

Wheatland, Wyoming
September 12, 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, September 12, 2005.

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, and Councilwoman Allen. Also present was Clerk/Treasurer, Cindy Kahler, Town Attorney, Doug Weaver, Town Engineer, Russ Schamel and City/County Planner, Marlin Johnson.

Mayor Dingman stated that two items needed to be added to the agenda under "new business", #14 - Sewer Backup claims, #15 - George Nichols. 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 of August 8, 2005 and the special meeting held on August 11, 2005 were presented. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the minutes as presented. Motion carried 4-0. Councilman Wilhelm stated that he needed to make an apology to the Board of Adjustment as he felt it would have been advantageous for them to have the minutes of the meeting held on August 11, 2005 prior to their 16th meeting.

The vouchers for the month of August, 2005 were presented for payment. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the vouchers as presented. Motion carried 4-0. The vouchers are as follows: Airgas-supplies-966.62; Allen's Parts-veh maint-321.93; Applied Concepts-supplies-5784.00; Atlantic Tactical-decal kit-226.94; Atlas Office Products-supplies-394.67; Auto Electric-veh maint-44.25; Bud's Plumbing-supplies-585.00; CPS Distributors-supplies-281.07; Cellular One-phones-482.68; Communication Technology-supplies-382.50; Communications Source-supplies-189.06; Communicom Services-internet -297.80; Consolidated Mfg - supplies-180.27; Courier By George-freight-75.00; Crescent Electric-supplies-3487.95; Crystal Ice-supplies-43.00; Dana Kepner-supplies-3353.25; Dave's Auto Body-supplies-1122.50; Dept. Of Revenue-utility tax-2643.50; Desert Mountain-supplies-2080.00; Diamond Vogel-supplies-373.80; Div. Of Workers Comp-workers comp-3549.30; Doug Weaver-attorney fees-1855.38; Drive Train-supplies-

69.48; Drube's Mfg-supplies-808.72; Phil Dumars-contract labor-200.00; Howard Supply-supplies-17.50; Eastern Wyo. Ambulance -contract labor-9624.99; Emergency Vehicle-supplies-344.50; Energy Labs-supplies-440.00; Farm Plan-supplies-379.13; Fat Boys-supplies-168.90; Fig U Rose-supplies-75.00; Floyd's-supplies-84.37; Frank Implement-supplies-33.74; Gall's Inc-supplies-5900.67; Gases Plus-supplies-58.02; Glock Inc.-supplies-17.00; Hall's Safety-supplies-75.10; Hawkins Supply-supplies-198.00; Huffer's Food Pride-supplies-88.84; Intermountain Sweeper-supplies-436.44; Jack's Electric-supplies-547.93; Kinder Morgan-heat-747.10; Kois Brothers-supplies-1008.25; KYCN-adv-80.00; LSH Lights-supplies-344.99; Laramie Peak Computers-supplies-3910.25; Laramie Peak Motors-supplies-1014.74; Laramie Peak Vet Clinic-supplies-25.00; Lathrop Equip.-supplies-161.85; Law Enforcement Targets-supplies-566.68; Lawson Products-supplies-276.41; Lock Trucking-supplies-415.72; Lyle Signs-supplies-175.82; McDonald Family Enterprises-janitorial-250.00; McDonald Equipment-supplies-121.21; Mikes Printing-supplies-1331.74; HSBC Bus. Solutions-supplies-1025.84; Orbitcom-phones-1750.29; Pamida-supplies-296.88; P.C. Concrete-supplies-146.00; P.C. Parks & Rec.-expenses-14536.65; P.C. Record Times-adv-2700.58; Pitney Bowes-supplies-106.50; Quality Utility-supplies-253.94; Qwest-phones-156.08; R & M Sales-supplies-652.15; Radar Engineers-supplies-88.46; Shorey Electronics-supplies-480.59; Ray Allen Mfg-supplies-359.90; Ray O'Herron-supplies-164.04; Rex Johnson-health ins-800.00; Rock It Wash-power wash-150.00; Rocky Mtn. Information-dues-100.00; Royal Sanitary Supply-supplies-58.00; Safeco Bus. Ins.-ins-124.87; Safety Vision-supplies-108.05; Safeway-supplies-50.31; Sierra Springs-supplies-9.50; Simon Contractors-hot mix-362.24; Skashaug Testing-testing-146.18; State of Wyoming-sales tax-7768.23; Streichers-supplies-317.20; Sunshot Engineering-engineering-1418.00; T & R Electric-supplies-477.00; Team Lab.-supplies-1357.35; North Platte Physical Therapy-contract-887.00; Town Treasurer-petty cash-725.50; Tri-Hydro-landfill monitoring-105.83; Tru Green Chemlawn-spraying-12343.00; Up Beat Inc-supplies 84.08; U.S. Postmaster-supplies-796.00; Verizon Wireless-phones-392.13; WARWS-registration-250.00; Wesco-supplies-3679.00; Wheatco Sales & Service-gas, dsl, oil-9262.44; Wheatland Automotive-veh maint-3614.30; Wheatland Golf Club-sprinkler system-10,000.00; Wheatland Fire Dept-expenses-428.72; Bloedorn Lumber-supplies-564.97; Wheatland REA-power-1573.89; Wheatland True Value-supplies-129.17; Doug Willadsen-travel expense-175.53; Willcuts Backhoe-supplies-5.84; Wyoming Machiney-supplies-2838.42; Xerox Corp-supplies-194.44; W.M.P.A.-power-139,476.61; Paryoll-total salaries-155,644.12; Total Vouchers-\$437,854.48

