

Wheatland, Wyoming
November 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 on Monday, November 13, 2006 in the Council Room of the Town Hall at 7:00 P.M., pursuant to the law.

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

Mayor Dingman stated that the agenda needed to be amended by adding Black Mtn. Well #3 Resolution as #2 under "Unfinished Business". A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve the agenda as amended. Motion carried 4-0.

The minutes of the meetings held on October 9, 2006 and November 1, 2006 were presented. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the minutes of the meetings held on October 9, 2006 and November 1, 2006 as presented. Motion carried 4-0.

The vouchers for the month of October were presented for payment. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the vouchers as presented for payment. Motion carried 4-0. The vouchers are as follows: Ag News-adv-145.00; Airgas-supplies-396.70; Allen's Parts-veh maint-233.48; Allied Hand Dryer-supplies-158.00; Amazing Monogramming-supplies-1026.88; Appraisals Inc-contract labor-3750.00; Atlas Office Products-supplies-290.44; Auto Electric-veh maint-351.76; Bluffs Sanitary Supply-supplies-81.45; Bud's Plumbing-contract labor-485.00; California Contractors-supplies-190.55; Carolina Software-support-200.00; Caselle-support-1265.00; CNA Surety-bond-100.00; Commercial Lighting-supplies-128.55; Commsource Inc-supplies-1334.55; Communicom-internet-195.85; Contractors Materials-supplies-42.00; Crescent Electric-supplies-2841.15; Crystal Ice-supplies-35.00; Dept. Of Employment-workers comp-5103.42; Douglas Weaver- Attorney fees-1885.64; Doug Wiggins-travel-158.83; Doug Willadsen-travel -464.63; Drube's-supplies-376.58; Eastern Wyo. Ambulance Service-service-9624.99; Electric Systems Consultants-engineering-15310.03; Emed Company-supplies-443.74; Energy Labs-testing-630.00; FSH Communications-phone-130.00; Farm Plan-supplies-285.82; Fat Boys-veh maint-1097.50; Floyd's -supplies-47.67; GT Distributors-supplies-109.90; Gall's Inc-supplies-345.94; Gases Plus-supplies-85.40; Gempler's-supplies-39.95; Hall's Safety-supplies-115.45; Howard Supply-supplies-23.75; Huffers Food Pride-supplies-43.81; IACP Training-school-14.00; Jack's Electric-supplies-810.18; Jordan

Service-supplies-270.00; Kilmers-supplies-215.80; Kinder-Morgan-heat-1538.56; Lab Safety-supplies-61.45; Laramie Peak Motors-veh maint-613.59; Lawson Products-supplies-1084.50; Lyle Signs-supplies-1886.28; Mater/Tschacher/Peterson-audit fees-10,000.00; Lexis Nexis/Mathew Bender-books-27.75; McDonald Family Enterprises-janitorial-250.00; Midwest Hose & Specialty-supplies-130.46; Mikes Printing-supplies-895.69; Montana Electric-school-301.08; National Fire Protection- books-474.60; Orbitcom-phones-1821.88; Pamida-supplies-272.92; Parkway Plaza-lodging-362.75; P. C. Memorial Hospital-test-63.50; P.C. Record Times-adv-1976.65; P.C. Concrete-supplies-94.50; P.C. Treasurer-taxes-618.40; Peterbilt of Wyoming-supplies-71.34; Toy Run-contribution-100.00; Pitney Bowes-supplies-106.50; Prairie Business Solutions-support-900.00; Priester Supply-supplies-1157.58;Qwest-phones-143.80; Shorey Electronics-supplies-110.84; Ray O'Herron-supplies-447.60; Rex Johnson-health insurance-400.00; Michele Richlin-freon removal-1035.00; Safeway Stores-supplies-16.85; Scott Scheller-emergency mgmt-200.00; Services For Seniors- subsidy-11,000.00; Sierra Springs-supplies-52.97; Simon Contractors-supplies-503.34; Sirchie Fingerprints-supplies-202.10; Sonetics-supplies-740.47; State of Wyoming-sales tax-5982.81; Stewart Stevenson-supplies-103.47; Symbol Arts-supplies-212.50; T.C. Edwards-supplies-465.99; T & R Electric-supplies-8292.00; Tactical Anatomy-books -63.95; Terminix-pest control-156.00; Terra Grano-testing -81.00; Corporate Office-supplies-111.49; North Platte Physical Therapy-supplies-210.00; Town Treasurer-petty cash-627.05; Tri State Truck-veh maint- 1017.36; Verizon Wireless-phones-445.22; WADCO-subsidy-3750.00; WWQ & PCA-dues-415.00; WESCO -supplies-1296.00; Western Sprinkler-supplies-18,140.00; Western United Electric-supplies-7822.95; Wheatco Sales & Service-gas & dsl-5815.67; Wheatland Automotive-veh maint-714.21; Wheatland Coop-supplies-59.40; Wheatland Fire Dept.-expenses-2038.55; Wheatland Fire Equipment-supplies-145.12; Bloedorn Lumber-supplies-280.04; Wheatland REA-power-6121.30; Wyo. Assoc. Of Municipalities-dues-4172.00; Wyoming Machinery-repairs-29,753.34; Xerox Corp-supplies-1052.01; Wyo. Munc. Power-power-101,273.76; Payroll-total salaries-150,568.76; Total Vouchers-\$441,734.29.

