

RECORD OF PROCEEDINGS
Town of Medicine Bow Meeting
April 12, 2010

OPENING: Council President Colman called the meeting to order at 7:00pm. Members present were Council President Colman, and Councilmembers Chace, Kahl, and Marble. Also present was Town Clerk/Treasurer Karen R. Heath, Utilities Commissioner George, Attorney MacPherson and Fire Chief Colman. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the minutes of the regular meeting of March 8 and Special Meeting March 29, 2010. The motion carried with all members present voting aye.

APPROVAL AND RATIFICATION OF BILLS: A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the bills as read. The motion carried with all members present voting aye.

BUSINESS: Ken Clark of Pacifcorp—thanked the Council for allowing him to speak and introduced Chris Johnson, the Principle Resource Project Manager for Pacifcorp, and who was in charge of the 7 Mile and Rolling Hills Project as well as the current Dunlap Project. Chris Johnson said that the Dunlap project was located approximately 10 miles north of Medicine Bow, and reported that Pacifcorp had obtained all the permits and had put the roads in and was now working on the collector substation. He said that the 11 mile transmission line was finished, general construction had begun, and turbine parts would begin arriving on May 1. The peak amount of workers was projected to be 300. He said that the reason they had come was to give the updates and maintain a good relationship with the town. He said that more workers were living in Medicine Bow than any other town. He said if there were any issues to let either him or Ken Clark know, and that they insisted their workers be good citizens. Council President Colman said the workers do slow down when they get into town and the Council appreciated that, and appreciated Pacifcorp working with the Council. Town Clerk/Treasurer Heath thanked Ken Clark for the letters of support he had provided for the Planning and Zoning grant the town was pursuing. Fire Chief Colman asked if there was a contact number to discuss emergency services with them and Chris Johnson said that Rick Montemayor would discuss that with him. Lance Adams said that there was a problem with the collector substation and the engineer that drew the plans for it should contact Clyde Hardman. Chris Johnson said he would pass the message to the engineer. Lance Adams also said there was a group studying blowing snow and that group needed to meet with Pacifcorp because the snow was blowing up the access road on to the highway and the west side approach might need to be moved to a different angle. He said there was another issue with workers parking on the approaches and talking on their cell phones creating a hazard. He said there could be no parking within 30 feet of the approaches.

Aspen-Banner—Roger Strube reported on the Community Hall. He said the projector was installed and the electrician will run the power for it this week. He said some screws were missing to mount the equipment in the rack. Jim Cavalli reported on the wind turbine project and said their project engineer, George, the State Electrical Inspector, the High Plains Representative and Utilities Commissioner George had discussed some things and it was hoped that within the next few weeks the turbines would be hooked up and operating. He said the water transmission line was on the State Intended Use Plan, and although there was not much money, the project had to be on that list in order to get any money. He then reported on the Fire Hall: He said initially the Town had authorized engineering fees of \$23,000 to build a new fire hall, and then the focus switched to renovating the Red School, and then they were back to building a new building. He said that there was \$4,000 left in the original contract but the changes would require \$5-7,000. Utilities Commissioner George said the building would be 60' x 100'. Councilmember Chace asked if that would be enough space and Utilities Commissioner George said it would be. Jim Cavalli said in order to get a Certificate of Occupancy a building must totally be finished or some things had to be left bare (and would require a new permit later). He said a 60' x 100' building would fit the budget but they needed authorization to spend the additional money on engineering so the project could be bid out by May. Council President Colman asked if that size building would fit the needs of the Fire Department and Fire Chief Colman said it would. Councilmember Chace asked if all the equipment would fit in it and Fire Chief Colman said it would be bigger than the current shop. Councilmember Chace asked if it would be big enough to get a vehicle over on the side to work on it and Utilities Commissioner George said yes. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to spend the additional money for engineering to bring the total engineering contract up to \$26,000. The motion carried with all members present voting aye. Arrangements were made for Jim Cavalli to meet with the Fire Department this Friday at 6:30pm.