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

Mayor Dingman stated that reports from the Police Department, Public Works Depts, P.C. Chamber of Commerce, City/County Planning Office, Ambulance Service, Fire Dept. and Municipal Court were in the Council packets. He indicated that since there were no questions or concerns voiced, the reports would be placed on file.

Councilman Wilhelm introduced a Resolution placing moratorium on building permits for certain structures until adjustments to the Town Development Code could be complete.

A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to adopt the Resolution as presented. Motion carried 4-0. The Resolution in its entirety follows:

RESOLUTION

A RESOLUTION PROVIDING FOR A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR CERTAIN TYPES OF STRUCTURES.

Section 1. As a result of concerns raised by the Town of Wheatland's Board of Adjustment at its August 16th meeting, the issuance of building permits for two family dwellings, condominiums, apartment houses, townhouses, and duplexes shall be suspended until adjustments to the Development Code are completed to alleviate those concerns.

Passed and approved this 12th day of September, 2005.

/s/ Joel Dingman, Mayor

Mayor Dingman introduced Mayor Susan Juschka of Glendo representing Wyoming Community Gas. Mayor Juschka stated that Wyoming Community Gas gives money back to participating communities based on the Town's participation in the program. She presented a check in the amount of \$4,354.86 to the Town and she requested that the funds be used for a community project. Mayor Juschka requested that the Town take photos of the community project that will be funded with the money.

George Kopf, representing the Wyoming First Ladies Initiative was present and invited everyone to attend a meeting at the 4-H Building on October 27, 2005 at 6:00 P.M.. He stated that the First Lady of Wyoming will be the guest speaker on her initiative on teenage alcohol abuse. He stated that the initiative is targeting adults to make them aware of the serious problems with teenage alcohol abuse in Wyoming. Mr. Kopf stated that Wyoming is #1 in the country for abuse of alcohol by young people under the age of 13 and Platte County alcohol abuse statistics are higher than the state wide average. Mayor Dingman stated that he would be attending the community meeting of Oct. 27th, and thanked Mr. Kopf for being at the meeting and the work he is doing on the project.

Helen Rutz representing the P.C. Artist Guild was present and stated that they are in the process of planning the Wheatland Centennial Mural Project. She stated that the project is being done to celebrate Wheatland's Centennial with murals at four sites. The sites are: West side of the Hair We Are Building and the mural will be Wheatland's Depot; East Side of Fabian's building-mural will be Globe Hotel and Street scene; South side of Frontier Furniture-mural will be original Wheatland Hospital; East brick wall of Bank of the West-mural will be a centennial quilt. She stated that verbal consents have been obtained and they will be followed by written consent and a waiver of liability. Mrs. Rutz stated that the Art Guild would like funding assistance in the amount of \$2,500.00 to cover costs of primer, paint, sealer and construction materials. A motion was made by Councilman Wilson and seconded by Councilman

Wilhelm to fund the Art Guild in the amount of \$2,500.00 and use some of the funds from the Wyoming Community Gas rebate. Motion carried 4-0.

