

Wheatland, Wyoming
April 12, 2007

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, April 12, 2007, pursuant to the law.

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

Mayor Hensel stated that the discussion concerning "Travel Trailers/Mobile Homes Parks" would be deleted from the agenda. A motion was made by Councilman Geile and seconded by Councilman Evans to approve the agenda as amended. Motion carried 4-0.

The minutes of the regular meeting of March 12, 2007 were presented. A motion was made by Councilman Evans and seconded by Councilwoman Allen to approve the minutes of March 12, 2007 as presented. Motion carried 4-0.

The vouchers for the month of March, 2007 were presented for payment. A motion was made by Councilman Geile and seconded by Councilwoman Allen to approve the vouchers for payment as presented. Motion carried 4-0. The vouchers are as follows: A & A Earth Works-supplies-500.00; Airgas-supplies-149.40; Allen's Part's-veh maint-75.18; Amazing Monogramming-supplies-296.40; Atlas Office Supplies-supplies-267.99; Auto Electric-veh maint-286.95; Botach Tactical-supplies-159.95; California Contractors-supplies-82.19; Randy Chesser-supplies-63.59; CNA Surety-bond-50.00; Communication Technology-supplies-514.55; Communications Source-supplies-21.94; Communicom Services-internet-195.85; Consolidated Mfg.-supplies-258.60; Crescent Electric-supplies-3399.81; Crown Trophy-supplies-581.21; DBC Irrigation-supplies-723.06; Dept. Of Employment-workers comp-5171.88; Douglas Weaver-attorney fees-1750.00; Drive Train-supplies-256.21; Drube's Mfg-supplies-199.54; Eastern Wyoming Ambulance Service-service-9624.99; E.S.C.-engineering-5791.05; Elite Auto Glass-supplies-408.98; Energy Labs-supplies-220.00; FSH Communications-phone-70.00; Farm Plan-supplies-187.18; Fat Boys-veh maint-1440.70; Friends of Scouting-contribution-100.00; Gall's Inc-supplies-543.65; Hach Company-supplies-49.65; Huffer's Food Pride-supplies-85.24; Intelliccept-supplies-404.35; Jack's Electric-supplies-2340.00; Junior/Senior Prom-contribution-100.00; Kinder Morgan-heat-7045.94; Kois Bros.-veh maint-263.24; K2 Engineering-engineering-90.00; KYCN-adv-30.00; Lab Safety-supplies-249.97; Laramie Peak Motors-veh maint-954.68; Lawson Products-supplies-360.09; Lock

Trucking- veh maint-84.80; McDonald Family Enterprises-janitorial-250.00; Midwest Hose-supplies-63.37; Mikes Printing-supplies-1264.14; North Star-supplies-56.63; Orbitcom-phones-1706.35; Pamida-supplies-162.79; Parkway Plaza-lodging-464.00; P.C. Concrete-supplies-1007.70; P.C. Memorial Hospital-supplies-1229.25; P.C. Parks & Rec-operations-30,377.40; P.C. Record Times-adv-3158.76; Piper's-supplies-12.00; Prairei Bus. Solutions-support-900.00; Quill Corporation-supplies-415.89; Qwest-phones-144.00; Shorey Electronics-supplies-130.44; Respond First Aid Systems-supplies-17.00; Rest Room World-supplies-197.22; Safeway Stores-supplies-37.91; Scott Scheller-emergency mgmt.-200.00; Sewing Shop-alterations-94.00; Sierre Springs-supplies-16.73; Slafter Oil-supplies-246.87; Steve Snook-travel-181.00; State of Wyoming-sales tax-7452.75; Stewart & Stevenson-supplies-279.67; Stuart Irby-supplies-252.00; Sunshot Engineering-engineering-194.00; Symbol Arts-supplies-654.00; T.C. Edwards-supplies-2805.65; TW Enterprises-supplies-1266.86; Town Treasurer-petty cash-882.78; Tri County Fire & Safety-supplies-49.50; Tri State Truck -veh maint- 417.82; Try-Hydro Corp-landfill monitoring-1408.41; Van Diest Supply-supplies-1269.00; Verizon Wireless-phones-359.49; Warne Chemical-sprayer-2799.80; West Winds Cycle-supplies-111.24; Western United Electric Supply-supplies-2603.00; Wheatco Sales & Service-dsl fuel-2092.89; Wheatland Automotive-veh. Maint- 2339.59; Wheatland Coop-gas & dsl-4247.51; Wheatland Fire Dept.-expenses-1170.63; Wheatland/Bloedorn Lumber-supplies-2631.60; Wheatland Medical Clinic-physicals-240.00; Wheatland REA-power-822.33; Kenneth Wilcox-travel expenses- 231.17; Wyoming Machinery-veh maint-706.51; Wyoming T2 Center-school-180.00; Xesi-supplies-1199.00; Sunshot Engineering-engineering-5476.00; Wyoming Mun. Power Agency-power-119,580.61; Payroll-total-152,905.73. Total Vouchers- \$404,411.80.

