

Wheatland, Wyoming  
March 13, 2006

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, March 13, 2006 pursuant to the law.

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

Mayor Dingman stated that Town Attorney, Doug Weaver had requested an "executive session" to discuss pending litigation be added to the agenda. Mayor Dingman stated that it would be added as the last item under "new business". Councilman Wilhelm stated that he would like to add discussion concerning a complaint on snow removal and parking in front of a driveway under "Petition, Memorial and Complaints". A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the agenda as amended. Motion carried 4-0.

The minutes of the regular meeting held on February 13, 2006 were presented. Councilwoman Allen stated that the minutes needed to be corrected concerning the vote on the 2005-2006 Severance Tax Budget amendment, as the minutes indicated she had voted "yes", however she had abstained as the budget amendment was due to the Community Dev. Block Grant for the Peak Wellness Center. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to approve the minutes for the meeting held on February 13, 2006 as corrected. Motion carried 4-0.

The vouchers for the month of February, 2006 were presented for payment. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the vouchers for payment as presented. Motion carried 4-0. The vouchers are as follows: Airgas-supplies-35.37; Altec Inc.-supplies-189.46; American Cancer Society-relay for life-200.00; Ash's Sales-supplies-689.00; Atlas Office Products-supplies-446.74; California Contractors Supply-supplies-150.00; Candy Wright-contract labor-312.50; Chemsearch-supplies-139.40; Communicom Services-internet-195.85; Consolidated Mfg-supplies-24.07; Contractor Materials-supplies-296.16; Courier By George-freight-25.00; Crescent Electric-supplies-1242.71; Crystal Ice-supplies-22.00; Dave's Auto Body-veh maint-1072.80; Dept. Of Revenue-sales tax-2643.50; Div. Of Workers Comp-workers comp-3386.49; Douglas Weaver-attorney fees-1750.00; Drube's Mfg-

supplies-334.31; Engineering America, Inc-water tower-1000.00; Eastern Wyoming Ambulance Service-ambulance-9624.99; Element's Inc-supplies-29.95; Elite Auto Glass-supplies-262.82; FSH Communications-phones-47.45; Farm Plan-supplies-316.31; Fat Boys Tires-supplies-40.95; Fig U Rose-supplies-43.00; Floyd's -veh maint-8.76; Gall's Inc-supplies-616.17; Gases Plus-supplies-23.52; Grainger-supplies-480.90; John Reid-training-545.00; Hagemeyer North America-supplies-42.00; Huffers Food Pride-supplies-103.95; Jack's Electric-supplies-251.90; Kinder Morgan-heat-7889.02; Kois Bros-supplies-3462.44; Laramie Peak Vet Clinic-supplies-168.28; Law Enforcement Systems-supplies-27.00; Lawson Products-supplies-283.13; Little America-lodging-398.50; Lock Trucking-supplies-119.16; McDonald Family Enterprises-janitorial-250.00; Mikes Printing-supplies-604.01; Montana Electric-safety classes-150.54; National Fire Protection-dues-135.00; National Pen-supplies-307.77; Northwest Pipe-supplies-309.80; HSBC-supplies-7.86; Orbitcom-phones-1842.99; Pamida-supplies-249.79; Platte County Record Times -adv-2565.86; P.C. Parks & Rec.-adv.-100.00; Pitney Bowes-postage-108.55; Priester Supply-supplies-55.53; Public Agency Training-training-495.00; Qwest Equipment-supplies-413.19; Qwest-phones-146.06; Ri-Tec-cleaner-75.00; Shorey Electronics-supplies-324.24; Rex Johnson-health ins-400.00; S.E. Wyoming R.C. & D.-dues-200.00; Safeway Stores-supplies-47.80; Salt City Sales-supplies- 1026.00; Sensus Metering-program support-1000.00; Sierra Springs-supplies-82.93; Sirchie Fingerprints-supplies-372.05; Skarshaug Testing-supplies-607.81; State of Wyoming-sales tax-7591.11; Sunshot Engineering-engineering-1086.26; Symbol Arts-supplies-217.50; TW Enterprises-supplies-995.45; Team Labs-supplies-1038.25; Terminix-supplies-104.02; The Lock Shop-vault repairs-235.00; Thrivent-playground equip-1000.00; North Platte Physical Therapy-wellness program-95.00; Town Treasurer-petty cash-1047.30; Tri State Truck-veh. maint-89.54; Verizon Wireless-phones-345.32; WADCO-subsidy-3750.00; WWQ & PCA-dues-25.00; WARWS-registration-175.00; Wheatco Sales & Service-gas & dsl-4602.78; Wheatland Automotive-veh maint-191.10; Wheatland Coop-supplies-51.25; Wheatland Fire Dept.-expenses- 490.63; Wheatland Fire Equipment-supplies-13,190.13; Bloedorn Lumber-supplies--2389.81; Wheatland REA-power-878.00; Wheatland True Value-supplies-46.31; Whitaker Electronics-supplies-13.30; Willcuts Backhoe-supplies-13.00; Wyoming State Firemen's Assoc.-dues-100.00; Wyo. Conference of Judges-dues-100.00; Wyoming Fire Chief's Assoc.-dues-110.00; Wyoming Law Enforcement-training-264.00; Wyoming Machinery-veh maint-312.03; Wyoming Tribune/Eagle-subscription-189.36; Xerox Corp-copiers-265.80; Wyoming Municipal Power Agency-power-115,653.14; Payroll-salaries-148,847.73; Total Vouchers- \$356,321.46.

