

Wheatland, Wyoming  
June 14, 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, June 14, 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 and Wilson. Also present was Clerk/Treasurer, Cindy Kahler, Town Attorney, Doug Weaver, Police Chief, Steve Gilmore and Town Engineer, Russ Schamel.

Mayor Dingman stated the Gaddy Annexation needed to be deleted and a Reappropriation Resolution added to the agenda. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the agenda as amended. Motion carried 3-0.

The minutes of the regular meeting of May 10, 2004 and the special meeting of June 2, 2004 were presented. A motion was made by Councilman Hensel and seconded by Councilman Wilson to approve the minutes as presented. Motion carried. 3.0.

The vouchers for the month of May, 2004 were presented. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the vouchers for payment as presented. Motion carried 3-0. The vouchers are as follows: Airgas-supplies-677.11; Allen's Parts-veh maint-441.54; Altec-supplies-175.00; Amazing Monogramming-supplies-65.00; Atlas Office Supplies-supplies-494.28; Auto Electric-veh maint-232.18; Bob Ruwart Motors-veh maint-150.53; Brown Company-supplies-188.82; Bureau of Explosives-supplies-130.00; California Contractors-supplies-79.60; Cellular One-phones-99.41; Charlie Trimble-Snap On-supplies-10.75; Chemsearch-supplies-317.40; Randy Chesser-travel expenses-209.66; Commsource-supplies-2224.00; Communicom-internet-235.85; Consolidated Mfg.-supplies-131.28; Cool Customs-supplies-384.30; Country Green House-supplies-87.20; Courier By George-freight-25.00; Crescent Electric-supplies-2507.22; Tina Crites-supplies-300.00; Crystal Ice-supplies-13.50; Dana Kepner-supplies-1400.00; Div. Of Workers Comp-workers comp-5163.60; Doug Weaver-attorney fees-1750.00; Drive Train-supplies-712.32; Drube's Mfg-supplies-222.82; Phil Dumars-contract labor-195.00; Howard Supply-supplies-16.25; Eastern Wyoming Ambulance Service-services-9000.00; Electrical Systems Consultants-engineering-896.00; Energy Labs-testing-660.00; Farm Plan-supplies-13.79; Fig U Rose-supplies 31.50; Gall's Inc-supplies-874.13; Gases Plus-supplies- 23.56; Grainger Parts-supplies-37.08; Hall's Safety

