

Wheatland, Wyoming
November 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, November 14, 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, Councilwoman Allen. Also present were Town Attorney, Doug Weaver, City/County Planner, Marlin Johnson and Town Clerk/Treasurer, Cindy Kahler.

Mayor Dingman stated that Herschel Pruitt, representing the Planning and Zoning Board needed to be added to the agenda under "New Business". A motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve the agenda as amended. Motion carried.

The minutes of the regular meeting held on October 10, 2005 were presented. A motion was made by Councilman Hensel and seconded by Councilman Wilson to approve the minutes of the regular meeting held on October 10, 2005 as presented. Motion carried.

The vouchers for the month of October, 2005 were presented for payment. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the vouchers as presented. Motion carried. The vouchers are as follows: Airgas-supplies-1630.29; Alexander Construction-road base-3123.86; Allen's Parts-veh maint-658.73; Altec Inc-veh maint-808.00; Andrew Starr-supplies-139.95; Atlas Office Products-supplies-290.16; Auto Electric-supplies-66.78; Automatic Door Entrances-repairs-174.50; Organic Unlimited-supplies-120.00; Best Western Hills Inn-lodging-360.00; Carolina Software-support-200.00; Caselle-computer support-1228.00; Churchich Recreations-supplies-2517.00; CNA Surety-bond-100.00; Communicom Services-internet-297.80; Consolidated Mfg-supplies-871.57; Contractors Materials-supplies-128.00; Courier By George-freight-25.00; Crescent Electric-supplies-2485.19; Crystal Ice-supplies-20.00; DBC Irrigation-supplies-19.45; Desert Mtn.-supplies-7633.42; Div. Of Workers Comp-workers comp-3316.41; Douglas Weaver-attorney fees-1750.00; Down To Earth-supplies-36.68; Drive Train-veh maint-131.38; Drube's- supplies- 194.38; Phil Dumars - contract labor-200.00; Eastern Wyoming Ambulance-service-9624.99; Electrical Systems Consultants- engineering-742.00; Emergency Vehicle Equip.-supplies-344.50; Energy Labs-testing-660.00; Linda Fabian-cent. expenses-202.16; FSH Communications-airport phone-70.85; Farm Plan-supplies-958.66; Fat Boys-veh maint-281.90; Galls' Inc-supplies-679.01; Gases Plus-supplies-26.04; HD/Circle Services-spraying-4698.00; Hawkins Water Treatment-

supplies-410.50;Huffer's Food Pride-supplies-124.89; IACP Training-school-70.00; Intermountain Sweeper-veh maint-20.90; Jacks' Electric-supplies-291.54; Kelly-Deines -pump repair-2773.36; Kinderprint-supplies-210.46; Kinder-Morgan-heat-3646.25; Laramie Peak Motors-veh maint-9.82; Law Enforcement Systems-supplies-38.00; Lawson Products-supplies-796.36 Mathew Bender-supplies-1246.15; Mayors Prayer Breakfast-tickets-120.00; McDonald Family; Enterprises-janitor services-250.00; Mikes Printing-supplies-3676.69; Northwest Pipe-supplies-111.63; Noyce's Shop-supplies-102.10; Office Max-supplies-239.98; Orbitcom-phones-1851.86; Pamida-supplies-125.52; P.C. Concrete-supplies-600.00; P.C. Memorial Hospital-testing-682.50; P.C. Record Times-advertising-2937.82; Toy Run-contribution-100.00; Piper's-supplies-11.00; P.C. Clerk-dispatch-25,000.00; Purchase Power-supplies-53.81; Qwest-phones-89.79; Shorey Electronics-supplies-165.20; Rex Johnson-health ins-400.00; Safeway Stores-supplies-145.00; Salt City Sales-supplies-576.00; Sensus Metering-repairs-160.00; Services for Seniors-subsidy-7000.00; Sierra Springs-supplies-43.98; Sigm Chi-commission-279.31; Sirchie Fingerprint-supplies-159.63; Solid Waste Systems-supplies-5888.25; Span Publishing-supplies-125.10; State of Wyoming-utility tax-6377.19; Subway-supplies-43.20; Sunshot Engineering-engineering-1110.00; Sutherlands-supplies-9.00; North Platte Physical Therapy-fitness program-55.00; Town of Wheatland -supplies/Fire Dept.-218.48; Town Treasurer-petty cash-618.66; TryHydro-landfill monitoring-2238.32; Tru-Tech Corporation-supplies-719.90; Ultamax Ammunition-supplies-298.00; Universal Police Supply-supplies-671.00; Vaughn Concrete-supplies-1378.00; Verizon Wireless-phones-499.60; Waterous Company-supplies-642.59;Wesco Receivables-supplies-24,123.00; Western United Electric -supplies-4827.50; Wheatco Sales & Service-gas & dsl-6100.21; Wheatland Automotive-veh maint-451.37; Wheatland Fire Dept-expenses-843.71; Wheatland Fire Equipment-supplies-311.05; Bloedorn Lumber-supplies-1494.01; Wheatland Medical Clinic-medical expenses-225.00;Wheatland Merchants-contribution-60.00; Wheatland True Value-supplies-245.32; Wyo.Dept. Of Transportation-supplies-138.69; Wyo. Law Enforcement Acd.-training-137.00; Wy. Loss Control-training-593.21; Xerox Corp-supplies-504.03; Graham, Dietz & Assoc.-engineering-20,000.00; Wyo. Mun. Power -power-112,603.80; Payroll-total-144,961.09; Total Vouchers-\$439,846.44

