testing-750.00; Terminix-supplies-624.12; The Light House-supplies-37.62; TCI Tires-supplies-540.34; Town Treasurer-petty cash-1064.64; Tri State Oil-supplies-35.00; Try-Hydro Corp-landfill monitoring-1342.13; Universal Licensing-FCC license-80.00; Verizon Wireless-phones-206.91; Weight Vest Com-supplies-695.00; WESCO-supplies-782.48; Westcoast Sales-supplies-200.01; Wheatco Sales & Service-supplies-1795.93; Wheatland Automotive-supplies-1476.09; Wheatland Coop-gas, dsl-1382.79; Wheatland Fire Dept-expenses-760.22; Wheatland Fire Equipment-supplies-973.05; Wheatland Lumber-supplies-163.51; Wheatland REA-power-1175.76; Wheatland True Value-supplies-125.88; Wyo. Assoc. Of Municipalities-registration-405.00; Wyoming Dept. Of Employment-unemployment-486.24; Wyoming Retirement System-retirement-1925.00; Wyoming REA-school-250.00; Wyoming Surplus Property-supplies-230.00; Xerox Corp-copiers-159.21; Qwest-phones-49.84; Wyoming Mun. Power Agency-power-101,880.32; Payroll-total-139,048.94. Total Vouchers-344,701.17.

A letter from the Platte County Library thanking the Town for their support was introduced.

Mayor Dingman administered the Oath of Office to Diane Morro as a Police Officer for the Town of Wheatland.

Clerk/Treasurer, Cindy Kahler presented the financial report. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the financial report and place it on file. Motion carried 4-0.

Reports from the Police Dept., Public Works Depts., Platte County Chamber of Commerce, Municipal Court, City/County Planner, Wyoming Municipal Power Agency, Water/Wastewater Dept., Wyoming Community Gas, Fire Dept., and Ambulance. Fire Chief, Scott Scheller reported that the Fire Department had received a grant from FEMA in the amount of

\$165,000.00 and the Town will match it with \$18,500.00 to purchase new air packs for the Department. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the reports and place them on file. Motion carried 4-0.

Proposed Ordinance No. 701 was presented on second reading. A motion was made by Councilman Geile and seconded by Councilman Wilson to approve proposed Ordinance No. 701 on second reading. Motion carried 4-0. Proposed Ordinance No. 701 title being as follows:

AN ORDINANCE AMENDING ORDINANCE #624 PERTAINING  
TO WATER RATES TO RESIDENTIAL AND COMMERCIAL  
USERS IN THE TOWN OF WHEATLAND.

Mayor Dingman presented the Resolution for the proposed three (3%) lodging tax that he had requested be postponed from the January meeting. Jackie Moriarty presented the criteria for the lodging tax. Several citizens spoke in favor of the tax and the benefits that Platte County could derive from the funds generated by it. Several citizens, including motel owners spoke in opposition to the tax and the burden that it would place on their businesses. Councilman Geile stated that he had received numerous phone calls in opposition to the tax and he did not feel comfortable supporting it.

Mayor Dingman indicated that the public hearing for the renewal of the liquor licenses was advertised for 7:30 and he would at this time open the public hearing. Mayor Dingman stated that the licenses would be considered individually with a roll call vote.

Wheatland Moose Lodge #1636- A motion was made by Councilman Geile and seconded by Councilman Wilhelm to approve the liquor license renewal for the Wheatland Moose Lodge #1636. Voting yes- Councilmen Wilhelm, Hensel, Geile and Mayor Dingman  
Voting no - Councilman Wilson, Motion carried 4-1

Wheatland Country Club- A motion was made by Councilman Hensel and seconded by Councilman Geile to approve the liquor license renewal for the Wheatland Country Club. Voting no - Councilman Wilson, Voting yes - Councilmen Wilhelm, Hensel, Geile and Mayor Dingman Motion carried 4-1.

Dusty Boots, Inc. dba Vimbo's Dusty Boots- A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the liquor license renewal for Dusty Boots Inc dba Vimbo's Dusty Boots - Voting no - Councilman Wilson, Voting yes - Councilmen Wilhelm, Hensel, Geile and Mayor Dingman, Motion carried 4-1.

Jimmy G. Wilson dba Wheatlanes Bowling Alley-A motion was made by Councilman Geile and seconded by Councilman Hensel to approve the liquor license renewal for Jimmy G. Wilson dba Wheatlanes Bowling Alley. Voting yes- Councilmen Wilhelm, Hensel & Geile, Mayor Dingman, Voting no - Councilman Wilhelm- Motion carried 4-1.

