

Wheatland, Wyoming  
February 14, 2005

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 14, 2005.

The meeting was called to order by Acting Mayor, Kirby Wilson and upon roll call it was found that the following were present; Councilmen Hensel and Wilhelm, Councilwoman Allen. Also present were; Clerk/Treasurer, Cindy Kahler, City/County Planner, Marlin Johnson, Attorney, Doug Weaver and Town Engineer, Russ Schamel.

Acting Mayor Kirby Wilson stated that he would be performing the duties of the Mayor at this meeting as Mayor Dingman was out of Town. He stated that "Hannah Wilde -sewer claim" needed to be added to the agenda and he asked the Council to allow some flexibility with the agenda as there were several public hearings scheduled. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the agenda as amended and allow Acting Mayor Wilson flexibility. Motion carried 3-0.

The minutes of the regular meeting held on January 10, 2005 were presented. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the minutes as presented. Motion carried 3-0.

The vouchers for the month of January 2005 were presented for payment. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the vouchers for payment as presented. Motion carried 3-0. The vouchers are as follows: Airgas-supplies-278.92; Altec Inc-electric bucket truck-87,685.00; Andrew Starr (Snap on) -supplies-53.85; Atlas Office Products-supplies-709.89; Auto Electric-supplies-13.02; Boy Scouts Pack 47-contribution-100.00; Brown Co.-supplies-21.52; Bud's Plumbing-services-1022.50; California Contractors-supplies-130.80; Carolina Software-computer support-200.00; Caselle-computer support-1228.00; Cellular One-phones-98.46; Communication Technology-supplies-1091.35; Communicom-internet-297.80; Courier By George-freight-50.00; Crescent Electric-supplies-3526.30; Crystal Ice-supplies-9.00; Dana Kepner-supplies-156.96; Div Of Workers Comp-workers comp-6581.50; Doug Weaver-attorney fees-1750.00; Drube's - supplies-215.68; Phil Dumars-contract labor-195.00; Howard Supply-supplies-62.12; Eastern Wyo Ambulance-service-9166.66; Electrical Systems Consultants-engineering-2364.99; Electro-Test-supplies-320.00; Energy Labs-supplies-6692.65; Equifax-credit inf-7.12; Farm Plan-supplies-186.09; Fat Boys-tires-847.97; Floyd's-veh. maint-801.12; Frances McGuire-supplies-40.00; Frontier

Furniture-supplies-158.52; Gases Plus-supplies-26.04; Grainger-supplies-25.79; H & H Concrete-patching concrete-284.00; Haemeyer of North America-supplies-396.78; IACP-dues-100.00; Industrial Dist.-supplies-152.84; International Law Enforcement-dues-45.00; Jack's Electric-supplies-711.54; Kinder Morgan-heat-10,439.29; Kois Brothers-supplies-485.49; Kriz Davis-supplies-1382.09; KYCN-ad.-50.00; Lawson Products-supplies-1149.05; Little America-lodging-278.60; Lock Trucking-supplies-64.79; Lyle Signs-supplies-126.27; Mark's Plumbing-supplies-35.28; Midwest Hose-supplies-146.52; Mikes Printing-supplies-396.35; N.F.P.A.-books-57.68; Noyce's Shop-supplies-220.15; Odean Parts-veh maint-402.37; Office Max-supplies-139.98; Orbitcom-phones-1721.23; Page One-pagers-40.00; Pamida-supplies-91.91; P.C. Parks & Rec.-expenses-9006.66; P.C. Record Times-adv-2309.86; Double D's Cleaning-janitorial-400.00; Quill Corporation-supplies-223.06; Qwest-phones-211.28; Shorey Electronics-supplies-514.86; Rex Johnson-health ins-400.00; Riverton Fire Equipment-supplies-960.00; Safe Kids-donation-100.00; Salt City Sales-supplies-312.00; Seton Name Plates-supplies-141.34; Sierra Springs-supplies-19.14; Skarshaug-supplies-116.62; State of Wyoming-sales tax-8192.10; Staubach -permits-150.00; Superior Gass-supplies-640.00; The Arsenal-supplies-768.04; T & R Electric-supplies-450.00; Corporate Office-supplies-50.67; Town Treasurer-petty cash-951.55; Tri State Truck-veh maint-33.82; Tri-Hydro-supplies-2778,24; Verizon Wireless-phones-365.33; WCMVCA/WMMA-school-45.00; Waterous Company-supplies-510.55; WESCO-supplies-760.61; Western United Electric-supplies-208.76; Wheatco Sales & Service-tires-414.45; Wheatland Auto-veh maint-523.75; Wheatland Coop-gas/dsl-653.92; Wheatland Fire Dept.-expenses-1095.24; Wheatland Fire Equipment-supplies-1423.04; Bloedorn Lumber-supplies-189.71; Wheatland Med. Clinic-exams-110.00; Wheatland REA-power-1596.63; Wheatland True Value-supplies-61.92; Wyo. Child & Family - subsidy-4500.00; Wyo. Assoc. Of Mun.-school-25.00; Wyoming Fire Chiefs Assoc.-dues-110.00;Wyo. State Fireman's Assoc.-dues-100.00; Xerox Corp-copiers-754.42; W.M.P.A.-power-115,444.48; Payroll-total-139,845.02; Total Vouchers-\$442,498.90.

