

Wheatland, Wyoming  
May 10, 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, May 10, 2004.

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

Mayor Dingman stated that there needed to be a Proclamation for Emergency Services added to the agenda and the Christensen Simple Subdivision needed to be deleted. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve the agenda as amended. Motion carried.

The minutes of the special meeting held on April 1, 2004 and the regular meeting held on April 12, 2004 were presented. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the minutes of the special meeting of April 1, 2004 and the regular meeting of April 12, 2004 as presented. Motion carried.

The vouchers for the month of April were presented for payment. Councilman Wilson asked Wyoming Municipal Power Agency representative, Doug Weaver to explain the re-bate that appeared on the power billing. Mr. Weaver stated that the Wyo. Mun. Power Agency sells excess power and a portion of the funds generated from that are re-bated back to the member towns. He stated that this years re-bate to the Town of Wheatland is \$56,633.76 and it was deducted from the power billing. A motion was made by Councilman Hensel and seconded by Councilman Wilson to approve the vouchers as presented. Motion carried. The vouchers are as follows: Airgas-supplies-49.10; Allen's Parts-veh maint-61.40; Andesite Rock-supplies-1780.59; Atlas Office Products-supplies-84.19; Auto Dynamics-supplies-2199.00; Auto Electric-supplies-448.44; Bob Ruwart Motors-veh maint-567.81; Bureau of Explosives-training-87.00; Burns Ins.-airport liability-7101.71; Carolina Software-supplies-support-200.00; Caselle-computers-1228.00; Cellular One-phones-99.41; Chief Supply-supplies-147.99; Comfort Inn-lodging-155.97; Communicom-internet-235.85; Consolidated Mfg-supplies-198.32; Contractors Materials-supplies-148.95; Courier By George-freight-170.00; Covered Wagon Motel-lodging-88.00; Crescent Electric-supplies-3916.35; Dana Kepner-supplies-687.98; Dave's Auto Body-wrecker-35.00; Div. Of Workers Comp-workers comp-5099.85; Douglas Weaver-attorney fees-1750.00; Drive Train-supplies-537.78;