Linda Fabian was present and stated that the building they own on Gilchrist had been damaged when the Globe Hotel was torn down many years ago by the Town. She asked if the Town would consider assisting them in repairing the building since it is down sustaining some water damage due to the brick disintegrating. Mrs. Fabian stated that she had received several estimates to repair the brick and stucco the building, however, the lowest one was \$17,000.00. Mayor Dingman stated that the Town had been approached sometime ago by Walt Taylor and he did not know what was decided, if anything at that time. He instructed the Clerk/Treasurer to research the matter and return to the Council.

A proposed Ordinance to re-zone the property on 16th Street presently being developed by CoHo Dev. Co. LLC for a business park was presented by City/County Planner, Marlin Johnson. City/County Planner, Marlin Johnson stated the Ordinance would re-zone the property from Residential (R) to General Business District (GB). A motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve of proposed Ordinance No. 716 on first reading. Motion carried 4-0. Proposed Ordinance No. 716 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 THE PORTION OF THAT AREA
DESCRIBED HEREIN THAT IS ZONED RESIDENTIAL DISTRICT
(R) TO GENERAL BUSINESS DISTRICT (GB)

City/County Planner, Marlin Johnson presented an application to vacate a park in Y-O Ranch Estates. Mr. Johnson reported that the Y-O Ranch Homeowners Association had expressed a desire to vacate this Park lot and merge it into Lot 1 of Y-O Ranch Mobile Home Subdivision. As the land is within one mile of a municipal boundary the Town Council of Wheatland may be required to approve any vacation of a plat before it is filed and recorded. He stated that this park is relatively small and is not being utilized as a park. In addition, there is a larger park lot across the street to the north that is being utilized as a park. The maintenance of this park lot would become the responsibility of the neighboring property owner who would have a larger parcel that would increase taxation valuation. Mr. Johnson stated that he had received one phone call objecting to the request and another call expressing concerns, however, he had received nothing in writing. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the application submitted by the Y-O Ranch Homeowners to vacate a park lot and merge it into Lot 1 of the Mobile Home Subdivision. Motion carried 4-0.

City/County Planner Johnson stated that the Kawanis Club had been working on four bus stop shelters for the local children. He stated that in cooperative efforts with the School District the placement of the shelters has been determined. Mr. Johnson stated that the Kawanis Club is requesting that they be allowed to place one in Yeadon Park on Fertig Drive as it would be the most beneficial to the largest group of students to be served by the shelters. Councilman

Wilson asked, who would be responsible for maintenance and Mrs. Gary Byers stated that the Kawanis is accepting that responsibility. A motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve the request from the Kawanis Club to place a school bus shelter in Yeadon Park on Fertig Drive. Motion carried 4-0.

City/County Planner, Marlin Johnson introduced changes that are being proposed to the Town's Development Code. The changes being considered are:

Section 7-34 Permitted Uses

- a. Uses not requiring a special permit; Permanent single family dwellings
- b. (Two family dwellings would be eliminated)
- c. Dwelling occupied by more than one family (changed from two family to one family)

Section 7-35 Development Standards

- a. Minimum lot area shall be six thousand six hundred square feet. Lots with less than the six thousand six hundred square feet may be allowed only by a special permit which must be granted by the planning commission.

Section 7-36 Applicability

- a. The regulations of this article shall be in effect whenever two or more parcels are created by a person for the purpose of sale or building development. Unless the method of sale or lease is adopted for the purpose of evading this section, this section shall not apply to:
 - I. The subdivision of land for cemetery lots
 - II. Simple alignment of property lines which do not create additional lots.

A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the changes recommended by the Planning Office to the Town's Development Code and proceed with an Ordinance. Motion carried 4-0.

Mayor Dingman stated that he would like to re-appoint Herschel Pruitt to the Planning and Zoning Board. A motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve the re-appointment of Herschel Pruitt to the Planning and Zoning Board. Motion carried 4-0.

Mayor Dingman stated that he would like to appoint Jennifer Ralls to the Board of Adjustment as an alternate. A motion was made by Councilwoman Allen and seconded by Councilman Hensel to approve the appointment of Jennifer Ralls as an alternate to the Board of Adjustment. Motion carried 4-0.

A catering permit application for the Commodore Bar for September 17, 2005 was presented. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the catering permit at the minimum fee allowed by law. Mayor Dingman called for the vote. Voting yes- Councilmen Wilhelm and Hensel, Councilwoman Allen
Voting no - Councilman Wilson
Mayor Dingman declared the motion carried 3-1 and the catering permit approved.