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

Mayor Hensel stated that the Council had received reports from the Police Dept., Public Works Departments, P.C. Chamber of Commerce, Wyoming Municipal Power agency, Municipal Court, Fire Dept., Building Inspector and Planning Office and he indicated that since there were no questions or concerns voiced regarding the reports, they would be placed on file.

Landmark Bar Owner, Laramie Cole was present and requested the Town consider an Ordinance to allow businesses to determine if they wished to be a smoking establishment or not, rather than Government, such as the State of Wyoming. He stated that he would like to see the Town "send a message" to the State of Wyoming that they are not in favor of a smoking ban in public buildings. Town Attorney, Doug Weaver stated that there is no law in the State of Wyoming banning smoking at this time, so therefore an Ordinance wouldn't do any good. He also stated that there would be printing costs associated with the Town's adoption of an Ordinance. Mr. Cole presented a petition with numerous signatures requesting that private businesses have the right to be smoking or non-smoking at their own discretion. Steve Snook stated that he smoking is the #1 cause of death in this country and he would like to see a smoking ban in public places to protect people from second hand smoke. He stated that the Council should consider hearing from the public before taking any affirmative

action regarding smoking. Mayor Hensel stated that it was his opinion that the Town did not have a position on the smoking ban issue at this time and he thanked Mr. Cole for his time and efforts.

American Legion Baseball Post 10 representative, John Bunker was present and stated that since the Town is in the process of replacing the lighting on the ballfield, the Legion would like to purchase a new scoreboard. He indicated that by replacing the scoreboard at the same time the lighting project is being done would cut the cost substantially. He stated that the cost of board is \$19,650.00, which does not include installation. Mr. Bunker stated that Coke had committed to \$10,000.00 toward the cost of the sign, over a period of three years, with the first year being \$4,000.00, second year \$3,000.00 and the third year \$3,000.00. He stated that Coke had not asked for a sponsor's sign on the scoreboard, so there would be at least two sponsorship spaces to sell to offset the cost. Missouri Basin Power Project representative, Kathy Jones was present and stated that they would take one of those spots. Brian Larson showed the Council pictures of the scoreboard that is being considered and he stated that dimensions are six (6) foot long and twenty-four (24) foot wide. Councilman Madsen asked what the time line is for the installation of the sign and Mr. Bunker stated that it would take approximately 30 days to get the sign from when it is ordered and it could be installed with the lighting project. There was a discussion concerning wiring and installation of the sign and Steve Snook stated that the Town is licensed to do wiring at this time. A motion was made by Councilman Madsen and seconded by Councilman Geile to incorporate the costs of the scoreboard into the financing contract for the lights and authorize the Legion to move forward with the scoreboard project as presented. Motion carried 4-0.