Drube's Mfg-supplies-129.26; Phil Dumars-contract labor-195.00; Howard Supply-supplies-19.00; Eastern Wyoming Ambulance Service-ambulance-9,000.00; Electro-Test-supplies-2432.43;Equifax-credit report-4.20; Eugene Hayes-consulting-157.50; Farm Plan-supplies-662.13; Francis McGuire-service-145.00; Frontier Vet Clinic-supplies-10.00; Gaddy's Body shop-repairs- 762.45; Gall's Inc.-supplies-1582.82; Gases Plus-supplies-21.60; Huffer's Food Pride-supplies-209.28; Industrial Dist.-supplies-133.80; Intech-supplies-99.98; Kinder Morgan-heat-2764.77; Kois Bros-supplies-344.88; Kriz Davis-supplies-1264.00; Lab Safety-supplies-54.91;Eileen Day & Patty Sherard-contribution-100.00; Laramie Peak Motors-supplies-855.72; Lathrop Equipment-topdresser-2,000.00; Lawson Products-supplies-327.74; Lynn Peavey-supplies-131.85; Marini Diesel-supplies-167.00; Midwest Hose-supplies-145.13; Mikes Printing-supplies-327.88; Moreland Wholesale-supplies-49.76; Mountain Aire Heating-furnace-12,123.19; National Transmission-veh maint-612.00; Northwest Pipe Fittings-supplies-39.15; Odean Parts-veh maint-480.63; Orbitcom-phones-2083.12; Oriental Traders-supplies-112.65; Page One-pagers-40.40; Pamida-supplies-239.17; P.C. Record Times-advertising-4049.89; Double "D"'s - janitorial-400.00; Phoenix Fire Protection-supplies-96.38; Ken Pinneo-supplies-206.70; Piper's-supplies-687.28; Polk City Directories-book-275.00; Quill Corp-supplies-89.56; Qwest-phones-113.59; Shorey Electronics-supplies-177.08; Rex Johnson-health ins-400.00; Rose Brothers-supplies-1095.36; Salt City Sales-supplies-384.00; Sierra Springs-supplies-29.78; Slafter Oil-supplies-90.00; Lisa Smith-school-143.55; State of Wyoming-sales tax-6810.25; Statewide Electric-supplies-5652.14; Sunshot Engineering-engineering-1517.50; Super Vac-repairs-2202.64; T & R Electric-supplies-24.00; Corporate Office-supplies-144.18; TCI-veh maint-271.75; Torrington Sod-sod-162.50; Town Treasurer-petty cash-1069.90; Tru Green Chemical-spraying-1075.00; Van Diest-fogging equip-12,850.35; Verizon Wireless-phones-315.96; Vermeer Sales-supplies-197.44; WADCO-subsidy-7500.00; WESCO-supplies-1844.55; Wheatco Sales & Service-dsl-1368.00; Wheatland Automotive-veh maint-1048.93; Wheatland Coop-gas-99.76; Wheatland Fire Dept.-expenses-928.62; Wheatland Fire Equipment-supplies-5691.97; Bloedorn Lumber-supplies-886.28; Wheatland REA-power-1306.50; Wheatland True Value-supplies-66.95; Wyoming Surplus Property-supplies-349.75; Wyoming Tribune-adv-470.16; Sunshot Engineering-engineering-1840.00; Vol. Fire Dept.-FEMA grant match-18,500.00;Farm Plan-supplies-108.78; Drube's Supply-supplies-220.88; Dakota Steel-supplies-1094.00; Qwest-phones-48.75; Torrington Sod-sod-13,125.00; DBC Irrigation-supplies-90.68; Jirdon Agri Chemicals-supplies-140.70; Gill Windows-supplies-870.00; Consolidated Mfg-supplies-56.78; Lyle Signs-supplies-378.99; Dana Kepner-supplies-749.92; Western Sprinkler-contract labor-5480.00; Bloedorn Lumber-supplies-8867.97; Wyoming Mun. Power Agency-power-48,434.19; Payroll-total-135,061.99; Total Vouchers -\$364,068.97.

Mayor Dingman introduced a letter from Parks and Recreation Director, Molly Wilhelm concerning two huge volunteer efforts which happened in the community on April 17, 2004. The Platte County Chapter of Thrivent Financial for Lutherans constructed three sun shelters and three new benches at the pool and with assistance from the Boy Scouts dug 15 holes for new trees in the park. The same day 70,000 square feet of sod was laid by 73 volunteers and several Town employees on the new Little League Fields. Mayor Dingman commended everyone for the great effort made to the community on April 17th.

Mayor Dingman proclaimed May 16-22, 2004 as Emergency Medical Services Week in

the Town of Wheatland to honor the emergency services personnel and volunteers in Wheatland.

Town Clerk/Treasurer, Cindy Kahler presented the financial report. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the financial report and place it on file. Motion carried 3-0.

Mayor Dingman presented reports from the Police Dept., Public Works, Platte County Chamber of Commerce, Municipal Court, City/County Planner, Wyoming Municipal Power Agency, Water/Wastewater Dept. and the Ambulance Service. With questions or concerns voiced regarding the reports, Mayor Dingman stated they would be placed on file.

Mayor Dingman stated that he would like to appoint Eileen Day as Municipal Judge for the Town of Wheatland. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the appointment of Eileen Day as Municipal Judge for the Town of Wheatland. Motion carried 3-0.

Mayor Dingman administered the Oath of Office to Municipal Judge Eileen Day.

Mayor Dingman stated that only one bid had been received as a result of the re-bid for the improvements to the old runway at Phifer Airfield. The bid was from Frost Construction in the amount of \$169,075.00. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to accept the bid of Frost Construction in the amount of \$169,075.00 for the runway improvements at Phifer Airfield, and authorize the Mayor to execute the proper documents. Motion carried 3-0.