Hanna Marshal Rick Burkholz—addressed the Council regarding law enforcement. He said he had been in law enforcement for 38 years, some with the military. He said his department could provide Medicine Bow with a police officer who lived here but would be supervised by him until that officer was trained. He said he proposed that the Town of Medicine Bow and the Town of Hanna enter into an agreement to do this so that this town could have law enforcement because Medicine Bow was looking at a minimum cost of \$100,000 to do it on its own. He said the officer would work 6 days per week for 20 hours for the week. He said Medicine Bow would be a different district and all tickets and fines would go through the Medicine Bow Court. He said the officer would work at the direction of the Council. He also proposed forming a joint powers board between Hanna, Elk Mountain and Medicine Bow for law enforcement so that all 3 towns would have a say in the enforcement and not just one town. The police would be answerable to the Board. He said the police could start by enforcing the ordinances, and though the police would be unpopular, they would do their job and enforce the law equally no matter who you were. He said now is the time to prepare and get ready, before DKRW comes. He said he believed this was something all the towns needed to make the quality of life better for all the people. He reported that the CEO of DKRW was willing to help with this so they could also get protection for their plant. Councilmember Chace said she would check into some grants. She said she needed the exact cost of getting this started. Marshal Burkholz said the cost might not be that high. He said the idea was to provide a service and not make money off the town. Council President Colman asked if he had spoken to Elk Mountain and Marshal Burkholz said he had not because he was not allowed to solicit business, and that he was here only because he'd been asked. He said one of the Councilmembers was going to talk to Hanna. Councilmember Kahl asked if this Council could meet with him again to discuss this and he said yes, as many as they wanted. He said the first step was to discuss it among themselves and then to meet with the attorneys. Councilmember Chace said the top thing mentioned on the Community Assessment was law enforcement. Council President Colman said that that was true, and it had been mentioned in every session. Marshal Burkholz said he had spoken to Mr. Kelly of DKRW who said all the funding in place for the plant this November and work would begin in the spring of 2011. Carbon County Sheriff Colson said he had instructed a peace officer to spend more time in Medicine Bow but the officer was not able to enforce local ordinances. He said the officer also could not spend all his time here. He said funds are available for another deputy but it takes a while to get someone trained and he had to be sure DKRW was going to come before spending the money to train someone. Jim Colman asked if Sheriff

Colson planned to encourage a deputy to live here and Sheriff Colson said he would encourage them to live either here, Elk Mountain, or Hanna but could not require him to do so. Marvin Cronberg said the present system was not working because his wife had turned in a complaint about cyber-stalking and nothing had been done. Sheriff Colson said for Mrs. Cronberg to call him later on. Councilmember Chace said that even if a deputy lived here that he was not Medicine Bow's cop and he might be required to work elsewhere. Council President Colman asked Attorney MacPherson if it would be better to form a Joint Powers Board or do something else. Attorney MacPherson said that would be hard to answer without knowing what the Council wanted. He said the advantage of a Joint Powers Board would be that the Town would have some control over police operations and the cost would be shared. He said if there was some way to work out getting a policeman over here it would be good. Councilmember Chace suggested having Marshal Burkholz come back so this could be discussed. She said she would look for grants. Council President Colman said that in every listening session of the Community Assessment, law enforcement was identified as a need. She said there must be a better system than what we already have, and this issue could not be put off much longer if DKRW was coming. Utilities Commissioner George said that the Town did not want to run the workers out but to have them behave when they did come to town. Council President Colman said it would be a good thing to further investigate this and to hold another meeting about it. Marshal Burkholz thanked the Council for allowing him to speak.

Meter Project Update—Town Clerk/Treasurer Heath said the new software had been installed but the new concern was the strength of the old battery in the meter reading device. She said the company told her that that model was being discontinued and there were only 30 batteries left for it, and the unit had to be mailed there in order to have one installed. She said it was very difficult to get support from Sensus, and a week ago they had promised to call the next day with a price, but she had had to obtain the information by calling them at 4:30pm today. The price of a new battery was going to be \$350. Utilities Commissioner George suggested getting the new battery which would at least get the project moving again, since the software worked. He said the salesman for Sensus guaranteed it would work or he would buy the software back. A motion was made to approve getting the new battery for the reader by Councilmember Chace and seconded by Councilmember Marble. Troy Maddox asked why the Town should read the meters. Council President Colman said people needed to pay for the water they used because the water fund was going deeper in debt every year. Troy Maddox said there had never been a return on these meters and that we have had them for 10 years. Utilities Commissioner George said that the problem was the meters were not being read so that people could be charged appropriately, and they use as much as they want without being charged for it. Councilmember Chace said the Town was getting a water study done but meters had to be read to do it. Troy Maddox said he had seen good money spent on installing the meters and now the Town was spending more. Council President Colman called for a vote on the motion made and the vote carried with all members present voting aye. Council President Colman said it was more cost effective to try this but it was the last band-aid she was willing to get for the system. Utilities Commissioner George said he could see what Troy Maddox was getting at, and another way to do it was total up the yearly cost to run the water system and divide it by the number of live taps and say this is what customers are going to pay. Council President Colman said water has been very cheap here. Utilities Commissioner George said the water treatment plant does what it was designed to do, but no one ever thought of how much the system cost to run, and it was expensive to run.

