

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

OPENING: Mayor Colman called the meeting to order at 7:01pm. Members present were Mayor Colman, and Councilmembers Colman, Chace, Kahl, and Marble. Also present was Town Clerk/Treasurer Karen R. Heath, Attorney Bill 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 Marble to approve the minutes of the regular meeting of June 14 and Special Meetings June 24, 2010 and June 29, 2010. The motion carried with all members present voting aye.

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

BUSINESS: Aspen-Banner Engineering--Jim Cavalli updated the Town on the various projects. He said the wind turbine project is being advertised as being substantially complete as of June 29, 2010 and that the retainage could be released on August 9 if EDI gets some issues straightened out so that the Town will receive its payments. He said there were a few payroll issues in that some additional wages may need to be verified and paid. He said the State changed the rules for the labor interviews as well. He said the one year warranty on the turbines began June 29, 2010. Jim Cavalli than updated the Town regarding the Fire Hall and said that if the Town does not get a copy of the signed contract from McMurray to call and ask for it. He said they have 30 days to send a copy. He then reported that Aspen-Banner was finished with their part of the project. Mayor Colman thanked Jim Cavalli for his time.

Ordinance 08-27-02 Second Reading—An Ordinance Amending Section 08-27 of the Medicine Bow Town Ordinance Schedule of Fees for Erecting and/or Remodeling Buildings, Mobile Homes, Fences, and Demolishing any Building or Structure was read by title for the second time. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the motion on second reading. The motion carried with all members present voting aye.

Resolution 2010-15—A Resolution Authorizing a Purchase of Service Contract with the Medicine Bow Health Center was read by title. Town Clerk/Treasurer Heath said that since the Town was not allowed to donate to an entity, this was the way to purchase the services of the Health Center and the other resolution would authorize purchasing senior services. 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.

Resolution 2010-16—A Resolution Authorizing a Purchase of Service Contract with Carbon County Senior Services was read by title. A motion was made by Councilmember Colman and seconded by Councilmember Chace to approve the resolution. The motion carried with all members present voting aye.

Proclamation Arbor Day—A motion was made by Councilmember Colman and seconded by Councilmember Kahl to approve the proclamation of Arbor Day retroactive to April 24, 2010. The motion carried with all members present voting aye.

CITIZENS PARTICIPATION

"R" Addison addressed the Council and said that the State was chip-sealing some streets and asked why the Town could not get some of the materials. He asked if the Town could not get them, then could the streets be sprayed with water to keep down the dust. He said that the School District still had not planted grass on the majority of their property and he was having trouble keeping up with removing the silt. Councilmember Kahl asked if he had attended a School Board meeting and talked to Superintendent Gates about the problem. "R" Addison said that he had spoken to them on the phone. He said there should be a berm or fence put up to catch the silt. Councilmember Kahl said she should make a complaint to the School because that was their property. She said she did not know what the Town could do for him because of that. Councilmember Chace said the Town had no control over what they did. Councilmember Kahl said the Council could not make them do anything. Councilmember Colman said the plan was to plant grass, and Mayor Colman said the only information he had was that they were behind schedule. "R" Addison said if he did not get answers he would go to Small Claims. He said the Town needed to put water down or chip-seal the streets because it was a health issue.

BUSINESS Councilmember Chace—said she was not finished with business yet. (The following item was not on the agenda). Councilmember Chace made a motion to get law enforcement with Hanna and put it into a Joint Powers Board for an Extraterritorial Jurisdiction Law Enforcement. Councilmember Kahl seconded the motion, and Councilmember Colman asked Attorney MacPherson if Councilmember Kahl was allowed to second the motion or vote on the issue since she was employed by the Hanna Marshal's Office. Attorney MacPherson said that it would be a conflict of interest if she did. Councilmember Marble seconded the motion. Those voting aye were Councilmembers Chace and Marble, and those voting nay were Mayor Colman and Councilmember Colman. The motion did not pass. Councilmember Chace said she wanted it written in the minutes that she tried to get this done but could not because Councilmember Colman and Mayor Colman voted no. Councilmember Colman said there had been a public meeting on the matter and while everyone wanted law enforcement, they did not want to go into it with the Town of Hanna. She said she was an elected official and must go with people's wishes.