Councilman Wilhelm stated that he had received a complaint from a resident living across the street from the High School regarding snow removal around the school and people parking in front of his driveway to attend school functions. Councilman Wilhelm stated that he had advised the resident to contact his neighbors and if they were in agreement, there is a possibility that the parking could be on a permit basis only and he asked Chief Chesser if that was a possibility. Chief Chesser stated it is certainly possible if all of the residents in the area are in agreement and they petition the Council to designate the parking as "permitted parking only" or "limited time parking". Town Attorney, Doug Weaver stated that it was certainly possible, however, it is a public street and permitted parking only could become an issue. Chief Chesser stated that he had also received a complaint from the resident and the department had been checking the driveway for anyone parking in front of it. The Council were in agreement that

they would look at the snow removal policy at a later date.

Clerk/Treasurer, Cindy Kahler presented the financial report for the month of February, 2006. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve the financial report as presented and place it on file. Motion carried 4-0.

Mayor Dingman stated there were reports from the Police Dept., Public Works Depts., P.C. Chamber of Commerce, Centennial Committee, Planning Office, Wyoming Mun. Power Agency, Ambulance Service, Municipal Court and the Fire Dept.. He stated that since there were no comments or concerns voices regarding the reports, they would be placed on file. Mayor Dingman stated that Fire Chief, Scott Scheller had a request that he would like added to the Fire Dept. report. Chief Scheller stated that the Fire Dept. would like to apply for a FEMA. grant for Wyolink compatible radio equipment for the Fire Department in the amount of \$135,158.00 with the Town's match in the amount of \$6,757.90. A motion was made by Councilman Wilhelm and seconded by Councilman Wilson to approve the submission of a grant application to FEMA for radio equipment to be utilized by the Fire Department in the amount of \$135,158.00 with the Town's match of \$6757.90. Motion carried 4-0.

Proposed Ordinance No. 100-1 was presented on third and final reading. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve proposed Ordinance No. 100-1 on third and final reading. Motion carried 4-0. Ordinance No. 100-1 follows in its entirety.

ORDINANCE NO. 100-1  
AN ORDINANCE AMENDING ORDINANCE NO. 1 OF THE TOWN OF  
WHEATLAND, ADOPTING THE OFFICIAL SEAL FOR THE TOWN OF  
WHEATLAND.

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

Section 1. To begin the second 100 years of the Town of Wheatland, the seal of the Town of Wheatland shall be of the following design:

A circle about two inches in diameter, in the center of which is the silhouette of Laramie Peak, overlaid by three stalks of wheat. Above the impression of Laramie Peak and in approximately a half circle are engraved the words "Town of Wheatland, Wyoming", and in the lower half circle, below the impression of Laramie Peak are engraved the words "County of Platte". Immediately below the impression of the stalks of wheat are the words "Incorporated 1905".

Passed and approved this 16th day of January 2006, on first reading.

Passed and approved this 13th day of February, 2006 on second reading.

Passed and approved this 13th day of March, 2006 on third reading and final passage.

/s/ Joel Dingman., Mayor

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

Proposed Ordinance No. 718 was introduced and read on third and final reading. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve proposed Ordinance No. 718 on third reading and final passage. Motion carried 4-0. Ordinance No. 718 follows in its entirety:

ORDINANCE NO. 718

AN ORDINANCE AMENDING PORTIONS OF SECTION 7-49(b) OF THE WHEATLAND DEVELOPMENT CODE DEALING WITH MOBILE HOME SUBDIVISION DISTRICT DEVELOPMENT STANDARDS; AMENDING PORTIONS OF SECTION 7-51(b) and ( c ) OF THE WHEATLAND DEVELOPMENT CODE DEALING WITH PERMITTED USES IN THE HIGHWAY BUSINESS DISTRICT; AND AMENDING PORTIONS OF SECTION 7-66 (a) OF THE WHEATLAND DEVELOPMENT CODE DEALING WITH PERMITTED USES IN CONSERVANCY DISTRICT.