Mayor Dingman presented a letter thanking the Town of Wheatland for their contribution to the new Wyoming Association of Municipalities facility in Cheyenne.

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

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

Proposed Ordinance No. 716 was presented on third and final reading. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve proposed

Ordinance No. 716 on third and final reading. Motion carried 4-0. The Ordinance in its entirety follows:

ORDINANCE NO. 716

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 DISTRICT (R) 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:

Beginning at the southwest corner of Section 12, T24N, R68W, Thence N00°21'00" along the west line of SW1/4 Section 12, for a distance of 1763.10 feet, to the true point of beginning.

Thence along the following courses numbered 1 through 12;

1. S88°37'30" E, for a distance of 40.02 feet;
2. S88° 37'30"E, for a distance of 782.05 feet;
3. S00°26'58"W, for a distance of 439.91 feet;
4. N88° 40'40" W, for a distance of 429.77 feet, to a point on the east line of Lot 3, Harris Subdivision
5. N00° 25'23"W, for a distance of 83.35 feet, to the northeast corner of Lot 3, Harris Subdivision
6. N88°42'07"W, for a distance of 113.18 feet, to the southeast corner of Lot 2, Harris Subdivision.
7. N05°01'02"W, for a distance of 116.09 feet, to the northeast corner of Lot 2, Harris Subdivision
8. S86° 49'51"W, for a distance of 34.05 feet, to the southeast corner of Lot 1, Harris Subdivision
9. N89°39'00"W, for a distance of 91.70 feet, to the southwest corner of Lot 1, Harris Subdivision
10. N00° 21'00"W, for a distance of 69.21 feet, to the northwest corner of Lot 1, Harris Subdivision.
11. S89°41'20" W, for a distance of 30 feet, to a point on the west line of the SW1/4, Section 12;
12. N00°21'00" W, along the W line of the SW1/4 Section 12, for a distance of 178.89 feet, to the true point of beginning.

Which parcel is presently zoned Residential District (R) 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 12th day of September, 2005 on first reading.

Passed and approved this 10th day of October, 2005 on second reading.

Passed and approved this 14th day of November, 2005 on third and final reading.

/s/ Mayor, Joel Dingman

Attest;

/s/ Clerk/Treasurer, Cindy Kahler

Proposed Ordinance No. 717 was presented on second reading. Town Attorney, Doug Weaver stated that sections 7-86 (a) & (b) would be repealed with this Ordinance and that was a change from the first reading. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve proposed Ordinance No. 717 with the changes as described on page 4. Motion carried 4-0. Proposed Ordinance No. 717 title being as follows:

AN ORDINANCE AMENDING THE DEFINITION OF SUBDIVISION
AMENDING PERMITTED USES IN A RESIDENTIAL DISTRICT AND
AMENDING PORTION OF THE REQUIREMENTS UNDER
SUBDIVISIONS, AND REPEALING SECTION 7-86 (a) (iii) AND
SECTION 7-86(b)(I) THROUGH (vii)

Proposed Ordinance No. 718 second reading was set aside until the next meeting for further review by the Planning and Zoning Board.