STATUS REPORTS

Utilities Commissioner George—was absent but Town Clerk/Treasurer Heath said the work on the water treatment plant was completed by Tonka and that the summer hires and summer kids program were working out well.

Town Attorney MacPherson—Attorney MacPherson said he had submitted a draft of a letter to the High Country Joint Powers Board and Mayor Colman said he approved the letter. Attorney MacPherson said he would put it on his letterhead and send it. He then said he was given a proposed amendment to the High Country Joint Powers Board and looked it over and had some legal concerns about it. He said he had received a notice of a workshop meeting on July 28 with George Parks from the Wyoming Association of Municipalities who would mediate but George Parks had sent word he would not be able to make it on the 28th but could do so on the 27th. Attorney MacPherson said he was available to go if the Council wanted him to. Councilmember Chace said the Board was not agreeing to one town having more votes than another. Attorney MacPherson said he did not know if they could come to any middle ground with the proposed amendment. Lance Adams said this first meeting was supposed to be for mayors and attorneys only. He said the Board had not set a date for a meeting to discuss it. Mayor Colman said that personally he would not sit in another meeting with that man (Mayor Kinder) and be lied to again. Councilmember Chace said Hanna was requesting one member at large for a tie-breaking vote. Lance Adams said the Chairman was already the tie-breaker. He said it took two towns to amend

the agreement. Councilmember Chace said that Elk Mountain and Medicine Bow were not for the amendment. Lance Adams said the Board was not for it. Mayor Colman asked Town Attorney MacPherson to give him a copy of his concerns, and Attorney MacPherson said he had legal concerns with the amendment. Mayor Colman asked him to send a letter agreeing to a meeting on July 27, 2010 at 6pm. Attorney MacPherson asked if he wanted him at the meeting and Mayor Colman said not this time, that it was only a workshop. Councilmember Kahl asked who would mediate and Attorney MacPherson said George Parks.

Medicine Bow Museum—Director Smith thanked the Council for their support and for getting the summer hires to do the yard. She said as was mentioned in the museum minutes an account would be nice to have. She said there were still bats in the cabin. Mayor Colman asked if there was anything in the upstairs of the cabin and Director Smith said no, that it was roped off for safety. Mayor Colman asked if the roof was solid and Director Smith said it was. Councilmember Kahl suggested putting bat houses up in the community. Mayor Colman said if there was a humane way to remove the bats they would try it. Bob Heward, President of Friends of the Museum said he had a question on the grant. He said that the grant stated \$46,000 for design and planning, and the total was \$46,000 with \$28,000 for engineering and design. He said he didn't think any design was needed because it was already done and the building just needed repair. Jim Cavalli said the repair estimates were very high, \$500,000 and they put in a lot of money for planning to maximize the grant which had a maximum of \$50,000. Bob Heward asked if the money was not used on design could the rest be used for repairs and Jim Cavalli said yes. Mayor Colman said Director Smith would like the Town to open a checking account that could be used for small grant matches. Attorney MacPherson asked for clarification if the account was for the museum or the non-profit. Director Smith said it was not for the Friends of the Museum but was money from the donation can. Attorney MacPherson said the account could only be run through the Town and the non-profit could have their own account if they had a tax id of their own. Town Clerk/Treasurer Heath said it would be ideal to have a separate line item for the donations that carried over year after year. Mayor Colman asked if anyone had a problem with allowing the museum to keep all the donations. Councilmember Kahl said she thought it was already being done. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to create a separate line item for all the museum donations and that the money would carry over from year to year. The motion carried with all members present voting aye. Bob Heward said he commended the Fire Department on the fireworks display they had given on the 4th of July.