Ordinance B-47—was read by title for the first time: An Annual Appropriations Ordinance for Fiscal Year Ending June 30, 2011. Town Clerk/Treasurer Heath said this reading was based on the figures she had given the Council at the last budget meeting. Councilmember Chace asked if the figures were accurate and Utilities Commissioner George said they were not for the water, sewer, mosquito and sanitation funds. A motion was made by Councilmember Chace and seconded by Councilmember Marble to approve the ordinance on first reading. The motion carried with all members present voting aye. Councilmember Chace requested the figures be more accurate for the next budget meeting and Town Clerk/Treasurer Heath said she would have the same figures since the Council had not discussed or changed anything at the last budget workshop.

Resolution 2010-009—A Resolution Authorizing Renewal of Certain Lease and Agreement, Dated as of January 11, 2010, Among Certain Incorporated Municipalities Within Carbon County, Wyoming and the Carbon County Specific Purpose Tax Joint Powers Board, Through the Budget and Appropriation of Funds for the Payment of Rental Payments and Additional Rentals There Under for Fiscal Year 2010-2011 was read by title. Town Clerk/Treasurer Heath said this was a normal part of the bonding process where the Town promises to pay back, via the specific purpose tax funds, the bond money they use. A motion was made by Councilmember Kahl and seconded by Councilmember Chace to approve the resolution. The motion carried with all members present voting aye.

CITIZENS PARTICIPATION

Marvin Cronberg—Lions Club—addressed the Council regarding the ball field. He said that the Lions Club had discussed projects to do around town and decided that they would ask the Council if they could take over the maintenance of the baseball park and do maintenance on it. He said they would also like to put up a sign saying the Lions Club was providing maintenance for the park. Utilities Commissioner George said the surface irrigation pipe was donated by Vernon Scott and that the original plan had been to run the prairie dogs out of the area. He said he was all for the Lions Club taking over the maintenance and said he would help as much as he could. Marvin Cronberg said the park was not useable right now because of the prairie dog holes. He said there was some interest in playing softball. He asked if the Town would be willing to donate the water to water the property and Council President Colman asked if the watering would help keep the prairie dogs out. Councilmember Kahl said it would. Council President Colman said she had no problem with the Town paying for the water. Marvin Cronberg said the club needed to assess what needed to be done to fix it up and asked if the Lions Club sign would be permissible. The Council said it would be. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the Lions Club maintaining the baseball field and putting up a sign saying so. The motion carried with all members present voting aye. Council President Colman said the Council appreciated the Lions Club's efforts to making the Town look good.

Councilmember Chace—asked Troy Maddox if he wanted to say anything about people trespassing on the land he was renting from Bob Welborn. Troy Maddox said the alley was blocked by Mr. Soske's vehicles and people had to go around them, therefore trespassing on the land. He said everything east of the power poles was private property. Councilmember Kahl asked if it was children or adults and Troy Maddox said it was both. He said he had no problem with people using the utility corridor, but Mr. Soske's vehicles had been there for years. Councilmember Kahl said it was an ongoing problem. Jim Colman said he had composed a letter last Fall asking people to clear the right-of-ways to allow fire truck access. Town Clerk/Treasurer Heath said the letter was never sent out because she had been instructed not to send it. Councilmember Kahl asked if the Town's Attorney could send a letter. Attorney MacPherson said the Town has to right to enforce right-of-ways and said he needed more information on it. He said due process must be granted before towing any vehicle, such as a hearing. Councilmember Kahl asked if the Town should right a letter. Councilmember Chace said the Town Attorney should write it. Attorney MacPherson asked Troy Maddox if that would work and Troy Maddox said everything east of the power poles was private property.