A request from Linda Fabian to assist with repair work that needs to be done to the wall of the building at 860 Gilchrist. Mrs. Fabian had requested the Town assist with the repairs as the original damage occurred when the Town demolished the Globe Hotel building. Mrs. Fabian stated that the Art Guild would like to do a mural of the Globe Hotel on the wall if it could be repaired. She had gotten several estimates and the lowest one was in the amount of \$11,760.00. Mayor Dingman stated that he would like it understood that the Town does not accept any responsibility for damages done in the past. Councilman Wilson stated that he had visited with past Councilmen and it was his feeling that the Town should assist with the repairs and he made a motion to pay 75% of the low estimate. Councilman Hensel seconded the motion. Motion carried 4-0.

Resource District representative Levi Clark was present and stated that there are grant funds available through the Wyoming State Forestry for trees and the District has some funds available to match. There was a brief discussion on producing a plan for planting new trees and replacement of old trees in the Town.

A claim from Ed Melcher was presented for damages which occurred when a large garbage can hit his vehicle while he was driving down West Mariposa on Nov. 3, 2005. Attorney, Doug Weaver stated that the Town does not have control of the wind and where people place their garbage cans on their property. A motion was made by Councilman Wilson to award Mr. Melcher the damages, Mayor Dingman called for a second three times and did not get one. Mayor Dingman declared the motion dead due to a lack of a second.

Mayor Dingman stated that there were two claims for damages caused by sewer water and the Council will workshop them on Tuesday, November 22, 2005 at 4:30 P.M..

A sample letter of support for the designation of Highway 26 as a Scenic By-Way was introduced. Mayor Dingman stated that Councilwoman Brenda Allen is co-chair of the committee and he asked if she could explain the need for the letter. Councilwoman Allen stated that an application to the Department of Transportation to designate Highway 26 has to be submitted and part of the application is letters of support from various entities. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to send a letter of support to the Committee to be included in the application to designate Highway 26 as a Scenic By -Way. Motion carried 4-0.

A motion was made by Councilman Wilson and seconded by Councilman Hensel to suspend the regular meeting at 7:30 P.M. Motion carried 4-0.

Mayor Dingman suspended the regular meeting and opened the public hearing on a liquor license transfer from Harvey Cozad to Big A LLC (Jin H Min). Mayor Dingman asked for comments and there were none. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to approve the application for the liquor license transfer from Harvey Cozad to Big A LLC. Motion carried 4-0.

A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to reconvene the regular meeting at 7:32 P.M.. Motion carried. Mayor Dingman reconvened the regular meeting.

A request from State of Wyoming Military Department to pass a Resolution in support of the expansion of Camp Guernsey and the purchase of the Gray Rocks Ranch to assist with the expansion. Mayor Dingman stated that he and City/County Planner, Marlin Johnson had toured Camp Guernsey on November 8, 2005 and he felt that the infrastructure needs in Guernsey needed to be addressed by the Guard as part of their plans for expansion. He stated the County will lose approximately \$10,000.00 a year in property tax with the acquisition of the Gray Rocks Ranch and some of those funds could be used by the Guard to assist Guernsey with their infrastructure needs. City/County Planner, Marlin Johnson stated he certainly agreed with Mayor Dingman and he also felt the Guard should be a part of the land use planning in

Platte County since they control so much land. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to adopt a Resolution of support with the understanding that it will contain language concerning the Guard addressing the infrastructure needs in Guernsey and no language relative to the purchase of the Grayrocks Ranch. Motion carried 4-0.

A catering permit application from Vimbo's Dusty Boots was presented for November 19, 2005 at the 4-H Building for the Pheasant's Forever Banquet. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the catering permit for Vimbo's Dusty Boots for November 19, 2005 at the minimum fee allowed by law. Mayor Dingman called for the vote; voting yes - Councilmen Hensel and Wilhelm, Councilwoman Allen, voting no - Councilman Wilson. Mayor Dingman declared the motion carried 3-1.

Proposed Ordinance No. 719 was introduced to vacate park land in the Rock Creek Estates Subdivision. Mayor Dingman asked City/County Planner, Marlin Johnson to give the staff report. Planner, Johnson stated that the property is located on the south side of Cole Street, just east of the railroad crossing and is presently undeveloped as a park facility in a Residential District. City/County Planner, Marlin Johnson stated that the Town of Wheatland desires to provide an access to the fire training facility south of this property. Rock Creek Estates Subdivision was platted in 1976 and "Outlet A" was dedicated and conveyed to and for the public use hereafter as a park and recreation site. He stated the advantage is that the park lot is relatively small and not being utilized as a park. The Town considered granting an access easement across the park lot, but the lot is only one hundred and three (103') feet wide with a utility easement twelve feet (12') in width. An access easement sixty feet (60') in width would not leave sufficient property to be utilized as a park. Planner, Johnson stated that the disadvantage might be that property owners in and near this subdivision could prefer that this park lot remain available to the public as a park and recreation site. Mr. Johnson stated that this a park lot that belongs to the public and the affected public should have a say in this request. Courtesy letters were sent to all property owners in the Rock Creek Estates Subdivision who did not receive the necessary certified notices. If the vacation is approved the necessary procedures to record this vacation must be followed. The County Clerk should write in plain, legible letters across that part of said plat so vacated, the word "vacated", and also make a reference on the same to the volume and page in which said instrument of vacation is recorded. Following the staff report there was a brief discussion on the property and a motion was made by Councilman Wilson and seconded by Councilman Hensel to approve the vacation of the park and pass proposed Ordinance No. 719 on first reading. Motion carried 4-0. Proposed Ordinance No. 719 title being as follows:

AN ORDINANCE TO CHANGE THE PUBLIC USE OF A PUBLIC
PARK TO A PUBLIC STREET IN ROCK CREEK ESTATES 1ST FILING.

A simple subdivision application from Shannon & William Hageman, Jr. was presented. Mayor Dingman requested City/County Planner, Marlin Johnson to give the staff report. Planner Johnson stated that the applicants desire to separate a five (5) acre parcel from an

existing fifty-six (56) acre parcel. Their intent is to build a home on the smaller parcel, leaving the remainder as an unplatted balance. The applicant would like to have any approval of this request include the option to plat the five (5) acre parcel at either the northwest corner or the northeast corner of this property. Approval from the County Engineer for an access approach is required to qualify this request as a simple subdivision. An Encroachment License and an address application will be required at such time a Zoning Certificate application is submitted for the residence. The applicant has expressed willingness to relinquish the irrigation water rights to the proposed five (5) acre parcel. The proposed parcel would be served by a private well and an on-site wastewater disposal system. 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. Planner, Johnson stated that the proposed lot size should typically allow for adequate individual water supply and wastewater disposal systems. Only one additional parcel is being created and it will have direct contiguous access to a County maintained road. Mr. Johnson stated that there does not appear to be any disadvantages with the proposed five (5) acre parcel. However, the unplatted balance has a stick-built residence as well as three mobile homes. These matters will need to be resolved at such time that the unplatted balance is proposed for further subdivision. In addition, any of the mobile homes removed from the property may not be replaced, unless the property is approved for subdivision to allow them as a single family residence or unless a Special Use Permit is approved for such use. Planner Johnson recommended approval of the application for a Simple Subdivision from Mr. & Mrs. Hageman with the following conditions:

1. That thirty-foot wide strip of right-of-way be dedicated to the public along the entire subdivision frontage for Preuit Road and Goodrich Road.
2. That a proposed subdivision name be submitted for review and approval within thirty days of this approval.
3. That the Wheatland Town Council approve of a resolution qualifying this plan as a simple subdivision.
4. That the applicant formally relinquish the appurtenant water rights on the proposed five (5) acre parcel to the Wheatland Irrigation District prior to filing a plat; and
5. That a plat of the smaller parcel, to be located in either the northwest corner or the northeast corner of the property, be filed within one year of approval.

City/County Planner, Marlin Johnson stated that the Town of Wheatland Planning and Zoning Board had recommended approval of the application to the Town Council at their meeting held on November 10, 2005. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to adopt a Resolution in support of the simple subdivision application submitted by Shannon & William Hageman, Jr for the property located at the southwest corner of the intersection of Preuit Road and Goodrich Road. Motion carried 4-0.

Herschel Pruitt was present, representing the Town's Planning and Zoning Board expressing concerns about off premise signs and billboards within the Town limits. He stated that the Planning and Zoning Board has denied two applications for billboards along 16th Street. He stated that the Planning Office is presently researching information

that will assist the Planning and Zoning Board in addressing the sign age in Wheatland, and presenting a “sign code” to the Town Council. Mr. Pruitt stated that a moratorium of 180 days on off premise signs/billboards would give the Board time to develop a “sign code” and present it to the Town Council. After further discussion a motion was made by Councilman Wilson and seconded by Councilman Wilhelm to place a moratorium not to exceed 180 days on off premise signs and billboards within the Town limits. Motion carried 4-0.

With no further business to come before the Governing Body, Mayor Dingman adjourned the meeting at 8:20 P.M.. The next regular meeting of the Town Council of the Town of Wheatland will be December 12, 2005.

Mayor, Joel Dingman

Attest:

Clerk/Treasurer, Cindy Kahler