Councilman Wilhelm thanked Police Chief, Steve Gilmore for all the work he did on the Hayden Wiggins benefit and he also thanked the Town employees for their support at the benefit.

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

Acting Mayor, Wilson stated that there were reports from the Police Dept., Public Works Dept., Chamber of Commerce, Planner's Office, Municipal Court, Ambulance and the Wyoming Municipal Power Agency. Attorney, Doug Weaver stated that the Wyoming Municipal Power Agency will be approaching the Town sometime in the near future, requesting that their contract be extended to purchase interest in another power generating plant. Acting Mayor, Wilson stated if there were no other questions or concerns on the reports, they would be placed on file.

Proposed Ordinance No. 707 was introduced on second reading. A motion was made by

Councilman Wilhelm and seconded by Councilwoman Allen to approve proposed Ordinance No. 707 on second reading. Motion carried 3-0. Proposed Ordinance No. 707 title is as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 419 AND THE LAND USE DISTRICT MAP OF THE TOWN OF WHEATLAND, PLATTE COUNTY, WYOMING AND REZONING THAT AREA DESCRIBED HEREIN FROM HIGHWAY BUSINESS DISTRICT (HB) AND MOBILE HOME PARK DISTRICT (MHP) TO MOBILE HOME SUBDIVISION DISTRICT (MHS).

Proposed Ordinance No. 708 was introduced on second reading. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve proposed Ordinance No. 708 on second reading. Motion carried 3-0. Proposed Ordinance No. 708 title being as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 419 AND THE LAND USE DISTRICT MAP OF THE TOWN OF WHEATLAND, PLATTE COUNTY, WYOMING AND REZONING THAT PORTION OF THAT AREA DESCRIBED HEREIN THAT IS ZONED MOBILE HOME PARK DISTRICT (MHP) TO HIGHWAY BUSINESS DISTRICT (HB).

Acting Mayor Wilson stated the next item on the agenda was the public hearing for the renewal of liquor licenses, however, the advertised time is 7:30 so he would skip to the Garden Club presentation.

Myrna Kragel, representing the Garden Club stated that they would like to do some landscaping around the "Welcome to Wheatland" signs on both exists of Town. She stated that the sign permits that were issued for the project by the Wyoming Dept. Of Transpiration allowed for landscaping. She indicated that they are researching various types of drought resistant plants to use and they have been in contact with the Boy Scouts to do some maintenance as a community project. Ms. Kragel indicated that they are estimating that it will cost around \$1,000.00 to do the project and she stated that the Chamber of Commerce has some funds available and requested the Town match them. Kathy Jones, from Missouri Basin Power Project, stated they also had funds available for this type of project and the Garden Club should make application for them. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the Garden Club request for assistance with landscaping around the signs providing the project did not exceed \$1,000.00. Motion carried 3-0.