Supply-supplies-86.45; Hawkins Chemical-supplies-330.00; Houston Supply-supplies-384.00; Industrial Dist.-supplies-170.03; Intech-supplies-139.98; Jack's Electric-supplies-4042.07; Kilmers Dist-supplies-142.80; Kinder Morgan-heat-1068.74; Kriz Davis-supplies-781.69; KVA Supply-supplies-1588.14; KYCN-adv-25.00; Laramie Peak Motors-veh maint-433.86; Lathrop Equipment-supplies-450.00; Lawson Products-supplies-513.78; Little America-lodging-477.00; Lock Trucking-supplies-35.85; Lynn Peavey-supplies-131.85; Marks Plumbing-supplies-56.94; McCarty's Carpet Cleaning-services-417.80; Midwest Hose-supplies-23.74; Mikes Printing-supplies-2313.01; Northern Co. Power Inc-veh maint-907.00; Northern Tool-supplies-200.42; Odean Parts-veh maint-363.24; Office Max-supplies-59.98; Orbitcom-phones-1865.33; Oriental Trading Post-supplies-92.32; Page One-pagers-40.40; P.C. Parks & Rec.-expenses-7455.83; P.C. Record Times-adv-2667.68; Peterbilt of Wyoming-supplies-108.43; Pipers-supplies-677.27; Pitney Bowes-supplies-117.07; Shorey Electronics -supplies-120.98; Rex Johnson-health ins-400.00; Rocky Mtn. Weed Control-spraying-3875.00; Safety Kleen-supplies-155.15; Sierra Springs-supplies-27.50; Sirchie Fingerprint-supplies-551.60; Slafter Oil-supplies-285.45; State of Wyoming-sales tax-6995.53; Sunshot Engineering-engineering-422.00; T & R Electric-supplies- 4790.00; The Light House-supplies-82.65; Thomson-books-79.90; TCI Tire Centers-tires-40.00; Total Fitness-fitness expenses-97.20; Tri County Fire & Safety-supplies-1309.19; Tri-Hydro Corp-testing-1125.63; Two Way Radio-supplies-403.16; Van Diest-spray(west nile) - 3920.00; Verizon Wireless-phones-239.55; WREA Loss Control-training-600.00; Walt's Lathe-supplies-280.94; Wells Fargo-vac truck payment-64,801.19; WESCO-supplies-5048.90; Western United-supplies-5834.59; Wheatco-gas & dsl-2903.38; Wheatland Automotive-870.39; Wheatland Coop-gas & dsl-3833.34; Wheatland Fire Dept.-expenses-2040.05; Wheatland Fire Equipment-supplies-830.00; Wheatland Lumber-supplies-1655.69; Wheatland REA-power-1056.17; Wheatland True Value-supplies-98.53; Willcuts Backhoe-supplies-24.34; Wyo. Child & Family Services-subsidy-4500.00; Wyoming Law Enforcement Acad.-training-356.00; Wyoming Surplus Property-supplies-114.00; Xerox Corp-supplies-261.83; Xerox Corp-supplies-20.62; Sunshot Engineering-engineering-4206.00; Universal Athletic-supplies-247.92; Farm Plan-supplies-11.73; H & H Concrete-supplies-2672.00; Scottsbluff Winnelson-supplies-2303.11; Qwest-phones-48.75; Energy Labs-testing-440.00; Bloedorn Lumber-supplies-3467.77; S & S Plumbing-supplies-3000.00; Wyoming Municipal Power Agency-power-95.527.04; Salaries-\$136,394.55; Total Vouchers-\$426,712.70;

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 as presented and place it on file. Motion carried 3-0.

Reports from the Police Dept., Public Works Depts., Platte County Chamber of Commerce, Wyoming Municipal Power Agency, City/County Planning Office and the Water/Wastewater Dept. were presented. Mayor Dingman stated that since there were no questions or concerns voiced, the reports would be placed on file as presented.

City/County Planner, Marlin Johnson presented an application from Jackie and Dale Christensen to do a simple subdivision on the north side of Antelope Gap Road and west of Bellis Road. The applicants wish to create three parcels of fifteen to seventeen acres from one existing parcel. The property abuts the Town of Wheatland limits on the

south side of the airport. As the land is within one mile of a municipal boundary, a resolution from the Town Council will be required approving the sketch plan and consenting to the Simple Subdivision application. City/County Planner, Johnson stated that the FAA requires a fifty (50') no build zone and a seven to one (7-1) slope on building until a thirty-five feet height is reached, on the north edge of the property, along the airport. Bob Brockman was present and spoke in opposition to the no build zone and the 7 to 1 slope. Mr. Brockman stated that the Town of Wheatland is requesting a no build zone on the north 50 feet of the property and then a restricted building zone (applicable to height) on a 7 to 1 slope to the south to a height of 35 feet. This sloping easement would have a total length of 245 feet. The total requirement is then 295 feet of restricted area. Mr. Brockman indicated that to the build a hypothetical house and allowing for a six foot setback, the property would be restricted by 150 feet. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to pass the Resolution approving the the simple subdivision application as presented by the Christensen's with the Planning Office recommendations including the fifty foot "no build" and the seven to one slope for building up to thirty five feet. Other recommendations were; That WYDOT approves an access approach to Parcels "B" and "C". That review of comments from the RCD may require further review of this request, at the discretion of the County Planner; That the property be rezoned to Residential District prior to filing of a plat. That a forty-foot (40') wide strip of right-of-way be dedicated to the public along the subdivision frontage for Bellis Road; and that the County Planning Commission decide what, if anything, to require regarding the irrigation/water rights. Voting yes- Councilman Hensel & Wilhelm, Voting no - Councilman Wilson, Mayor Dingman voted in favor of the motion and declared it carried 3-1.

