

Wheatland, Wyoming
June 13, 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, June 13, 2005.

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

Mayor Dingman stated that the agenda needed to be amended to include a presentation by Mayor Susan Juschka to Councilman Wilson for achieving Level 1 WAM certification, a catering permit for Vimbo's and Steve Geile needed to be added under "new business". A motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve the agenda as amended. Motion carried 4-0.

The minutes of the regular meeting held on May 9, 2005 were presented. A motion was made by Councilman Hensel and seconded by Councilman Wilson to approve the minutes as presented. Motion carried 4-0.

The vouchers for the month of May, 2005 were presented for payment. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the vouchers as presented. Motion carried 4-0. The vouchers are as follows: Airgas-supplies-189.71; Alexander Const.-gravel-693.16; Altec Inc-supplies-252.00; Amera-Chem-supplies-145.30; Andesite Rock-gravel-2476.35; Andrew Star-supplies-56.06; Antler Inn-lodging-222.00; Atlas Office Products-supplies-29.96; Auto Electric-supplies-171.08; Bicycle Station-repairs-170.91; Blackwolf Transport-freight-2643.31; Brenda Allen-expenses-280.54; Bricscad-mapping-225.00; Brown Co-supplies-674.13; Burns Ins-ins-7,222.00; Cellular One-phones-60.49; Communications Source-supplies-371.90; Communicom Services-internet-297.80; Consolidated Mfg.-supplies-245.09; Contractors Materials-supplies-175.60; Courier By George-freight-25.00; Covered Wagon Motel-lodging-118.00; Crescent Electric-supplies-810.05; Crystal Ice-supplies-23.00; Dana Kepner-supplies-2500.86; DBC Irrigation-supplies-10,142.83; Dean Hensel-expenses-411.78; Div. Of Workers Comp.-workers comp-6816.92; Douglas Weaver-attorney fees-1757.40; Drube's Mfg-supplies-317.02; Phil Dumars-contract labor-195.00; Eastern Wyo. Ambulance Service-ambulance-9234.66; Energy Labs-supplies-440.00; Eugene Hayes-contract labor-490.20; Farm Plan-supplies-171.82; Fat Boys-supplies-3017.75; Gall's Inc-supplies-94.06; Gases Plus-supplies-26.04; Hawkins Chemical-supplies-731.50;

Honda of Casper-truck-9350.00; HR Computer Services-computer-2457.98; Huffers Food Pride-supplies-231.46; Industrial Dist-supplies-58.56; International Assoc. Of Electrical Ins-codes-181.90; Jack's Electric-supplies-692.99; Jeff Wilhelm-expenses-265.90; Kinder Morgan-heat-2197.92; KVA Supply-supplies-2049.21; KYCN-adv-25.00; Laramie Peak Motors-supplies-638.48; Lathrop Equipment-supplies-254.20; Lawson Products-supplies-192.41; Liberty Flag-supplies-18.50; Lock Trucking-supplies-25.85; Lorman Educ. Services-classes-598.00; Lyle Signs-supplies-145.37; McCarty's Carpet Cleaning-cleaning-417.80; McFarland Cascade-poles-10,800.00; Mikes Printing-supplies-1353.56; Mtn. View Tires-supplies-554.80; National Fire Protection-code books-215.45; HSBC-supplies-172.23; Odean Parts-veh maint-57.50; Orbitcom-phones-1697.45; Page One-pagers-40.00; Pamida-supplies-124.82; P.C. Concrete-supplies-2062.30; P.C. Memorial Hospital-tests-359.10; P.C. Record Times-adv-3145.03; Peterbilt of Wyoming-veh maint-47.56; Double D's Cleaning-janitorial-400.00; Pipers-supplies-317.02; Pitmon Glass-supplies-10.00; Pitney Bowes-postage meter-107.57; P.C. Ministry Coop-contribution-500.00; Priester Supply-supplies-360.61; Qwest-phones-157.35; Shorey Electronics-supplies-693.84; Rex Johnson-insurance-400.00; Larae Richmond-supplies-70.00; Salt City Sales-supplies-600.00; Sierra Springs-supplies-17.23; Skarshaug-testing-92.19; Slafter Oil Co-supplies-391.70; Span Publishing-supplies-116.10; State of Wyoming-sales tax-4518.90; Steve Gilmore-expenses-274.63; Summit Supply-supplies-3398.00; Sunshot Engineering-engineering-483.50; T & R Electric-supplies-382.00; Team Lab.-supplies-165.75; Corporate Office-supplies-12.00; Town Treasurer-petty cash-891.85; Tri County Fire & Safety-supplies-1547.38; TriHydro-landfill monitoring-2128.79; Utah APA-conference-225.00; Verizon Wireless-phones-491.30; Vermeer Sales-supplies-27.46; WADCO-subsidy-3750.00; CPS Distributing-supplies-45.99; Wells Fargo Brokerage-truck payment-64,801.19; WESCO-supplies-817.74; Western Plains-supplies-204.41; Wheatco Sales & Service-23.86; Wheatland Automotive-veh maint-1260.39; Wheatland Coop-gas & dsl-6168.44; Wheatland Fire Dept-expenses-1559.99; Wheatland Lumber-supplies-217.68; Wheatland REA-power-1140.18; Wheatland True Value-supplies-32.03; Wyoming Community Gas-supplies-10.00; Wyo. Assoc. Of Sheriffs/Chiefs-dues-250.00; Wyoming Loss Control-inspection-696.88; Wyoming Machinery-veh maint-330.50; Xerox Corp-copier-541.90; Acuity Specialty Products-supplies-128.49; Drube's-supplies-104.67; Graham,Dietz & Assoc.-airport eng-10,000.00; Sunshot Engineering-engineering-2337.50; Ace Hardware-supplies-13.78; Wyo. Mun. Power Agency-power-78,036.81; Payroll-total salaries-145,111.81; Total Vouchers-\$430,722.01.