Rick Robbins, Pres. Of Platte County Chapter of Thrivent was present and stated that they have completed the projects in the park and swimming pool with the trees, benches and shade at the pool area, with nearly \$11,000.00. Mr. Robbins stated they have approximately \$6,200.00 and they are considering a large toy for Lewis Park, however, they are quite expensive and he asked the Town to consider assisting with the purchase of it. Councilman Wilhelm stated that since it would be a rather large expenditure, he felt that it should be considered in the 2006-2007 budget.

The Council were in agreement and they requested, he return with a plan.

A discussion was held on changing the Town's travel policy from paying 35 cents a mile to 40.5 cents, the same as the State of Wyoming pays for travel was made by Councilman Hensel and seconded by Councilwoman Allen to pay 40.5 cents per mile for mileage as part of the Town's travel policy and review it on a yearly basis. Motion carried 3-0.

Hannah Wilde was present and stated that she had another sewer backup in the early morning hours on Saturday, February 12, 2005. She stated that she had called Pete Delgado and he responded and called a plumber to clean the main line again. She indicated that the possessions she saved from the first backup were ruined with this one. Mrs. Wilde requested the Town get something done with the sewer line, as she would not feel comfortable putting anything in her basement at this time. The Council did not take any action.

Acting Mayor, Wilson opened the public hearing on the liquor license applications for renewal at 7:30 P.M. and he stated that each license would require a motion and there would be roll call vote.

Wheatland Moose Lodge #1636 - A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve of the renewal of the liquor license held by Wheatland Moose Lodge #1636. Councilman Hensel - yes, Councilman Wilhelm-yes, Councilwoman Allen-yes, Acting Mayor Wilson - no. Motion carried 3-1.

Wheatland Counry Club- A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the renewal of the liquor license held by the Wheatland Country Club. Councilman Hensel-yes, Councilman Wilhelm-yes, Councilwoman Allen - yes, Acting Mayor Wilson-no.. Motion carried 3-1.

Dusty Boots, Incorporated dba Vimbo's Dusty Boots - A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the renewal of the liquor license for Dusty Boots Inc. Db a Vimbo's Dusty Boots . Councilman Hensel -yes, Councilman Wilhelm-yes, Councilwoman Allen - yes, Acting Mayor Wilson - no. Motion carried 3-1.

Jimmy G. Wilson dba Wheatlanes Bowling Alley - A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the renewal of the liquor license for Jimmy G. Wilson dba Wheatlanes Bowling Alley. Councilman Hensel - yes, Councilman Wilhelm-yes, Councilwoman Allen -yes, Acting Mayor Wilson - no Motion carried 3-1.

Safeway Stores 46 Inc. dba Safeway Store #2462 - A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the renewal of the liquor license for Safeway Stores 46 Inc. dba Safeway Store #2462. Councilman Hensel-yes, Councilman Wilhelm-yes, Councilwoman Allen - yes, Acting Mayor Wilson - no. Motion carried 3-1.

Commodore Bar, Inc.- A motion was made by Councilwoman Allen and seconded by Councilman Wilhelm to approve the renewal of the liquor license for Commodore Bar Inc.

Councilman Hensel-yes, Councilman Wilhelm - yes, Councilwoman Allen - yes, Acting Mayor Wilson - no. Motion carried 3-1.

LeAnn's Incorporated- A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the renewal of the liquor license for LeAnn's Incorporated. Councilman Hensel-yes, Councilman Wilhelm-yes, Councilwoman Allen-yes, Acting Mayor Wilson - No. Motion carried 3-1.

Harvey Cozad dba The Office.Dugout Liquor - A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the renewal of the liquor license for Harvey Cozad dba The Office/Dugout Liquor. Councilman Hensel -yes, Councilman Wilhelm-yes, Councilwoman Allen-yes, Acting Mayor Wilson - no. Motion carried 3-1.

Laramie & Titania Cole dba Landmark Bar - A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the renewal of the liquor license for Laramie and Titania Cole dba Landmark Bar. Councilman Hensel - yes, Councilman Wilhelm - yes, Councilwoman Allen-yes, Acting Mayor Wilson - no. Motion carried 3-1.

Casey Laffitte dba Casey's Timberhaus - A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the renewal of the liquor license for Casey Laffitte dba Casey's Timberhaus. Councilman Hensel-yes, Councilman Wilhelm-yes, Councilwoman Allen-yes, Acting Mayor Wilson - no. Motion carried 3-1.