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 and place it on file. Motion carried 4-0.

Reports from the Police Department, Public Works, P.C. Chamber of Commerce, Planning Office, Wyoming Municipal Power Agency, Ambulance Service, Municipal Court and the Fire Dept. were presented. Fire Chief, Scott Scheller reported that the State Lands & Investment Board would consider the grant submitted for a new fire truck at their meeting on Thursday, November 16, 2006 and the Director had recommended approval. Mayor Dingman stated that since there were no questions or concerns voiced on the reports, they would be placed on file.

Proposed Ordinance No. 729 was presented on third and final reading. A motion was made by Councilwoman Allen and seconded by Councilman Wilson to approve proposed Ordinance No. 729 on third and final reading. Motion carried 4-0. Ordinance No. 729 follows in its entirety.

AN ORDINANCE AMENDING SECTION 4-8 OF THE
WHEATLAND TOWN CODE, ENTITLED "Licensing and
registration of dogs-Duty of town clerk, expiration date."

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

Section 4-8 of the Wheatland Town Code shall be amended to read as follows:

All dogs over four months of age kept, harbored or maintained in the town shall be licensed and registered. Licenses shall be issued by the Town Clerk or by an agent as made be designated by the clerk. No license shall be issued unless a dog has been vaccinated against rabies, within twenty-four months immediately preceding the date of the application for the license as evidenced by the certificate of a licensed veterinarian. All licenses shall expire on December 31 of the year in which the same are issued.

This ordinance shall become effective December r 31, 2006.

Passed and approved this 11th day of September, 2006 on first reading.

Passed and approved this 9th day of October, 2006 on second reading.

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

/s/ Joel Dingman, Mayor

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

Mayor Dingman introduced a Resolution in support of a grant application to the Wyoming Water Development Commission for completion of Black Mtn. Well #3 in the amount of \$222,180.14. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to adopt the Resolution as presented. Motion carried 4-0. The Resolution in its entirety follows:

A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT
APPLICATION TO THE WYOMING WATER DEVELOPMENT
COMMISSION ON BEHALF OF THE GOVERNING BODY
OF THE TOWN OF WHEATLAND, WYOMING FOR THE
PURPOSE:

LEVEL 111- PROJECT DEVELOPMENT FOR BLACK MTN.
NO. 3 WELL COMPLETION.

WHEREAS, the Governing Body of the Town of Wheatland desires to participate in the WWDC New Development Program to assist in financing this Supply Project; and

WHEREAS, the Governing Body of the Town of Wheatland recognizes the need for this project,

and;

WHEREAS, the WWDC program requires that certain criteria be met as described in the "Operating Criteria of the Wyoming Water Development Program," and to the best of our knowledge this application meets those criteria; and

WHEREAS, the Town of Wheatland plans to match the requested New Development Grant from severance tax funds of the Town of Wheatland.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF WHEATLAND that a grant application in the amount of \$222,180.14, being 67% of the estimated project cost of \$331,612.15, be submitted to the WWDC for their consideration and recommendations at the November 2006, meeting.

BE IT FURTHER RESOLVED that Russell Schamel, Engineer and Cindy Kahler, Clerk/Treasurer be hereby designated as authorized representatives of the Town of Wheatland to act on behalf of the Governing Body on all matters relating to this grant application.

Passed and approved this 13th day of November, 2006.