Proposed Ordinance No. 702 was presented on third and final reading. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve proposed Ordinance No. 702 on third and final passage. Motion carried 3-0. Ordinance No. 702 in its entirety:

ORDINANCE NO. 702  
AN ORDINANCE TO CONTINUE THE IMPOSITION OF THE  
OPTIONAL ONE PERCENT SALES TAX PURSUANT TO W.S.  
39-15-203, WYOMING STATUTES, 1977 AS AMENDED.

WHEREAS, the governing body of the Town of Wheatland desires that the optional one cent sales tax adopted by the electorate of Platte, County, Wyoming in the 1990 general election continue in effect; and

WHEREAS, it would be in the financial best interests of the Town of Wheatland if the optional one cent sales tax continue; and

WHEREAS, W.S. 39-15-203 (a) (ii) (F) provides that the tax authorized pursuant to W.S. 39-15-204 (a) (I) may be continued without submission of the proposition at subsequent elections;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHEATLAND, WYOMING:

Section 1. An additional one percent excise tax is hereby imposed upon every retail sales of tangible personal property, admissions and services made within the county and upon sales made within the county and storage, use and consumption of tangible personal

property, as was originally imposed by the electorate of Platte County, Wyoming, in the November, 1990, general election.

Section 2. Incorporated herein by this reference as if fully set forth are all provisions contained in Article 2, Chapter 15, Title 39 of the Wyoming Statutes, 1999, except for W.S. 39-15-102 (a) and 39-15-203 as amended, in so far as they relate to sales tax and in Article 2, Chapter 16, Title 39 of the Wyoming Statues 1977 as amended, except for 39-16-201(a), insofar as they relate to use taxes, except the name of the County as the taxing agency shall be substituted for that of the State, and an additional license to engage in business shall be required if the vendor had been issued a state license pursuant to the law.

Section 3. Any amendment made to Article 2, Chapter 15, Title 39 of the Wyoming Statutes, or Article 2, Chapter 16, Title 39, not in conflict with 39-15-203 or 39-16-203, shall automatically become part of this sales tax ordinance as if fully set forth.

Section 4. The Town of Wheatland, as is appropriate, shall contract with the Dept. Of Revenue and Taxation prior to effective date of the county sales and use tax ordinances whereby said department shall perform all functions incident to the administration of the sales and use tax ordinance of the Town of Wheatland.

Section 5. The amount subject to the tax imposed hereby shall not include the amount of any sales or use tax imposed by the State of Wyoming.

Passed and approved this 10th day of May, 2004 on first reading.

Passed and approved this 2nd day of June, 2004 on second reading.

Passed and approved this 14th day of June 2004 on third reading and final passage.

/s/ Mayor, Joel Dingman

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

Proposed Ordinance No. 703 was introduced and read on second reading. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve proposed Ordinance No. 703 on second 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 ( C ) TO RESIDENTIAL DISTRICT (R).

Proposed Ordinance No. 704 was introduced and read on second reading. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve proposed Ordinance No. 704 on second reading. 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).

A settlement agreement between the Town of Wheatland the State of Wyoming, Dept. Of Environmental Quality to fully and finally resolve without litigation any violations concerning the Town of Wheatland's wastewater treatment facility. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the settlement agreement with the Dept. Of Environmental Quality and authorize the Mayor to execute the necessary documents. Motion carried 3-0.

WADCO Director, Linda Fabian introduced a Resolution that would authorize WADCO to submit a Community Development Block Grant application for economic development infrastructure on behalf of the Southeast Wyoming Mental Health Center. The block grant would be in the amount of \$300,000.00 to assist with costs associated with the purchase of land and the construction of a new clinic to house the Mental Health Center. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to adopt the Resolution as presented. Motion carried 3-0.