Mayor Dingman stated that he would like to appoint Mark McDonald to the position of Municipal Justice and Eileen Day as Alternate Municipal Justice. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to confirm the appointments of Mark McDonald as Municipal Justice and Eileen Day as Alternate Municipal Justice. Motion carried 4-0. Mayor Dingman administered the Oath of Office to Mark McDonald as Municipal Justice.

Mayor Dingman presented Police Officers Randy Chesser and Lisa Smith with special recognition awards for the wonderful job they did with the Platte County Meth Awareness Conference that was recently held in Wheatland.

Glendo Mayor Susan Juschka presented Councilman Kirby Wilson with a Wyoming Association of Municipalities Level One Certification. Councilman Wilhelm stated that Mayor Juschka will be the President of the Wyoming Association of Municipalities beginning July 1st. He indicated that she had just recently been elected at the convention in Cody.

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

Reports from the Police Dept, Public Works Depts., Chamber of Commerce, City/County Planner, Wyoming Municipal Power Agency, Ambulance and Fire Dept were presented. Mayor Dingman stated that since there were no concerns voiced regarding the reports, they would be placed on file.

Proposed Ordinance No. 711 was presented on third and final reading. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve proposed Ordinance No. 711 on third reading and final passage. Motion carried 4-0. Proposed Ordinance No. 711 follows in its entirety.

ORDINANCE NO. 711

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 RESIDENTIAL-HIGH DENSITY DISTRICT (RH) TO GENERAL BUSINESS DISTRICT (GB).

BE IT ORDAINED BY THE TOWN COUNCIL OF WHEATLAND, PLATTE COUNTY, WYOMING.

Section 1. That a parcel of property within the Town Limits of Wheatland, Wyoming described as follows:

Part of the N1/2SW1/4 of Section 12, Township 24, North, Range 68 West (as described in Book 396, Pages 245-249) Town of Wheatland, Platte County, Wyoming.

Which parcel is presently zoned Residential-High Density District (RH) is hereby changed to General Business District (GB).

Section 2. That the Land Use District map of the Town of Wheatland is amended in accordance with this Ordinance.

Passed and approved this 11th day of April, 2005 on first reading.

Passed and approved this 9th day of May, 2005 on second reading.

Passed and approved this 13th day of June, 2005 on third reading and final passage.