Jin H. Min dba El Gringos- A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the renewal of the restaurant liquor license for Jin H. Min dba El Gringos. Councilman Hensel - yes, Councilman Wilhelm-yes, Councilwoman Allen-yes, Acting Mayor Wilson - no. Motion carried 3-1.

Acting Mayor Wilson closed the public hearing on the liquor license renewals at 7:40 P.M.

Acting Mayor Wilson opened the public hearing on the simple subdivision application submitted by Laramie and Titania Cole at 7:41 P.M. and asked City/County Planner, Marlin Johnson to give the staff report. City/County Planner, Johnson stated that the applicant wishes to create two parcels of five acres each from one larger parcel leaving the remainder as on twenty acre parcel. Each of three parcels will require an access approach from Sawmill Road. As the land is within one mile of a municipal boundary, a resolution from the Town Council of Wheatland will be required approving the sketch plan and consenting to the processing of this application as a Simple Subdivision. Staff understands that the primary purpose of the request is to create a parcel whereby Huey Nickle, Jr. can operate a trucking operation and repair business that will be in compliance with applicable Zoning Rules and Regulations. The differences between uses that are simply allowed in an Industrial District and uses that also require a Special Use Permit will be addressed in the rezone request hearing. Industries that emit significant dust, smoke, odor or noise beyond property lines can require a Special Use Permit in addition to Industrial Zoning. Acting Mayor Wilson asked for comments from the audience. Elizabeth Bachmeier was present and stated that she was opposed to the industrial zoning. Titania Cole presented a letter of

support from other adjoining property owners. Huey Nickle, Jr. was present and stated that he would like to continue to operate his truck operation and repair business. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to accept the City/County Planner's recommendation and pass the resolution approving the sketch plan and consenting to the processing of the application as a Simple Subdivision. Motion carried 4-0. The Resolution is as follows:

RESOLUTION

WHEREAS, the Platte County Zoning Rules and Regulations require municipal approval of sketch plans for simple subdivision applications within a mile of a municipal boundary, and WHEREAS, the County may classify a sketch plan as a simple subdivision providing the Town Council approves the plan and consents to the processing of the application as a simple subdivision; and

WHEREAS, the Town Council has reviewed the sketch plan for a simple subdivision proposal by Laramie and Titania Cole and approved of the plan:

NOW THEREFORE, be it resolved by the Governing Body of the Town of Wheatland, that the Town of Wheatland agrees that the subdivision application proposed by Laramie and Titania Cole on property located in part of the SW1/4NW1/4 of Section 20, Township 24, North Range 67 West, Platte County, Wyoming may be processed by Platte County as a simple subdivision per the Platte County Zoning Rules and Regulations.

Dated this 14th day of February, 2005.

/s/ Councilman Wilhelm

/s/ Councilman Hensel

/s/ Councilman Wilson

/s/ Councilwoman Allen

Attest: /s/ Cindy Kahler, Clerk/Treasurer

Acting Mayor Wilson closed the public hearing on the simple subdivision application from Laramie and Titania Cole at 7:50 P.M. and asked that City/County Planner, Marlin Johnson give the staff report.

Acting Mayor Wilson opened the public hearing on the annexation application from Don Sherard, individually and as attorney for other petitioners at 7:51 P.M.. He requested that City/County Planner, Marlin Johnson give the staff report.

Planner, Johnson stated that the Town limits abut this property on the west across 16th Street and to the northeast across Swanson Road. County Commercial Zoning abuts this property to the north and to the southeast and Agricultural Zoning lies to the South. He stated that the advantages for annexation are that sewer and water infrastructure is fairly accessible and 16th Street and Swanson Road are established traffic corridors. Expansion of Town limits in this area appears to be a natural and positive direction. Planner Johnson stated that the Planning Commission had considered the annexation petition at a public hearing held on December 9, 2004 and had recommended approval. Mr. Johnson presented the annexation report that was prepared by Sunshot Engineering and he stated that his recommendation was to approve

the request to annex this property and rezone the parcels to Highway Business District with the condition that the applicant meet the applicable requirements of the Wyoming Statutes regarding annexation. Planner Johnson presented the following annexation Resolution for the Council's consideration.