Town Attorney, Doug Weaver presented the contract between the Town of Wheatland and

the Wyoming Municipal Power to provide power through the year 2048. He stated that the length of the contract is necessary as it will allow the Wyo. Mun. Power Agency to purchase additional power through ownership in a power plant. Mr. Weaver went over some minor changes in the contract from the previous ones that the Town and the Agency have had. Councilman Wilson asked if the contract would be affected if citizens were to use alternative power such as wind energy. Mayor Dingman stated that the agency has outgrown the contract with the power suppliers and unless they can obtain ownership in more power production, they will be forced to go to the open market which would be 15 to 20 percent higher. Mr. Weaver stated that as the Town's representative to the Wyoming Municipal Power Agency he would recommend approval of the contract. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the contract as presented and direct the Mayor to execute the documents. Motion carried 4-0.

Town Attorney, Doug Weaver presented a Resolution to direct and execute the document's designating the Wyoming Municipal Power Agency as the agent to purchase power for the Town of Wheatland. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the Resolution as presented. Motion carried 4-0. The Resolution is as follows:

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Town Council of the Town of Wheatland, Wyoming, that the Mayor is hereby authorized to direct and execute and deliver on behalf of the Town a document designating the Wyoming Municipal Power Agency as the agent for the purchase of power and energy upon the terms and conditions specified in the form of contract dated October 20, 2005, submitted to, considered and approved by the Town Council at its meeting held on the 12th day of September, 2005.

/s/ Joel Dingman, Mayor

Clerk/Treasurer, Cindy Kahler presented a proposed electric estimate policy for the Town. Mrs. Kahler stated that the Town's Electric Dept. is being asked to make several estimates on the same installation as prices are going up so rapidly which forces the estimates to be good for a maximum of 15 days. Mrs. Kahler requested the Town develop a policy to charge \$100.00 per estimate and when the service is installed the estimate charges would be credited to the installation of the service. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve of the policy to charge for electric estimates as presented with the estimates being good for a maximum of fifteen days. Motion carried.

Town Attorney, Doug Weaver presented a claim for losses due to a fractured ankle while playing baseball at the ballfield. Mr. Weaver stated that this claim involved an adult sliding into second base during a ball game on August 22, 2004. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to deny the claim and forward it to the Town's insurance carrier for investigation. Motion carried 4-0.

Clerk/Treasurer, Cindy Kahler presented a claim for damages incurred when a sewer backed up at 906 20th Street. The damages request for reimbursement by the Town was in the amount of \$4,258.74 which were incurred on August 15 th and 16th. There was a lengthy discussion on the sewer line serving 906 20th street. Town Engineer, Russ Schamel stated that the sewer line is in a very narrow, twelve foot easement along with all the other utilities such as gas, telephone and electric, which would make it impossible to replace the sewer line where it is. Mr. Schamel stated that he didn't think the property owners would be willing to dedicate more land to install a new sewer line. He stated that new line could be placed in the street, however, every homeowner would have to re-route their lines to the street to the new taps. Councilwoman Allen stated that possibly a meeting needed to be arranged to consider the issues regarding the existing line with the homeowners. Clerk/Treasurer Cindy Kahler stated she would investigate the backup before the next Council meeting. The Council did not take action on the claim.

Clerk/Treasurer, Cindy Kahler presented a claim for a sewer backup in the amount of \$1,048.40 for damages on July 13, 2005 at 300 13th Street. Mrs. Kahler stated that the damages occurred as a result of a backup in the main, which ruined a washer and dryer. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the damage claim in the amount of \$1048.40, with the understanding that the Town had no control over what was being put in the sewer line, causing the backup. Motion carried 4-0.

George Nichols was present, representing the Wheatland Bible Church and he stated that they are considering an addition on the Church and they would like to have access to the Town's water system. Mr. Nichols asked if the Town would allow them to access the Town's system if the meter is placed in the City limits and they were responsible for running the line to the meter. The Town Council agreed they had no objection to the Church having a water meter inside the Town limits.

With no further business to come before the governing body, Mayor Dingman adjourned the meeting at 9:20 P.M.. The next regular meeting of the Town Council will be October 10, 2005.

Mayor, Joel Dingman

Attest:

Clerk/Treasurer, Cindy Kahler