/s/ Joel Dingman, Mayor

Attest:

/s/ Cindy Kahler, Town Clerk/Treasurer

Mayor Dingman introduced the preliminary plat from CoHo Dev. Co. LLC for the property north of Dearing Park and he asked City/County Planner, Marlin Johnson to give the staff report. Planner Johnson stated that CoHo Dev. wish to create nine business parcels plus one lot that would be for storm water detention and park land. He stated that this is vacant land that is relatively level, dropping off in the southeast corner to an area of federally designated floodplain, including floodway. The proposed subdivision name is Progress Subdivision and the proposed street name is Progress Court. He stated all of the proposed lots exceed the minimum lot size requirement of the General Business District. Planner Johnson stated that there had been an on-site meeting to discuss utilities and went over all of the easements that would be required to handle the utilities, road-way and drainage. Mr. Johnson stated that the staff recommendation was approval of the preliminary plat with the following conditions;

1. That a non-access easement be added along the west side of Lot 1.
2. That the pavement on 16th Street be widened and improved in the intersection area of the proposed street with 16th Street and along the frontage of the proposed subdivision and that curb and gutter be constructed along the frontage of the subdivision.
3. That Progress Court be developed to the minimum standards of the Town of Wheatland Development Code, including pavement, curb and gutter.
4. That the electrical box in 16th Street be planned for relocation in a manner satisfactory to the Town Electrical Superintendent and the Town Code;
5. That water and sewer services be developed per the proposed preliminary plan and per the minimum standards of the Town of Wheatland Development Code.
6. That electrical service be developed in phases as each property is developed and that a note be placed on the final plat to that effect.
7. That "Estimate of Guarantee Funds", to be checked and approved by the Town Engineer, be submitted with the Final Plat;
8. That a note be placed on the final plat that sidewalk development be required as each property is developed.
9. That the lot proposed for a detention basin and park land be accepted by the Town
10. That the petitioner provide a deed for the above referenced property in favor of the Town along with a release of all encumbrances, concurrent with the filing of the Final Plat, and
11. That the property be rezoned to General Business District prior to filing the Final Plat.

Planner, Johnson stated that the Planning and Zoning Board had recommended approval of the preliminary plat with the eleven conditions as specified by the Planner and changing the proposed sixty foot easement that had been planned for future extension of roads and utilities to the north to a twenty foot utilities easement only. A motion was made by Councilman Wilson to approve the preliminary plat submitted by CoHo Dec. Co. LLC with the conditions as specified by the Planner and changing the easement as recommended by the Planning and Zoning Board. Councilwoman Allen seconded the motion and Mayor Dingman called for discussion. Councilman Wilhelm asked what effect changing the sixty foot road right of way to

a twenty foot utilities easement would have on future development. Town Engineer, Russ Schamel stated that at some point in the future the Town will want a connector from Swanson to 16th Street, however, this road would not work well for that purpose, therefore he didn't have any problem changing the road-way easement to a utilities easement. Mayor Dingman asked Mr. Lebsack if he understood the conditions as presented by the Planning Office and he indicated that he did not have any concerns with them. Mayor Dingman asked for the vote on the motion made by Councilman Wilson and seconded by Councilwoman Allen to approve the plat with the conditions as specified by the Planner and changing the 60' easement to a 20' easement. Motion carried 4-0.

Mayor Dingman adjourned the regular meeting and opened the advertised public hearing on the transfer of the liquor license owned by Laramie and Titania Cole to Landmark Bar Associates. Mayor Dingman explained that the application did not represent a change in ownership only a change in name of the existing owners and Laramie and Titania Cole were transferring ownership to Landmark Bar Associates. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the liquor license transfer from Laramie and Titania Cole to Landmark Bar Associates LLC. Mayor Dingman called for roll call vote; Voting yes- Councilmen Wilhelm and Hensel, Councilwoman Allen, Voting no - Councilman Wilson. Mayor Dingman declared the motion carried 3-1.

Mayor Dingman closed the public hearing and reconvened the regular session at 7:33 P.M.