Commodore Bar Inc.- A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the liquor license renewal for Commodore Bar Inc. Voting yes- Councilmen Wilhelm, Hensel & Geile, Mayor Dingman, Voting no - Councilman Wilson Motion carried 4-1.

LeAnn's Inc.- A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the liquor license renewal for LeAnn's Inc. Voting yes- Councilmen Wilhelm, Hensel

Geil, Mayor Dingman, Voting no - Councilman Wilson Motion carried 4-0.

Big A Inc. dba Big A Liquors. The Mine. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the liquor license renewal for

Big A Inc. dba Big A Liquors, The Mine. Voting no - Councilmen Wilson and Geile,

Voting yes - Councilmen Wilhelm, Hensel and Mayor Dingman - Motion carried 3-2

Harvey Cozad dba Landmark Bar- A motion was made by Councilman Geile and

seconded by Councilman Wilhelm to approve the liquor license renewal for Harvey

Cozad dba Landmark Bar. Voting yes - Councilmen Wilhelm, Hensel & Geile, Mayor

Dingman, Voting no - Councilman Wilson Motion carried 4-1.

Casey Laffitte dba Casey's Timberhaus - A motion was made by Councilman Hensel and

seconded by Councilman Geile to approve the liquor license renewal for Casey Laffitte,

dba Casey's Timberhaus. Voting no-Councilman Wilson, Voting yes-Councilmen Wilhelm,

Hensel and Geile, Mayor Dingman, Motion carried 4-1.

Councilman Wilson stated that the reason he votes "no" on alcohol related issues is

he has a very real concern regarding the alcohol use and abuse in the community, and he

has certain convictions regarding alcohol. He indicated that he has a lot of support

and believes that he must vote his convictions regarding alcohol.

Jim H. Min dba El Gringo's - A motion was made by Councilman Wilhelm and seconded

by Councilman Hensel to approve the liquor license renewal for Jin H. Min dba El Gringo's.

Voting no - Councilman Wilson, Voting yes - Councilmen Wilhelm, Hensel & Geile, Mayor

Dingman, Motion carried 4-1.

Mayor Dingman closed the public hearing on the liquor license renewals and reopened the

discussion on the 3% lodging tax proposal. After further discussion on both the sides of the

issue, a motion was made by Councilman Hensel to approve the Resolution in support of the

3% lodging tax, Councilman Wilhelm seconded the motion for the purposes of discussion.

After further discussion, Mayor Dingman stated that he would not support the tax at this

time as the committee did not present and plan for the use of the funds and the businesses

that it would effect most were not in favor of the tax. Mayor Dingman called for the vote, Voting

yes - Councilman Hensel, Voting no - Councilmen Geile, Wilson and Wilhelm - Motion failed

3-1.

Mr. Tony Weber was present and stated that he would like to have the Town reconsider the

charges for dumping in the landfill. Mr. Weber presented a Resolution and an Ordinance

that was passed in 1990 concerning the use of one percent funds for the landfill and allowing

residents outside of the Town limits to dump for free. Mr. Weber stated that the rural residents

consider the documents a contract and the Town was in violation of the contract, by charging

at the landfill and collecting the 1% funds. Mayor Dingman stated that the life of the landfill

is five years and the Town is in the process of installing a baler system so that the landfill life

can be extended a few years. When the landfill is full, the trash will be baled and taken

out of the County to some other site, which will be very expensive. Mayor Dingman stated

that to be fair, "everybody pays" so that we can keep the landfill open to "everybody".

Councilman Wilhelm stated that he worked to get the 1% passed in late 1989 and he felt

that the Council has made a good faith effort to meet all of the items that were in the

Resolution concerning the 1% for the past thirteen years.

However, the operation and the Department of Environmental Quality rules have changed so much at the landfill that realistically the Town can no longer hold to the commitment of free use of the landfill by the rural people..

Mr. Roger Wilcox was present and stated that he had hit a fire hydrant at Common Cents and he felt that it presented a very unsafe condition. He indicated that the fire hydrant was not protected or marked in any way, and it is located in a fairly heavy traffic area. Water/Wastewater Dept. Foreman, Gary Lipps presented some photographs of the hydrant and its proximity to the street and Common Cents. Mr. Wilcox showed a video taken by the investigating officer at the time of the accident. Councilman Hensel asked Water Dept. Head, Pete Delgado, if the fire hydrant had ever been hit before and Mr. Delgado stated “not in the 28 years he had been with the Town and the hydrant had been installed when Black Mtn. was built (1978). Fire Chief, Scott Scheller stated that poles around a fire hydrant obstruct the use of the hydrant and he stated that flags are generally only placed on the last fire hydrant on the system, so that fireman are aware that they will have to find another source of water past the flagged hydrant. Mr. Wilcox presented a claim for damages to his vehicle of \$220.48. Town Attorney, Doug Weaver stated that both State law and the Town’s Ordinances are clear, that drivers are responsible to back safely and be aware of their surroundings at all time while driving. After further discussion, a motion was made by Councilman Geile and seconded by Councilman Hensel to deny the claim from Mr. Wilcox. Motion carried 4-0.