Platte County Memorial Hospital Administration, Ken Leisher was present and discussed the mal-practice insurance for physicians. He stressed that the insurance is very expensive and hard to obtain by Wyoming Physicians forcing them to retire early or simply leave the State. Mr. Leisher indicated there is definitely a health care crisis in Wyoming and he requested the Town contact the local State Legislators and voice support for the physicians in Wyoming by placing tort reform on the ballot.

Mrs. Gary Byers was present, representing the Platte County Chamber of Commerce. She stated that the Chamber needs to reprint the County map and they would like to have the Town sponsor the front page at a cost of \$500.00. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to authorize the expenditure of \$500.00 to sponsor the front page of the map. Motion carried 3-0.

Ross Archie was present and stated that the city sewer had backed up in his basement and caused extensive damage. Town Attorney, Doug Weaver stated that the Supreme Court has made it necessary for anyone with a claim against government must do it with a sworn affidavit. Mr. Weaver requested Mr. Archie meet with him to discuss the claim and

insurances coverages.

Mayor Dingman introduced proposed Ordinance No. 702 on first reading. Town Attorney, Doug Weaver stated that this Ordinance is to request the County Commissioners to continue the optional one percent tax. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson for discussion. Councilman Wilson voiced some concerns regarding not taking the issue to the voters. Councilman Hensel stated that the tax has been extremely beneficial to the County and all of the Towns in the County and he felt that it has been used wisely. Mayor Dingman called for the vote, voting no - Councilman Wilson, Voting Yes- Mayor Dingman, Councilmen Wilhelm and Hensel. Mayor Dingman declared the motion carried 3-1 and the proposed Ordinance passed on first reading. Proposed Ordinance No. 702 title being as follows:

AN ORDINANCE TO CONTINUE THE IMPOSITION OF THE  
OPTIONAL ONE CENT SALES TAX PURSUANT TO W.S.  
39-15-203, WYOMING STATUTES, 1977 AS AMENDED.

Mayor Dingman introduced the final plat for the proposed Johnston subdivision on East Oak Street. Mrs. Mike Johnston was present and asked that the Council continue with the agenda until Mike or Amy Johnston could be present and Mayor Dingman stated that it was no problem.

Mayor Dingman introduced proposed Ordinance No. 704 on first reading. City/County Planner, Marlin Johnson stated that Steve Connolly of Arrow Investments Inc., submitted an application for the re-zoning of the property located at 1555 Mason Street from “residential” to “general business”. Mr. Johnson stated that this area seems to be moving in a “general business” direction, however, he did voice some concerns regarding the lot size. He stated that any business going onto the property would be required to have variances and the site plan looked at carefully. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to pass proposed Ordinance No. 704 on first reading. Motion carried 3-0. Town Attorney, Doug Weaver expressed some concerns regarding “spot” zoning and recommended the Council advise the Planning and Zoning Board to study the 16th Street corridor. A motion was made by Councilman Wilson and seconded by Councilman Hensel to direct the Planning and Zoning Board to study the zoning issues along 16th Street and report back to the Council. Motion carried 3-0. Proposed Ordinance No. 704 title being as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 419 AND THE  
LAND USE DISTRICT MAP OF THE TOWN OF WHEATLAND,  
WYOMING AND REZONING THAT AREA DESCRIBED  
HEREIN FROM RESIDENTIAL DISTRICT (R) TO GENERAL  
BUSINESS DISTRICT (GB)