Proposed Ordinance No. 712 was presented on second reading. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve proposed Ordinance No. 712 on second reading. Motion carried 4-0. Proposed Ordinance No. 712 title being as follows:

AN ORDINANCE AMENDING SECTION 7-107(a),(b) (1) through (10) OF THE WHEATLAND TOWN CODE, AND ADOPTING THE 2003 INTERNATIONAL MECHANICAL CODE, INTERNATIONAL BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL RESIDENTIAL CODE, 2005 NATIONAL ELECTRICAL CODE, NFPA-58 GAS CODE (current edition), NFPA-54 FUEL GAS CODE (current edition), and NFPA-101 LIFE SAFETY CODE (current edition)

Proposed Ordinance No. 713 was introduced and read on second reading. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to pass proposed Ordinance No. 713 on second reading. Councilman Wilhelm stated that Section 2-2 had been changed since the first reading of the proposed Ordinance; "Specifically exempted from this definition are those persons who buy, sell, exchange or deal in rare coins, antique furniture and home furnishings, sports memorabilia, dispersal actions and not-for-profit fundraising activities." Mayor Dingman called for discussion. Attorney, Frank Jones was present and voiced concerns regarding the several sections of the proposed Ordinance. Mayor Dingman stated that the Ordinance could be passed on second reading, with the understanding that there could be substantial changes

by the third reading. Motion carried 4-0. Town Attorney, Doug Weaver and Attorney, Frank Jones will go over the concerns before the next Council meeting.

Proposed Ordinance No. 714 was introduced and read on second reading. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to pass proposed Ordinance No. 714 on second reading. Motion carried 4-0. Proposed Ordinance No. 714 title being as follows;

AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE OF 2005, PROHIBITING ELECTRICAL CONSTRUCTION WITHOUT A PERMIT, PROVIDING THAT ONLY A LICENSED ELECTRICIAN MAY ENGAGE IN THE BUSINESS OF ELECTRICAL CONTRACTING, PROVIDING APPLICATION FOR TEMPORARY ELECTRICAL SERVICES, PROVIDING FOR INSPECTIONS, PROVIDING FOR SUPERVISION OVER ERECTION OF POLES, PROVIDING FOR METER SOCKETS AND DISCONNECTS, PROVIDING FOR REQUIREMENTS WITHIN FIRE LIMITS, PROVIDING RESPONSIBILITY FOR SERVICE, PROVIDING FOR LIABILITY TO DAMAGED SERVICE LINES, PROVIDING FOR CRIMINAL PENALTIES, AMENDING ORDINANCES #614 AND #651, AMENDING SECTIONS 7-107 OF THE CODE OF THE TOWN OF WHEATLAND, AND REPEALING CONFLICTING ORDINANCES.

Wheatland Jaycees President, Taylor Pruitt was present and requested a permit to sell fireworks at the Jaycee Stand located on the parcel of land upon which I-25 Conoco sits, just west of the South Exit of I-25 from June 22, 2005 through July 4, 2005. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve of the permit to allow the Jaycees to sell fireworks from June 22, 2005 through July 4, 2005. Motion carried 4-0.

Jaycees Pres. Taylor Pruitt presented a request to allow the Jaycees to hold the annual 4th of July community fireworks display at the Platte County Fair Grounds. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the request from the Wheatland Jaycees to hold the annual 4th of July fireworks display at the fairgrounds. Motion carried 4-0.

Jaycees Pres. Taylor Pruitt presented a request to allow the Jaycees to sell malt beverages at the Platte County Fair, August 1-6, 2005. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the request from the Jaycees to sell malt beverages at the Platte County Fair, August 1-6, 2005 at the minimum fees. Mayor Dingman called for a role call vote; Councilmen Wilhelm-yes, Councilman Hensel-yes, Councilwoman Allen-yes, Councilman Wilson - no. Mayor Dingman declared the motion carried 3-1.

Barb Engle, representing Platte Animal Welfare Services (PAWS) was present and gave a report of the activities that PAWS has done over the past year including public education, spaying & neutering program and dog obedience classes. PAWS Treasurer, Cathy Gorman

went over the statistics regarding spaying and neutering, placement calls, dog and cat rescue calls. She stated that PAWS has held several fund raising events and they do receive the "Bob Barker Grant" for \$6,000.00 for spaying and neutering, however, they were in need of financial assistance. Mayor Dingman thanked the representatives from PAWS for their contribution to the community and since the 2005-2006 budget has not been finalized they would consider some type of assistance.