A "Memorandum of Understanding" between the Town of Wheatland the Wheatland Area Development Corp. was presented concerning the purchase of the property located at 2020 South Road. The Wheatland Area Dev. Corp. desires to purchase the property to market it to specific targeted industries for the purpose of creating jobs. The Town of Wheatland sponsored a community readiness grant in the amount of \$418,500.00 and has agreed to match the grant in an amount not to exceed \$46,500.00 for the purchase of the property. WADCO will be responsible for the administration and marketing of the facility with the understanding that the Town will review all the terms and conditions of a sale. After a discussion concerning the language in the M.O.U. a motion was made by Councilman Wilhelm to approve the M.O.U. with the addition of a "D" under section 2. "The purchase price of the property shall be no less than 90% of all funds listed in item "1" listed above unless specifically approved by the Wheatland Town Council. Councilman Wilson seconded the motion for discussion. After further discussion, Councilman Wilhelm withdrew his motion with the approval Councilman Wilson as the second. Councilman Wilhelm made a motion to clarify section 2-C, by adding a sentence " In the event the Town does not approve of the terms and conditions as presented by WADCO, the property cannot be sold. Councilman Wilson seconded the motion. Motion carried 3-0.

Representatives from the Jaycees, Bob Ruwart and Eric Jones requested the Jaycees be allowed to sell fireworks, June 24 through July 4th at their stand located near I-25 Conoco. Mr. Jones also requested that the Jaycees be allowed to hold their annual Fireworks display on July 4th. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to allow the Jaycees to sell fireworks from June 24th through July 4th. Motion carried 3-0. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to allow the Jaycees to hold their annual fireworks display on July 4th. Motion carried 3-0. The Jaycees requested that they be notified immediately should there be a fire ban put into place. Mr. Jones requested the Jaycees be allowed to sell malt beverages August 2nd through the 8th for the Platte County Fair. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the malt beverage permit for the Jaycees for August 2nd through the 8th for Platte County Fair Days at the minimum fee allowed per day. Voting

yes- Councilmen Wilhelm & Hensel, Voting no - Councilman Wilson, Motion carried 2-1.

Mr. Bob Ruwart stated that the flags have been seriously damaged by the wind and they have lost several, and as a result they are purchasing fifty new flags and fifty new fiberglass poles. Since the flags and poles will be quite expensive the Jaycees would like to have assistance from the Town in the amount of \$900.00. After a discussion, a motion was made by Councilman Hensel and seconded by Councilman Wilhelm to assist the Jaycees with the purchase of the flags and poles in the amount of \$900.00. Voting yes- Councilmen Wilhelm and Hensel, voting no - Councilman Wilson. Motion carried 2-1.

Town Engineer, Russ Schamel presented the bids for the drilling of an additional well in Black Mtn. Village. The bids were: D.C. Drilling - \$155,750.00, Sargent Irrigation - \$196,289.00. Mr. Schamel recommended that the low bid of D.C. Drilling be accepted as it met all of the specifications. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to accept the bid of D.C. Drilling in the amount of \$155,750.00 for the Black Mtn. Well project. Motion carried 3-0.

A claim in the amount of \$542.05 was presented for damages to a truck door. The claimant stated that the door had been seriously damaged at the landfill by a Town of Wheatland employee. A motion was made by Councilman Wilhelm to pay the damages, Councilman Wilson seconded the motion for discussion purposes. Mayor Dingman called for discussion. Councilman Wilson stated that he had observed the door and based on his experience with auto body work and as a mechanic he felt that the damages to the vehicle were not a result of the incident at the landfill. Mayor Dingman called for the vote, Voting no - Councilmen Wilson and Hensel, Voting yes - Councilman Wilhelm Motion failed 2-1.