WHEREAS, Section 7-49 (b) dealing with Development Standards in Mobile Home Subdivision District reads:

Section 7-49 Development Standards

(b) Setback requirements are as follows:

Front yard -- 20 feet (6.1m)

Side yards -- 12 feet (3.7m)

Rear yard -- 10 feet (3.0 m)

Yards adjacent to public roadway --20 feet (6.1 m)

Yards adjacent to interstate right-of-way -- 10 feet (3.0m)

and

WHEREAS, Section 7-51 (c)(3) dealing with permitted uses in the highway business district reads:

Section 7-51 Permitted uses

(c ) Uses prohibited in highway business districts are:

(3) Any use permitted in a light industrial district or heavy industrial district and other similar uses permitted in such districts;

and

WHEREAS, Section 7-66 (a) dealing with permitted uses in the conservancy district reads:

Section 7-66 Permitted uses.

(a) Uses not requiring a special permit shall be:

(1) Agriculture

- (2) Dairying
- (3) Single -family dwellings (permanent or mobile)
- (4) Golf courses
- (5) Recreation and open spaces
- (6) Plant nurseries
- (7) Temporary circuses
- (8) Temporary religious meetings
- (9) Trails

and

WHEREAS, Section 7-79 (h) dealing with nonconforming uses reads:

(h) Mobile Homes. Mobile homes in R, RH or PUD districts are nonconforming uses and may be replaced by mobile homes only if they are of equal or better quality than the mobile home previously placed there, and separate utility hookups were previously used, as determined by the Building Inspector. Otherwise, mobile homes are not allowed in these districts. If a unit in these districts is vacant for more than five years, mobile homes are not allowed. (Ord. 419, ch.4)

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

SECTION 7-49 (b) OF THE WHEATLAND TOWN CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 7-49 Development Standards

(b) Setback requirements are as follows:

(1) Primary Structure

Front yard -- 20 feet (6.1m)

Side yards -- 12 feet (3.7m)

Rear yard -- 10 feet (3.0m)

Yards adjacent to public roadway -- 20 feet (6.1m)

Yards adjacent to interstate right-of-way -- 10 feet (3.0m)

(2) Detached accessory structures:

Front yard -- 20 feet (6.1m)

Side yards -- 6 feet (1.8m) (unless the residence on a corner lot faces the side yard, in which case a ten foot setback is required.)

Rear yard --- 6 feet(1.8m) (If a designated alley exists, utility buildings and vehicle garages may be built to rear yard lot line provided the entry way does not open onto an alley, any building must be set back a minimum of ten feet. No portion of any structure shall extend beyond the property line.)

SECTION 7-51 (b) OF THE WHEATLAND TOWN CODE IS HEREBY AMENDED TO add another use requiring a special use permit, specifically:

(b) Uses requiring a special use permit as provided by Section 7-10 are:

- (10) Commercial rental storage units
- (11) Other uses similar to the permitted uses but not listed herein.

All other uses requiring a special use permit in Section 7-51 (b) remain.

SECTION 7-51 (c) (3) OF THE WHEATLAND CODE IS HEREBY AMENDED TO read as follows:

(c) Uses prohibited in highway business districts are:

- (3) Any use permitted in a heavy industrial district and other similar uses permitted in such district.

SECTION 7-66 (A) OF THE WHEATLAND TOWN CODE IS HEREBY AMENDED TO read as follows:

Section 7-66. Permitted Uses

(a) Uses not requiring a special permit shall be:

- (1) Agriculture, excepting feedlots which are expressly not permitted.
- (2) Permanent single-family dwellings
- (3) Golf Courses
- (4) Recreation and open spaces
- (5) Plant nurseries
- (6) Temporary circuses
- (7) Temporary religious meetings
- (8) Trails

(b) Uses requiring a special permit shall be:

- (1) Single family mobile home

SECTION 7-79 (h) OF THE WHEATLAND TOWN CODE IS HEREBY AMENDED TO read as follows:

(h) Mobile Homes. Mobile homes in CR, RH or PUD districts are nonconforming uses and may be replaced by mobile homes only if they are of equal or better quality than the mobile home previously placed there, and separate utility hookups were previously used, as determined by the Building Inspector. Otherwise, mobile homes are not allowed in these districts. If a unit in these districts is vacant for more than five years, mobile homes are not allowed. (Ord. 419, ch 4)

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

Passed and approved on the 13th day of February, 2006 on second reading.