Mayor Dingman introduced Scott Johnson, Project Manager for the hospital project. Councilman Dean Hensel stated that he would be abstaining from any discussion or voting on the project as he is an employee of the hospital. Commissioners, Alden Prosser was present and introduced Hospital Administrator, Ken Leisher, Commissioner, Dan Kirkbride and Hospital Main. Supt. Allen Kanwisher. Commissioner Prosser stated that the County had secured eight million dollars through bonds and a Farm Loan Board grant, however, the project has grown to twelve million dollars through inflation. He indicated that the State of Wyoming Health Dept. would be responsible for all of the health and safety inspections at the hospital and the Town would be responsible for all of the electrical inspections. Commissioner Prosser asked that the Town consider waiving some of the building permit fees since the Health Dept. would be doing a lot of the inspections. Commissioner Prosser stated that it was his understanding that the landfill would not be available for demolition materials. Mayor Dingman stated that the landfill could not hold the amount of materials they would be bringing. Norb Olind was present and stated that they have secured other places to handle most of the material, however, they did need some place to take the untreated wood and he would like the Town to consider doing that. There was a discussion on the installation of outside disconnects at the hospital, as the Fire Chief and the Town's Electrical Supt. would like to have them, however, the management at the hospital felt there was some liability with them. Councilman Wilhelm voiced some concerns about waiving fees without any documentation, as to actual costs. Project Manager, Scott Johnson stated that the total project is eight million dollars, of that construction is currently 4.6 million dollars (1 million electrical). Building Inspector, Tom Allen asked if the project is 8 million dollars and the construction is 4.6 million, where is the remaining 3.4 million being spent and Project Manager, Scott Johnson stated architectural design fees, consulting fees and equipment. Councilman Wilson stated that he would support assistance with building permit fees and some use of the landfill.

Chuck Brown was present and voiced concerns about the lack of fuel at the airport. He stated that since Larry Wright is no longer the fuel supplier, it is a serious issue. Mr. Brown stated that Flight For Life has had to find fuel elsewhere and that could become a problem. Mr. Brown requested the Town consider a plan to make fuel available at the airport.

A request from the Rural Fire District was presented to waive a portion of the building permit fees for the new training center. Clerk/Treasurer, Cindy Kahler reported that the District had paid all of the proper fees, however, they did have a credit of \$1,172.90 on electric permits, due to changes in the location of the building. Mrs. Kahler suggested allowing the District the credit and splitting the actual building permit fees in half, giving them a total credit of \$2,956.00. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to accept the

Clerk/Treasurer's recommendation and issue the Rural Fire District a credit of \$2,956.00 on their building permit for the new training center. Motion carried 4-0.

Clerk/Treasurer, Cindy Kahler presented an amendment to the 2004-2005 budget. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the Resolution to amend the 2004-2005 budget. Motion carried 4-0. The Resolution is as follows:

A RESOLUTION PROVIDING FOR AN AMENDMENT
TO THE 2004-2005 BUDGET TO DEFRAY EXPENSES,
SPECIFYING THE OBJECTIVES AND PURPOSES
AND AMOUNTS OF EACH APPROPRIATION AND
FIXING THE SAME FOR THE FISCAL YEAR ENDING
JUNE 30, 2005.

SECTION 1. General Fund Revenue is increased by \$340,000.00; the source of the additional revenue is County Tax-\$45,000.00; Sales Tax - \$40,000.00; Optional 1% Tax-\$35,000.00; Electric Fund - \$45,000.00; Water Fund-\$30,000.00; General Fund Cash Reserve Transfer-\$145,000.00.

SECTION 2. General Fund Expense is increased by \$340,000.00 to defray expenses incurred; Administration - \$120,000.00; Building Inspector - \$12,000.00; Parks & Recreation - \$10,000.00; Water Dept.- \$30,000.00; Electric Dept.-\$150,000.00, Motor Pool - \$18,000.00

Section 3. The total for revenue and expenses for the fiscal year ending June 30, 2005 is increased to \$6,314,160.00.

Passed and approved this 13th day of June, 2005.

/s/ Joel Dingman, Mayor

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

Mayor Dingman stated that the Council would take a five minute break.

A proposed Ordinance was introduced providing for the licensing and fees for contractors. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to delay the Ordinance until it could be work shopped and discussed further. Motion carried 4-0.

Mayor Joel Dingman introduced an application from Bill Beahm to amend a subdivision approved in August of 2004 for Larry and Mary Therriault. Mayor Dingman asked City/County Planner, Marlin Johnson to give the staff report. Mr. Johnson reported that the request is further subdivide property located west of Preuit Road and north of Palmer Canyon Road.