STATUS REPORTS

Utilities Commissioner George—said he had passed around the water treatment plant rehabilitation quote and it would cost around \$89,000 to do the job. He said they had tried to get a grant but it did not work because the project was a maintenance issue and not a capital project. Councilmember Chace asked where the Town could find money to do the project and asked how much was in the Wyostar account. Town Clerk/Treasurer Heath said the account only had a little over \$2,000 in it because it had been depleted to do the water main project. She said the Town could get a grant/loan combination from the USDA at 2.5% interest and match it with the money in the water reserve account. Council President Colman said there was supposed to have been money set aside for this and Town Clerk/Treasurer Heath said the water reserve account had been created for that purpose, but as the population dwindled, less and less was collected and now it could not possibly meet the need. Attorney MacPherson said the water fund was supposed to be self-sufficient. Town Clerk/Treasurer Heath said she could find out the current interest rate for a USDA loan. Utilities Commissioner George reported he had ordered chemicals for mosquito spraying. He said the airplane pilot had called and said there might be a shortage of chemicals because of the grasshopper infestation prediction. He then said he was trying to clean up the football field track area. Jim Colman asked if the track could be dragged and Utilities Commissioner George said he bladed it to get rid of the grass on it. He then reported that someone had purchased the Dolling house and was looking into the possibility of hooking into the town's sewer. He said the water line had been put through but not the sewer. He could not find an easement and needed to clarify where it was before the lots through which it runs were sold. He asked if it was in the minutes of a town meeting that an easement for the sewer line exists, would it be binding. Attorney MacPherson said in order for it to be valid it must be in writing and recorded at the courthouse. He said if the minutes exist, it would be evidence that that had been the intention, but was not binding. Don Mayfield suggested looking at the subdivision plat. Utilities Commissioner George said that former Mayor Cook had told him that he had made an agreement to put in a sewer line. Jim Colman said the problem was that land was not in the incorporated part of town and the taxes paid on it did not go to the town. Attorney MacPherson suggested the town help the new landowner to get the easement. Troy Maddox suggested having the attorney see what the agreement said. Utilities Commissioner George then said he was planning to shut down the Red School next Monday and the Fire Department needed to move the vehicle they had stored there. Council President Colman said the Fire Department needed a plan because the building needed to be shut down. Utilities Commissioner George asked for vacation time for April 22 and 23, and also July 19-23 inclusive. Council President Colman approved the vacation time.

Town Attorney MacPherson—updated the Council on the Welborn Subdivision land trade. He said the trade had been taken care of and the deeds to the lands were in escrow. If the subdivision did not get developed within two years, the deeds would revert to their original owners. He asked the Council give the Mayor permission to sign the closing documents. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to allow Mayor Colman to sign the closing documents to the land trade. The motion carried with all members present voting aye. Attorney MacPherson said there was still 15 days left if the Town wanted any land inspections done. He said he was also working with Jim Colman on a definition of the word "remodel." He said it was a difficult task and not yet completed. He also stated he was willing to work on the 501 (c) (3) paperwork with whoever was doing it.

Medicine Bow Museum—Town Clerk/Treasurer Heath said Director Smith had said the Board would hold a meeting later this month and look at fundraising. The Board also announced that Rebecca Dolling had willed some items to the museum.

Medicine Bow Volunteer Fire Department—Fire Chief Colman said a defensive driving training had been held last Saturday and all the members were certified. He said Engine 1 had a recall on it already and he had called Pierce Trucks, which was unaware of it, but that they had said their mobile mechanic could come to do the work.

High Country Joint Powers Board—Representative Lance Adams reported that the Board now had two new members and they were being brought up to speed on the transfer station.

Medicine Bow Planning and Zoning—Chairman Colman said the Board had met and had discussed the building permit process.

Medicine Bow Tree Board—Tree Board Education Day was set for Saturday, April 24.

Council President Colman asked what the status of the Rodeo Grounds was and Utilities Commissioner George said Mike McGraw was having the same trouble the town once had with appraisals, that is, he was finding it difficult to get the land appraised. A motion was made by Councilmember Chace and seconded by Councilmember Marble to adjourn the meeting at 9:28pm. The motion carried with all members present voting aye.

BY: _____
Kevin Colman, Mayor

ATTEST:

Town Clerk/Treasurer Karen R. Heath