City/County Planner, Marlin Johnson presented a final plat for Steve Parmley for his property located at 457 Gilchrist Street. Planner, Johnson gave the staff report, indicating that this matter has been heard twice previously in preliminary plan reviews and there were no material changes since the last preliminary plan review. He indicated that all the lots appear buildable as is with the fire apparatus access restrictions noted and they can be modified during the development of each lot if desired by the applicant to better suit individual needs. Parking requirements for industrial uses will be one space per two employees plus five for visitors. The water and sewer main extensions will be per requirements as recommended by the Town Engineer, which will require DEQ approval of the plans. Although the water service is adequate to handle most business uses it will not be sufficient to meet fire flow requirements. The necessary water service to meet fire flow requirements, could be required at this time, however, the Town Engineer has previously noted that individual businesses can meet the necessary requirements at this time by installing storage tanks. The road from Gilchrist Street and the cul-de-sac in the development will also need to be constructed to Town standards. The road along the north side of the subdivision will also need to be constructed unless the Town accepts a lesser standard for access to Lot 5 on a temporary basis. An adequate temporary turnaround will also be required for the access serving Lot 5. One access to these properties is all that is required, an alternate access could be considered as a requirement. The Planning Office feels that this is not a necessity if the roadway is constructed to a sufficient standard from Gilchrist Street to the cul-de-sac and if fire apparatus access is maintained. The proposed detention basin makes for a good greenbelt/park area should the Town decide to accept that land. The Irrigation

District issues should be worked out prior to the Town acting on this request. Although the width of any required easement may be somewhat unclear, the District does have a common law easement that requires sufficient room to access and maintain their facilities. This office believes that the matter should be worked out between the District and the developer, if possible and that the final plat should show an easement and or building envelopes that preserve any setbacks agreed upon. This office feels that the water rights aspect should be resolved to the satisfaction of the District but does not believe that the Town should automatically accept easement widths recommended by the District. Planner, Johnson stated that the Planning and Zoning Board had recommended approval of the final plat submitted by Mr. Parmley with the following recommendations:

1. That the applicant submit a road name for the roadway from Gilchrist Street to, and including, the cul-de-sac, to be reviewed by the Planning Office and the Emergency Services Coordinator for submittal to the Council for approval.
2. That the same be done for the "future" roadway along the north side of the subdivision.
3. That the roadway from Gilchrist Street to the Parmley property be left as is with no additional improvements and that the cul-de-sac road on the subject property be developed to the minimum standards of the Town of Wheatland Development Code, including pavement, curb & gutter.
4. That money in lieu of a half width portion of the roadway, including pavement, curb & gutter, along the north side of the subdivision be required of the applicant versus actual construction at this time.
5. That an adequate temporary turnaround be constructed to the satisfaction of the Town Engineer and the Fire Chief to serve Lot 5 and that the temporary turnaround be shown on the plat.
6. That platted building envelopes be shown on the plat, with the intent that it be sufficient identification for the Wheatland Irrigation District to access and maintain their facilities.
7. That water and sewer services be developed per the proposed plat and per the minimum standards of the Town of Wheatland Development Code.
8. That electrical service be developed per Town Code.
9. That an "Estimate of Guarantee Funds", to be checked and approved by the Town Engineer, be submitted prior to execution of the final plat.
10. That a subdivision agreement be signed by the developer and the Town and be attached to and filed with the final plat (Note that this will have to be created by the Town Attorney to be reviewed and approved by the developer and the Mayor).
11. That until backbone water main loops are complete fire flow requirements may be maintained by on-lot water storage to satisfy development needs of individual parcels and that a note be placed on the plat to this effect.
12. That a note be placed on the final plat that sidewalk development be required as each property is developed.
13. That a note be placed on the final plat that all development plans will be submitted for review and consideration by the Planning Commission prior to issuance of any permits or prior use of any lot.
14. That the lot proposed for a detention basin be developed to an acceptable standard prior to the acceptance of that parcel by the Town and that the subdivision agreement include

delineation of a maintenance plan for this property.