Mr. Beahm wishes to subdivide 20 acres into one ten and two five acre parcels. Planner Johnson stated that the advantage to the proposal is the parcels would have good access to paved, maintained roads and the Town of Wheatland. The lot sizes should easily meet the needs for individual on site water supply and wastewater disposal systems. There are numerous smaller properties adjacent to this property that are residential in use, although some are zoned Agricultural. Planner Johnson stated that the disadvantage is that Platte County Subdivision Regulations require that the subdivider provide a minimum access road right-of-way of sixty feet in width to the subdivision for all public ways and that each lot have access to a publicly dedicated street. This is not physically possible where the property is only forty feet in width. Planner, Johnson recommended approval with the following conditions:

1. That the drainage report requirements be waived.
2. That the water supply and wastewater disposal studies be waived.
3. That a forty foot wide right-of-way be dedicated to the public from Preuit Road to the point where it can be expanded to sixty feet where said sixty foot right-of-way be dedicated to the public along the south and west perimeter of the property to the north parcel (The right-of way will also be available as an easement for public utilities)
4. That the roadway from Preuit Road to the north parcel, including the cul-de-sac/turn around, be constructed to a standard satisfactory to the County Engineer and the Town Engineer and that improvement guarantee for any roadway and drainage requirements be required prior to filing of an approved plat
5. That a temporary access easement be created at the north end of the constructed road for the turn around/cul-de-sac, as approved by the County Engineer, (to be vacated at such time that a road be constructed per approved future development beyond this point).
6. That an easement of sixty feet in width for future street and utilities be required to continue from the end of the constructed road along the west side of the property to the northeast corner, then along the north side of the property to the northeast corner.
7. That a utility easement of thirty feet in width be required from the point on the neighboring property where the current REA easement ends, to this property and then north along the east boundary to the northeast corner of the property.
8. That a Town of Wheatland approve of this preliminary plan, and the Final plat if there are no significant changes.
9. That the necessary disclosure statements appear on the final plat and all other pertinent documents, and
10. That the County Planning Commission decide what, if anything, to require regarding the irrigation/water rights.

City/County Planner, Marlin Johnson stated that the Planning and Zoning Board had recommended denying the request by a 3 to 2 vote. Mayor Dingman asked Mr. Johnson if the Planning and Zoning had given any reasons and he stated nothing specific in the motion. Tim Weaver was present and stated that the purposed subdivision joins his property on the west and he was opposed to subdividing into smaller and smaller units as there doesn't seem to be an end to it. Mr. Weaver stated that the irrigation water issue needed to be resolved as the tracts are becoming too small to irrigate. He asked the Council to accept the Planning and Zoning Board's recommendation to deny the application. Mary Therriault was present and stated that she

was in favor of Mr. Beahm's proposal as she felt it would be a nice development. Brian Kahler was present and spoke in favor of the application and he stated there are covenants in place to protect the surrounding property owners from certain things such as "junk yards". Mr. Beahm stated that the subdivision plat could include requirements prohibiting further subdivision of the property. Mayor Dingman asked Mr. Beahm if he understood the recommendations as specified by the Planner and he stated he did. A motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve the application to amend a subdivision as submitted by Bill Beahm with the ten conditions as specified by the Planner. Motion carried 4-0.

Steve Geile was present and voiced concerns about barking dogs in his neighborhood. He stated that he had contacted the Police Dept. concerning the problem and they had responded. However, he felt that Ordinance No. 510 needed to have some stricter language that would trigger sending abatement notices automatically. Mr. Geile asked the Council to support the enforcement of the barking dog issues.

A catering permit application from Vimbo's Dusty Boots was presented for July 9, 2005. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the catering permit from Vimbo's Dusty Boots for July 9, 2005 at the minimum fee allowed by law. Mayor Dingman called for a roll call vote; Councilman Hensel - yes, Councilman Wilhelm - yes, Councilwoman Allen - yes, Councilman Wilson - no. Mayor Dingman declared the motion carried 3-1.

With no further business to come before the governing body, Mayor Dingman adjourned the meeting at 10:00 P.M.. The next regular meeting of the Town Council will be held on July 11, 2005.

Mayor, Joel Dingman

Attest:

Clerk/Treasurer, Cindy Kahler