Mayor Dingman stated that Amy Johnston had arrived and he asked City/County Planner, Marlin Johnson to address the final plat as submitted by the Johnstons for their proposed subdivision on East Oak Street. Planner, Johnson indicated that nothing had changed from the preliminary plat that was approved on December 8,2003 by the Town Council. Mr. Johnson

stated that the Planning and Zoning Board had approved the final plat at their meeting held on April 22, 2004 with the conditions as specified by the Town Council in December. Mr. Johnson stated the six conditions that will be part of the final plat. 1. Each lot be allowed its own access. 2. That a utility easement of twenty foot (20') minimum width be platted along the east lot line of proposed Lot 7.3. That a twenty (20') drainage easement be included as part of the plat to be recorded at the County Clerk's Office as a miscellaneous document granting an easement to the Town of Wheatland prior to the filing of the final plat. 4. The street improvement funds in the amount of thirty-one thousand, nine hundred and eighty dollars (\$31,980.00) as identified by the Town Engineer, be deposited with the Town and held for future street improvements, at the time the Final Plat is filed. 5. That a fee of one thousand six hundred and twenty dollars (\$1,620.00) be deposited with the Town and held for future recreation facilities or park acquisition at the time the final plat is filed. 6. That the property be rezoned Residential prior to filing the final plat. Amy Johnston asked if the Council would consider allowing them to pay for the curb and gutter as they sold the lots. After a discussion, Ms. Johnston indicated that it would probably be less complicated if they paid the curb and gutter fees at the time they file the final plat. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the final plat for the Johnston Subdivision Phase I with the six conditions as specified. Motion carried 3-0.

Mayor Dingman introduced proposed Ordinance No. 703 on first reading, which would rezone the Johnston Subdivision from "conservancy" to "residential". A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to adopt proposed Ordinance No. 703 on first reading. Motion carried 3-0. Proposed Ordinance No. 703 title being as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 419 AND  
THE LAND USE DISTRICT MAP OF THE TOWN OF  
WHEATLAND, WYOMING, AND REZONING THAT  
AREA DESCRIBED HEREIN FROM CONSERVANCY  
DISTRICT TO RESIDENTIAL DISTRICT.

Mayor Dingman stated that he would like to appoint Dick Moody to the Board of Adjustment. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the Mayor's appointment of Dick Moody to the Board of Adjustment. Motion carried 3-0.

Mayor Dingman stated that he would like to appoint Pat Wagner to the Planning and Zoning Board. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the appointment of Pat Wagner to the Planning and Zoning Board. Motion carried 3-0.

A request from the Laramie Peak Museum Assoc. to place a sign on the billboard that is located on the north bound lane west of the First State Bank. The sign would be four foot by eight foot and would read "Museum - Next Exit - Mid May - Mid September". A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to allow the Laramie Peak Museum to place a sign on the billboard west of the First State Bank. Motion carried 3-0.

A report from the Bandshell Committee regarding deposits for use of the dressing rooms and sound equipment was presented. The Committee presented several options in regard to deposits and refunds. After a discussion the Council were in agreement to direct the Town Attorney to draft a rental agreement, with a \$500.00 refundable deposit for the sound equipment. The rental agreement would include a checklist to be addressed before the deposit is refunded.

Mayor Dingman reported that he, Water Dept. Head, Pete Delgado and Town Engineer, Russ Schamel had met to address the water restrictions that are still in place from last summer. Mayor Dingman stated that they were in agreement that people would be allowed three nights a week on a voluntary basis. The Town will request that no one water between 10:00 A.M. and 6:00 P.M.. The Town will rotate the sprinklers at the parks to fit the three day a week schedule and only at night.

Town Engineer, Russ Schamel introduced a “notice of violation” from the Dept. Of Environmental Quality” concerning the wastewater treatment plant. He also discussed a settlement agreement that the Town would be expected to sign to negotiate the penalties for the violations. Engineer, Schamel stated the primary concern of the D.E.Q. at this time is to have the Town remove the wastewater from the creek.

With no further business to come before the Governing Body, Mayor Dingman adjourned the meeting. The next regular meeting of the Town Council of the Town of Wheatland, will be held on June 14, 2004.

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Mayor, Joel Dingman

Attest:

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Town Clerk/Treasurer, Cindy Kahler