Passed and approved this 13th day of March, 2006 on third and final reading.

/s/ Mayor, Joel Dingman

Attest:

Clerk/Treasurer, Cindy Kahler

Mayor Dingman stated that the official depository banks needed to be designated for Town of Wheatland funds. A motion was made by Councilman Wilson and seconded by Councilman Wilhelm to designate ; First State Bank, Platte Valley Bank, Wells Fargo Bank and Bank of the West as official despository institutions for the Town of Wheatland funds. Motion carried 4-0.

Mayor Dingman stated that he would like to make six appointments to the Airport Board for five year terms as the appointment of Steve Burnett to the Board had been done previously, bringing the Board to seven members. He stated he would like to appoint the following individuals to the Airport Board. George Bartholomew, Chuck Brown, Alden Prosser, Gene Hayes, Dennis Lauck and Ed McAuley. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to confirm the appointments made by Mayor Dingman to the Airport Board. Motion carried 4-0.

A claim from Mr. Chris Locy in the amount of \$947.00 was submitted for damages to his car that were sustained when they hit a hole in a street cut on West Mariposa. Mr. Locy's claim stated that on February 22, 2006 , he and his wife were westbound on West Mariposa and hit a hole in the street, which damaged their P.T. Cruiser. Police Chief, Chesser stated there was no police report filed on the incident. A motion was made by Councilman Wilson and seconded by Councilwoman Allen to pay for the damages to Mr. Locy's car in the amount of \$947.00. Mayor Dingman called for the vote. Voting yes- Councilman Wilson, Councilwoman Allen. Voting no - Councilman Hensel, Councilman Wilhelm. Mayor Dingman stated that he would vote no at this time as Mr. Locy needs to complete the official documents for a government claim. Motion denied 3-2.

City/County Planner, Marlin Johnson presented proposed Ordinance No. 721 on first reading. He stated that proposed Ordinance No. 721 is a re-zone for Lot 43 of the Gunther Addition from Residential to High Density Residential. Planner, Johnson stated the Wheatland Assembly of God Church had purchased Lots 41, 42 and 43 in the Gunther Addition to construct a new church. He stated that all three properties were zoned Residential High-Density many years ago, but Lot 43 was zoned to Residential District in 2002. Rezoning Lot 43 to match the zoning on Lots 41-42 simply makes more sense than obtaining a Special Use Permit for one of the properties. Planner, Johnson stated that churches are allowed in a Residential High Density Zoning District but require a Special Use Permit in Residential Districts. The Town Engineer had noted that there are utility easements with existing utilities on interior portions of all three lots and that these easements should remain when the properties are merged. In addition, he had noted that the west thirty feet (30') of the abandoned Service Road along the east boundaries of Lot 41 and Lot 43 should be included in the merger, in addition this thirty foot (30') strip be dedicated as a public utilities easement. Drainage issues and any need to install sidewalk and/or curb and gutter will be addressed with any development proposal. Planner, Johnson stated that the Planning and Zoning Board had recommended approval of the request for the re-zone of Lot 43 to High Density Residential. Councilman Wilson stated that he is Chairman of the Construction Committee for the Wheatland Assembly of God Church and they plan to merge all three properties to construct a Church. He stated that they are planning a building of 13,000 to 16,000 square feet, with seating capacity for 300 in the sanctuary, along with a large

area for activities. Councilman Wilson stated that the plans for Lot 43 are a parking lot at this time. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve of proposed Ordinance No. 721 on first reading with the understanding that the west thirty foot (30') of Lots 41 & 43 will be dedicated to the Town as a public utilities easement. Councilman Wilson stated he would be abstaining from the vote. Voting yes- Councilwoman Allen, Councilman Wilhelm, Councilman Hensel. Mayor Dingman declared the motion carried. Proposed Ordinance No. 721 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 RESIDENTIAL HIGH DENSITY DISTRICT (RH).

A motion was made by Councilman Wilson and seconded by Councilman Hensel to adjourn to an executive session to discuss litigation at 7:38 P.M.. Motion carried 4-0.

A motion was made by Councilman Wilson and seconded by Councilman Hensel to reconvene the regular meeting at 8:35 P.M. Motion carried 4-0.

Mayor Dingman stated that the Council had been advised of the status of pending litigation and the options that were available to the Town concerning the case.

With no further business to come before the Governing Body, Mayor Dingman adjourned the meeting at 8:37 P.M. The next regular meeting of the Town Council will be held on April 10, 2006.

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Mayor, Joel Dingman

Attest:

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Town Clerk/Treasurer, Cindy Kahler