/s/ Joel Dingman, Mayor

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

A Resolution in support of expanding and upgrading the airport at the present location was introduced by Airport Engineer, Rick Patton. Mr. Patton gave a brief presentation on the requirements to upgrade Phifer Airfield to FAA B-II standards, indicating that the FAA and State Aeronautics are both in support of the project as being presented. Mr. Patton stated that the present location could be brought to FAA C-II standards at some time in the future if it became necessary. He stated that the FAA standards are set by the size of aircraft that utilize the facility. Councilman Wilhelm stated that he was very concerned about the zoning restrictions concerning height and concentrations of people in the zoning requirements for a B-II airport. He felt that the restrictions will prohibit re-development of the downtown and development on the west side of I-25. Airport Board Member, Ed McAuley presented letters from Dr. Schmitz and Dr. Peasley in support of a functioning airport in Wheatland. Mayor Dingman read portions of the letters and stated that the medical community is very concerned about the possibility of not having a functioning airport in Wheatland. A motion was made by Councilman Hensel to approve the Resolution as presented and Councilman Wilson seconded the motion for discussion purposes. Councilman Wilson voiced some concerns about the zoning restrictions that would be placed on the Town by upgrading Phifer Airfield. Engineer, Rick Patton stated that the Town does have some latitude when passing a "zoning ordinance". Mayor Dingman called for the vote on the motion made by Councilman Hensel to adopt the Resolution for Phifer Airfield. Motion carried 4-0. The Resolution is as follows:

WHEREAS, the Town of Wheatland recognizes the value and need for the community to keep and maintain an airport for the public good.

WHEREAS, the Town of Wheatland recognizes that the FAA and the State of Wyoming Aeronautics grant funds are predicated upon the community's airport meeting at least the basic FAA Standards for safety and design. This basic standard is categorized as an

Airport Reference Code (ARC) B-II.

WHEREAS, to meet the needs of the community and satisfy the requirements of the funding agencies the Town of Wheatland supports and will follow through with the decision to plan, design and construct the airport to meet at least the FAA ARC B-II design standards, which we acknowledge will include acquiring additional land and construction projects for the airport.

WHEREAS, the Town of Wheatland recognizes that developing an acceptable Airport Layout Plan is important to this end and will execute the necessary documents when it becomes appropriate.

WHEREAS, the Town of Wheatland recognizes the asset the airport is to the community and will develop guidance and procedures to protect the airport and the FAA, State and Town's investment in the facility. This will include, notification ordinances and enforcement procedures to limit the size and weights of certain aircraft that can safely utilize the facility.

NOW THEREFORE, the Town of Wheat land accepts the Wheatland Airport Board's recommendation that the best alternative to meet the aviation goals and needs of the community is to redevelop the existing airport site into a facility that will meet at least FAA ARC B-II design standards.

Passed and adopted this 13th day of November, 2006.

/s/ Joel Dingman, Mayor

Attest:

/s/ Cindy Kahler, Clerk/Treasurer

Mayor Dingman opened the bids for a pickup for the Cemetery Department. The bids were as follows:

Bob Ruwart Motors - Pickup-\$24,957.00, Box- \$4,094.00 - \$29,051.00
Laramie Peak Motors - Pickup-\$25,435.00, Box \$4094.00 - \$29,529.00

Mayor Dingman instructed Town mechanic, Kevin Jenkins to look at the bids and return to the Council with a recommendation later in the meeting.

A catering permit application from Vimbo's/Dusty Boots was presented for November 18, 2006 at the 4-H building. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve the catering permit for Vimbo's/Dusty Boots for November 18, 2006. 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.

A catering permit application from Vimbo's/Dusty Boots was presented for December 9, 2006. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve

the catering permit application submitted by Vimbo's/Dusty Boots for December 9, 2006. 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.

A malt beverage permit application from Pete Delgado/Lucky 13 Club was presented for the Toy Run to be held on November 17 & 18, 2006. A motion was made by Councilwoman Allen and seconded by Councilman Hensel to approve the malt beverage permit application for November 17 & 18, 2006 for Pete Delgado/Lucky 13 Club. Mayor Dingman called for the vote, voting yes- Councilmen Hensel & Wilhelm, Councilwoman Allen. voting no - Councilman Wilson. Mayor Dingman declared the motion carried 3-1.

City/County Planner, Marlin Johnson reported that an application to vacate a portion of the Chugcreek Estates had been denied by the Planning and Zoning Board and subsequently the applicants had requested a thirty (30) day extension on their application. A motion was made by Councilman Hensel and seconded by Councilman Wilhelm to grant a thirty (30) day continuance to the applicants wishing to vacate a portion of the Chugcreek Estates. Motion carried 4-0.