Town Engineer, Russ Schamel presented a temporary use agreement for land application for wastewater by Martin Shepard. The Town of Wheatland would be responsible for constructing the temporary pump, pipeline and appurtenant facilities necessary for the transmission of the treated wastewater. The Town will be responsible for water testing and record keeping as required by the D.E.Q.. Mr. Shepard will be responsible for applying the wastewater per the "General Management Practices" as specified in Section 8, Chapter 21 of the DEQ regulations. Mr. Shepard will be responsible for the "Site Isolation Requirements" as specified in Section 9, Chapter 21, "Standards for the Reuse of Treated Wastewater" and all associated record keeping as specified by the D.E.Q.. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the agreement for use of treated wastewater by Martin Shepard for the 2004 irrigation season as presented. Motion carried 3-0.

Town Engineer, Russ Schamel presented an agreement for the permanent use of wastewater by Martin L. Shepard on his farmland. The Town of Wheatland would be responsible for treatment of the wastewater, construction of additional holding cells and transmission costs associated with the project. Mr. Shepard will be responsible for application of the wastewater and all record keeping as specified by the D.E.Q.. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the agreement with Martin L. Shepard as

presented, with the understanding that Mr. Shepards attorney provides all the appropriate documentation as specified. Motion carried 3-0.

A Memorandum of Understanding agreement to enter into a cost sharing agreement with Platte County for dispatch services was presented. The Town of Wheatland's share for 2004-2005 would be 11.1%, 2005-2006 -22.2% and 2006-2007 -33.3%. After 2007, percentage would be based upon usage average of the three previous years. After some discussion concerning costs of paging systems for non-emergent calls a motion was made by Councilman Wilhelm and seconded by Councilman Wilson to accept the M.O.U. as presented by the Platte County Commissioners for the cost sharing of dispatch services over the next three fiscal years. Mayor Dingman called for the vote. Voting no - Councilmen Wilson, Hensel and Wilhelm. Mayor Dingman declared the motion failed.

Clerk/Treasurer, Cindy Kahler presented a Resolution for the reappropriation of funds for the fiscal year 2003-2004. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the Resolution for the Reappropriation of Funds for the fiscal year 2003-2004 as presented. Motion carried 3-0. The Resolution is as follows:

A RESOLUTION PROVIDING FOR THE REAPPROPRIATION  
OF FUNDS FOR THE TOWN OF WHEATLAND, WYOMING FOR  
THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING  
JUNE 30, 2004.

Section 1. That there is hereby appropriated various funds within the budget to avoid over expenditure of said funds; and, the sum reappropriated within the budget is One Hundred Ten Thousand Dollars and no cents (\$110,000.00).

General Fund: Department expenditures will exceed revenue by \$110,000.00. Transfer will need to be necessary to Administration - \$100,000.00 Building Inspector-\$5,000.00; and Motor Pool - \$5,000.00. Excess funds in the amount of \$110,000.00 will be transferred from the Electric Fund.

Severance Tax Fund: All expenditures are within the budgeted amounts or uncompleted. No transfer will be necessary.

Electric Fund: All expenditures are within the budgeted amounts. Excess funds in the amount of \$110,000.00 will be transferred from the Electric Fund to the General Fund.

Sanitation Fund: All expenditures are within the budgeted amounts. No transfer will be necessary.

Water Fund: All expenditures are within the budgeted amounts. No transfer will be necessary.

Sewer Fund: All expenditures are within the budgeted amounts. No transfer will be necessary.

Section 2. This resolution shall be in full force and after passage.

Passed and approved this 14th day of June, 2004.

/s/ Joel Dingman, Mayor

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

With no further business to come before the Governing Body, Mayor Dingman adjourned the meeting at 8:25 P.M.. The next regular meeting of the Town Council of the Town of Wheatland will be held on July 12, 2004.

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Mayor, Joel Dingman

Attest:

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Clerk/Treasurer, Cindy Kahler