## RESOLUTION

WHEREAS, Donald Sherard, individually and as attorney for others, has filed with the TOWN OF WHEATLAND, PLATTE COUNTY, WYOMING, hereinafter referred to as "Town", an Annexation Petition requesting that the following described property be annexed to the Town; (see attached Exhibit "A"; and

WHEREAS, the Wheatland Planning and Zoning Board considered the Annexation Petition at a public hearing on December 9, 2004 and recommended its approval; and

WHEREAS, the governing body for the Town does hereby make the following specific findings:

1. The annexation of the area is for the protection of the health, safety, and welfare of the persons residing and/or utilizing the area and the residents of the Town.
2. The development of the above-described area will constitute a natural, geographical, economical and social part of the Town.
3. The area sought to be annexed is a logical and feasible addition to the Town and the extension of the basic services, such as water, sewer systems, police protection and other services customarily available to residents of the Town shall, within reason, be furnished to the area to be annexed.
4. The area sought to be annexed is contiguous with or adjacent to the Town.
5. The Town will be the electric utility servicing the above described property, which is currently within service area of the Wheatland Rural Electric Association.
6. Donald Sherard has caused to be prepared a legal description and a map of the area to be annexed.

WHEREAS; the governing body does hereby certify that the area meets all of the conditions and limitations and is in compliance with 15-1-402, Wyoming Statutes 2003;

BE IT THEREFORE RESOLVED, that the above described property should be annexed into the Town, subject to the following provisions and conditions, and an ordinance should be duly enacted in accordance herewith;

1. Donald Sherard, individually and as attorney for others, shall pay all costs associated with the annexation except as specifically providers for herein.

2. Donald Sherard, individually as attorney for others, shall transfer to the Town the west forty feet (40') of the property adjacent to 16th Street for Public Street for the east one half of 16th Street and any other easements deemed necessary by the Town for the purpose of operating the water, sewer, street and electrical systems.
3. Donald Sherard, individually and as attorney for others, shall take the necessary steps with Wheatland Rural Electric Association so that the area annexed will become part of the Town of Wheatland Electric Service and shall pay all fees and expenses of whatever nature associated therein.
4. Whenever all or part of the annexation area is subdivided or sold for development the following improvements are required at no cost to the Town:
  - a. The 10-inch water main will be looped between the existing lines in 16th Street and Rompoon Road.
  - b. Pavement widening with curb and gutter on 16th Street adjacent to any proposed development.
  - c. The addition of the annexation area into the Town's Electric Service Boundary and the extension of the Town's electric power primary to serve the area.
  - d. Any development would also include the infrastructure construction to serve the development as required by the Town's Development Code and/or as stipulated during the development approval process by the Planning Commission and the Town Council.
5. The Town reserves the right to amend this Resolution if deemed necessary by the Town.

Dated this 14th day of February, 2005.

/s/ Mayor, Joel Dingman  
/s/ Councilman, Jeff Wilhelm  
/s/ Councilman, Dean Hensel  
/s/ Councilman, Kirby Wilson  
/s/ Councilwoman, Brenda Allen

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to accept the findings as specified in the first six items of the Resolution and pass the Resolution. Motion carried 3-0.

Proposed Ordinance No. 709 was presented on first reading. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to pass proposed Ordinance No. 709 on first reading. Motion carried 3-0. Proposed Ordinance No. 709 title being as following.

AN ORDINANCE ANNEXING PROPERTY TO THE TOWN OF  
WHEATLAND, PLATTE COUNTY, WYOMING, EXTENDING  
CORPORATE LIMITS THEREOF, DEFINING THE BOUNDARIES  
OF PROPERTY ANNEXED AND ORDERING THE PLAT  
DESCRIBING THE ANNEXED PROPERTY TO BE FILED WITH  
THE COUNTY CLERK OF PLATTE COUNTY, WYOMING

With no further business to come before the governing body, Acting Mayor, Wilson adjourned the meeting at 8:10 P.M.. The next regular meeting of the Town Council will be March 14, 2005.

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Mayor, Joel Dingman

Attest:

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Town Clerk/Treas. Cindy Kahler