City/County Planner, Marlin Johnson presented an application from Gregg Matney to rezone the property located at 2005 16th Street from Travel Trailer Park District (TTP) to Highway Business District (HB). Planner Johnson gave the staff report indicating that the present use as a travel trailer park is the only use that fits the current zoning district. The rental storage units and campground are allowed in Highway Business with approved Special Use Permits. The Laundromat would simply be allowed in Highway Business. Highway Business District borders the property on the north and south sides and County Agricultural District borders the property across 16th Street to the east and across the Interstate to the west. There is an established business on the north and properties on the other sides are undeveloped. There should be little effect on adjacent properties as these uses already exist and as any significant expansion of uses will be in the rear portion of the properties. Planner Johnson stated that this proposal does appear to mix judiciously with the dominant land uses in the vicinity and does not appear to detract from the assets of the surrounding land uses. He stated that it was the Planning Office's recommendation that the rezone request to Highway Business District be approved with the conditions that the Laundromat facility wiring be brought up to Code to the satisfaction of the Building Inspector prior to the third and final reading of any rezone. Planner, Johnson stated that Mr. Vines was in attendance to represent Mr. Matney should the Council have any questions or concerns regarding the application. Planner, Johnson also stated that the Planning and Zoning Board had approved the application for the re-zone and the Special Use Permit's for the storage buildings and the campground/RV park. A motion was made by Councilman Wilhelm and seconded by Councilwoman Allen to approve the application from Gregg Matney to re-zone the property located at 2005 16th Street from Travel Trailer Park (TTP) to Highway Business District (HB) with the passage of proposed Ordinance No. 730 on first reading. Motion carried 4-0. Proposed Ordinance No. 730 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 THE PORTION OF THAT AREA
DESCRIBED HEREIN THAT IS ZONED TRAVEL TRAILER
PARK DISTRICT (TTP) TO HIGHWAY BUSINESS DISTRICT
(HB).

Planner, Johnson presented an application for a rezone from David Fertig to rezone the property at 1650 Walnut Street from Residential District (R) to General Business District (GB). Planner, Johnson gave the staff report indicating that there are four (4) Residential District properties on the west side of 16th Street in this enclave surrounded by Light Industrial District on the north, south and west sides. Only three of these have primary residential uses. There are numerous established industrial, business and assembly uses to the south, north and west except for the two residences immediately adjacent to this property on the west and north. Planner, Johnson stated that the Town Engineer had noted that the street right-of-way for Walnut Street should be identified and delineated separately from the property. He also notes that truck traffic turning on to and off of 16th Street should be considered. The Town Building Inspector notes that the lot is undersized to General Business District and that the building must meet the required safety codes for the type of occupancy, as well as for abutting residential property. The Town Attorney had indicated that he did not support a rezone at this time, however, a Special Use Permit for some type of commercial use could be considered. Planner, Johnson stated that commercial development seems to be a natural and appropriate course for properties adjacent to 16th Street in this area and this property is a part of a small enclave of Residential properties already enveloped by Light Industrial District on this side of 16th Street, however the question is whether it is premature to consider a rezone of this one parcel with this residential enclave. Planner, Johnson stated that there was some opposition to the rezone request from the neighboring properties both written and verbal and he indicated that the Planning and Zoning Board had recommended denial. Councilman Wilson stated that he was not in favor of a rezone of this property at this time, however, he felt a Special Use Permit for a commercial use could be appropriate. Councilman Wilhelm made motion to deny the request from David Fertig to rezone the property at 1650 Walnut from Residential to General Business based on the recommendation from the Planning and Zoning Board. Motion carried 4-0.

Proposed Ordinance No. 731 concerning an increase in electric rates of approximately twenty percent was presented to the Council. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to approve proposed Ordinance No. 731 on first reading with the understanding that the next reading would increase the rates fifteen percent. Motion carried 4-0. Proposed Ordinance No. 731 title being as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 695
ESTABLISHING RATES FOR ELECTRICAL SERVICE
FOR THE TOWN OF WHEATLAND.

Mayor Dingman stated that City/County Planner, Marlin Johnson had accepted a position in Casper with a large Planning firm and he would like to appoint Anita Johnson as Acting Planner at this time. A motion was made by Councilman Wilson and seconded by

Councilwoman Allen to approve the appointment of Anita Johnson to the position of Acting City Planner, with the understanding she had already been appointed as County Planner. Motion carried 4-0.

Town Mechanic, Kevin Jenkins recommended the Town accept the low bid of Bob Ruwart Motors for the pickup to be used in the Cemetery Dept. in the amount of \$29,051.00. A motion was made by Councilman Wilhelm and seconded by Councilman Hensel to accept the low bid of Bob Ruwart Motors in the amount of \$29,051.00 for the pickup and dump box to be used by the Cemetery Dept. per the mechanic's recommendation. Motion carried 4-1.

With no further business to come before the Governing Body, Mayor Dingman adjourned the meeting. The next regular meeting of the Town Council of the Town of Wheatland will be held on December 11, 2006.

Mayor, Joel Dingman

Attest:

Clerk/Treasurer, Cindy Kahler