Medicine Bow Volunteer Fire Department—Fire Chief Colman said the EMS had had two medical calls last month and the department had had two fire calls recently, but no fires. He said a couple of vehicles were down because of the flood but only one was fully operational and the other was being worked on. He said they appreciated the comments on the fireworks and barbecue, which had made an income of \$600-700 over expenses for the department. He thanked the citizens for their support and the Council for theirs. Town Clerk/Treasurer Heath read some comments she said had been dictated to her by Melvin Smith, who had said he thought the 4th of July was wonderful, but that a committee should be formed on May 1 to get better communications out there about the event and take flyers door to door. He said he had counted over 150 people there and thought it was an exciting thing to happen to our town. He said next year it should be bigger and better and include the National Guard and the American Legion.

High Country Joint Powers Board—Lance Adams said they had already discussed the amendment. He said they would try to have Gary of the Department of Environmental Quality to educate the newer members on some issues. He said the older members had already voted for the transfer station before the new members had come on board but the new members were not convinced that a liner for the existing landfill would not be cheaper. Councilmember Colman asked what the cost of the transfer station and transport to Casper was and Lance Adams said it would be the cost of transport and tipping fees. Councilmember Colman asked what the cost of the buy-in to Casper was and Lance Adams said it was \$92,000 but did not have an answer yet as to whether all three towns would be covered if the High Country Joint Powers Board dissolved. Councilmember Colman asked if the DEQ was for the transfer station and Lance Adams said they were. She asked where Baggs took their trash and he said they had their own landfill for now but were going to take it to Casper. He said that his board position was up for reappointment again and Mayor Colman asked if he wanted to serve again. Lance Adams said he did. A motion was made by Councilmember Chace and seconded by Councilmember Colman to appoint Lance Adams to the High Country Joint Powers Board. The motion carried with all members present voting aye.

Medicine Bow Planning and Zoning—Chairman Jim Colman said the Commission had had two building permits and had looked at the current zoning in Medicine Bow. Mayor Colman asked if the grant was written and Town Clerk/Treasurer Heath said she had a meeting on Wednesday with Pat Robbins of the Wyoming Business Council and Cindy Wallace of the Carbon County Economic Development Corporation.

Medicine Bow Tree Board—Town Clerk/Treasurer Heath said Steve and Dawnestelle Gisi and "R" Addison had submitted letters of interest to serve on the Board. Mayor Colman asked when husband and wives served on a Board did they always agree. Steve Gisi said they don't usually agree. Councilmember Kahl said she also wanted to change the amount of people on the Board from 7 to 5. Attorney MacPherson said he did not recommend lowering the amount of people because it was hard to get people to serve on boards in small towns. Instead he suggested changing the by-laws to define a quorum as whomever shows up to the meeting. Mayor Colman appointed Dawnestelle and Steve Gisi and "R" Addison to the Tree Board. Mayor Colman said the Tree Board was supposed to have an extra solar light that was not being used for the welcome signs and asked if it could be used for the dark side of the Community Hall to prevent accidents. Jim Colman said the light was probably at Town Hall and Mayor Colman said Utilities Commissioner George probably knew where it was.

CORRESPONDENCE

Jeannette Fisher—Town Clerk/Treasurer Heath said she had included a letter from Jeannette Fisher in the Council Packet which was several pages long but basically stated she was not going to pursue a preschool at this time because of budget cuts all over the state for preschools and schools.

EXECUTIVE SESSION

At this point Mayor Colman called for an executive session. A motion was made by Councilmember Chace and seconded by Councilmember Colman to go into executive session to discuss personnel at 8:08pm. The motion carried with all members present voting aye. At 8:21pm a motion was made by Councilmember Chace and seconded by Councilmember Kahl to go back into General Session. The motion carried with all members present voting aye. A motion was made by Councilmember Kahl and seconded by Councilmember Marble to accept the minutes of the Executive Session. The motion carried with all members present voting aye. A motion was made by Councilmember Chace and seconded by Councilmember Marble to adjourn the meeting at 8:34pm. The motion carried with all members present voting aye.

ATTEST: _____
Town Clerk/Treasurer Karen R. Heath

BY: _____
Kevin Colman, Mayor