15. 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
16. That a utilities easement a minimum of thirty feet (30) in width be obtained by the developer and shown on the plat for the proposed water and sewer lines as shown between the northwest corner of the subject property and the existing easement to the west.

Mayor Hensel asked Town Engineer, Russ Schamel if he had any comments regarding the subdivision and he stated that the Planning and Zoning conditions were accurate and reasonable. He stated that the provision of adequate fire flows in that area will call for a large extension to the Town's water system.

Wheatland Irrigation District Attorney, Kara Brighton stated that she was legal council to the Irrigation District and requested the Town continue the acceptance of the final plat submitted by Mr. Parmley until such time as the easements and water rights were resolved. She indicated that Mr. Parmley has been in negotiations with the Irrigation District, however, nothing has been resolved as of this date. She stated that the Irrigation District has been working on regulations for water rights on land that is being subdivided and the use is changed to something other than agriculture. Mr. Parmley indicated that he had some concerns about a written easement, even though, he does not intend to build in the seventy-five feet that the Irrigation District is requesting. He stated that the existing building previously operated as a vet. clinic sets within sixty feet of the ditch. He also indicated that he is working on acquiring another piece of property and will request that the water rights be moved to that parcel of property. He stated that if he did not get the other parcel of property, he would release the water rights to the District.

A motion was made by Councilman Geile and seconded by Councilman Evans to continue approval of the Final Plat until such time as the subdivision agreement is completed and give Mr. Parmley and the Wheatland Irrigation District time to resolve the water rights/easements issues. Motion carried 4-0. Councilwoman Allen stated that she did not believe the water rights/easement issues should hold up approval of the Final Plat.

Mayor Hensel introduced three catering permit applications from Vimbo's/Dusty Boots; April 14, 2007, July 7, 2007 and July 21, 2007. A motion was made by Councilman Geile and seconded by Councilman Madsen to approve the catering permit application from Vimbos/Dusty Boots for April 14, 2007 for a fundraiser at the minimum fee allowed by law. Motion carried 4-0. A motion was made by Councilwoman Allen and seconded by Councilman Evans to approve the catering permit application submitted by Vimbo's/Dusty Boots for a wedding reception on July 7, 2007 at the minimum fee allowed by law. Motion carried 4-0. A motion was made by Councilman Madsen and seconded by Councilman Geile to approve the catering permit application submitted by Vimbo's/Dusty Boots for a wedding reception on July 21, 2007 at the minimum fee allowed by law. Motion carried 4-0.

Mayor Hensel stated that he would like to appoint Dr. James Hawley to the Airport Board. A motion was made by Councilwoman Allen and seconded by Councilman Evans to approve the appointment of Dr. James Hawley to the Airport Board. Motion carried 4-0.

Mayor Hensel stated that the Town had advertised the sale of some salvage vehicles and equipment and he would open the bids at this time:

1989 Ford F-150 4X 4 Pickup - Ralls-\$200.00, Steinhausen-\$200.00, Runyan-\$160.00
Holst - \$1600.00.

1991 Ford Taurus car - Ralls \$100.00

1992 Ford Taurus car - Ralls - \$50.00

1990 Sanitation Truck- Wilson - \$652.00, Steinhausen-\$600.00, Runyan- \$1288.00.

1974 Massey Ferguson Backhoe - Ralls-\$250.00, Steinhausen-\$5,210.00, Kirk-\$2000.00, Bennett-\$4010.00, Brickman-\$4,250.00, Cronk-\$5,025.00. Poling - \$6,150.00, McClain-\$3,176.00, Mitchell-\$5,001.00, Runyan-\$2,788.00, Byers-\$3,011.00.

A motion was made by Councilman Madsen and seconded by Councilman Geile to accept the high bid on each item. Motion carried 4-0.

With no further business to come before the governing body, Mayor Hensel adjourned the meeting at 8:10 P.M.. The next regular meeting of the Town Council will be held on May 14, 2007.

Mayor, Dean Hensel

Attest:

Clerk/Treasurer, Cindy Kahler