A Resolution supporting the land acquisition near the Wyoming National Guard Training facility at Camp Guernsey was presented. Councilman Geile asked where the land is that the guard plans to purchase. Town Engineer, Russ Schamel stated that it is private land adjacent to the artillery range and Councilman Wilson stated that the National Guard had been working on this proposal for some time. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve the Resolution in support of the land acquisition by the Wyoming National Guard and authorize the Mayor to execute the document. Motion carried 4-0.

A “Declaration and Consent to No Development Zone” was presented for a 25' wide strip of land owned by the Town of Wheatland adjacent to property owned by Larry Wright at the airport. With the declaration the Town would consent to establish a “no development zone” and as such will be used to review any future building permit applications for the parcel. In addition this no development zone effectively alters the property line for structural development pursuant to the requirements set forth in the International Building Code and any possible amendments thereto. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the “Declaration and Consent to No Development Zone” as presented and authorize the Mayor to execute the document. Motion carried 4-0.

A lease agreement between the Town of Wheatland and Fire District 1F was presented for Lots 1 and 2, Block 84 of the Town of Wheatland (fire hall). The term of the lease was set for five (5) years and the “repairs, improvements and maintenance” item was amended to read a fifty-fifty split in costs by the Town and the District. A lease agreement between the Town of Wheatland the Fire District 1F on two trucks was presented. The lease would cover

a 1999 Freightliner fire truck and a 1990 Ford L9000 fire truck. The term of the lease was set for five (5) years and the “repairs, improvements and maintenance” item would be amended to read a fifty-fifty split in costs by the Town and the District. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to enter into the lease agreements with the Rural Fire District with the amendments as discussed. Motion carried 4-0.

Town Engineer, Russ Schamel presented a Resolution authorizing the submission of a Federal Mineral Royalty Capital Construction Account Grant Application for the State Loan and Investment Board on Behalf of the Governing Body for the Town of Wheatland, Wyoming for the purpose of construction of a “Solid Waste Baling Facility including a 50-ton Baler with appurtenant accessory hardware; 100'X80'X24' steel building, water well w/pumping for washing baler and restroom, and wastewater holding/treatment facility”. The grant application would be in the amount of \$800,000.00. A motion was made by Councilman Wilhelm and seconded by Councilman Geile to approve the Resolution authorizing the submission of a grant application in the amount of \$800,000.00 to the State Land and Investment Board for a baler facility at the landfill and authorize the Mayor to execute the necessary documents. Motion carried 4-0.

Town Engineer, Russ Schamel presented a Resolution authorizing the submission of a a Federal Mineral Royalty Capital Construction Account Grant Application for the State Land and Investment Board on Behalf of the Governing Body for the Town of Wheat land, Wyoming for the purpose of a project to solve the NPDES ammonia contaminant level violations in wastewater effluent to “Wheatland Creek” from the lagoon system by final disposal of municipal treated wastewater for consumptive use in irrigation on farm ground adjacent to the existing wastewater treatment lagoon system including pumping and pipeline facilities and on-farm cold weather off season treated wastewater storage reservoirs. The application would be in the amount of \$1,300,000.00. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the Resolution authorizing the submission of a grant application in the amount of \$1,300,000.00 to the State Land and Investment Board for the facilities to use municipal treated wastewater on farm ground and authorize the Mayor to execute the appropriate documents. Motion carried 4-0.

A motion was made by Councilman Wilhelm and seconded by Councilman Geile to designate, Wells Fargo Bank, First State Bank, Community First and Platte Valley Bank as official depository banks for the Town of Wheatland funds. Motion carried 4-0.

A catering permit for Dusty Boots Inc. dba Vimbo’s Dusty Boots was presented for February 21, 2004. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the catering permit at the minimum fee required by law. Voting yes- Councilmen Wilhelm, Hensel and Geile, Voting no - Councilman Wilson. Motion carried 3-1.

With no further business to come before the governing body, Mayor Dingman adjourned the meeting at 9:35 P.M.. The next regular meeting of the Town Council of the Town of Wheatland will be held on March 8, 2004.

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Mayor, Joel Dingman

Attest:

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Town Clerk/Treasurer, Cindy Kahler