

RECORD OF PROCEEDINGS
Town of Medicine Bow Budget Workshop
July 19, 2010

OPENING: Mayor Colman called the meeting to order at 7:00pm. Members present were Mayor Colman, and Councilmembers Colman, Chace, and Marble. Also present was Town Clerk/Treasurer Karen R. Heath. Members of the public attending were Melvin Smith, Kathy Benefield, Elsie Trout, Sister Marie Martin, Glen Culver, Don Mayfield, Wally Burnett, Art Weiser, Lee Jensen, Troy Maddox, Debra Barton, Peter Andrews, and Shannon Wagner.

BUSINESS: Discussion and Vote on Law Enforcement for Medicine Bow—Mayor Colman said that the reason for the meeting this night was to discuss and vote on law enforcement for the Town either with Hanna as a joint powers board or by itself. He said he had had several discussions with people over it and read letters and there were some people who were for a joint powers board with Hanna and some against. He said either way it was a large price tag to get law enforcement up and running. He said he realized the money in the budget was not good, there were no grants for the start up of a department and it would cost anywhere from \$50,000 to \$150,000 for a start up cost to do it ourselves. Troy Maddox asked how much money the Town had for a police force and if they Town did not have it, then it was a moot point to discuss it. Mayor Colman said there was money in savings to do it but not to keep it going. Troy Maddox asked how much the Town would be able to put up. Councilmember Chace said she wanted people to know that this would not create jobs, and it could be done for \$50,000 this year. She said the Town could not afford it on its own. She said that small communities like ours should not dispatch on our own but use Carbon County Dispatch. Troy Maddox said they had discussed this before and that \$50,000 would not buy into a joint powers board. Councilmember Chace asked if he knew what it would take to get law enforcement in this community. She said they needed to go ahead and do this, and then form the board.

She said a lot of people did not want law enforcement but she lived here for 54 years and thought the Town needed it if they ever wanted to have anything nice. Troy said people wanted law enforcement, but not Hanna. Councilmember Chace asked why. He said they had screwed up everything they had been in. Melvin Smith said if she wanted Hanna she could go there. Councilmember Chace said if they didn't want Hanna then there might as not well be a joint powers trash board or an ambulance. He said the Town of Hanna was not voting member of SCWEMS (the EMS service) and that was why they were able to do well. He said the Town of Hanna was trying to mess up the joint powers board for the trash of which they were a voting member. Peter Andrews said the money should be used to better the Town, and what would happen if a board was formed and the Town wanted to separate later. Councilmember Chace said the Town would be able to do that. She said she wanted police from outside the town so there would not be selective law enforcement. Kathy Benefield said you would have to hire from outside the county to do that and you were asking for trouble if you hire from around here. Councilmember Kahl said you would not get experienced law enforcement personnel outside the county. Melvin Smith said this Town did not want Hanna's police here because they treated children like prisoners there (in Hanna). He said to put an ad out there and someone (experienced) would come. He said there were already two highway patrolmen here. Councilmember Kahl asked if that was working for him and he said he had not had to call them. He said he did not want Hanna because the two marshals that came here (to the previous meeting, Hanna Marshal Rick Burkholz and Deputy Niemand) had not told the truth. He said they had said they did not stop anyone for traveling 1mph over the speed limit but his daughter had been stopped for that. He said if they were going to keep arguing about it to put it on a ballot and let the people vote, and he would vote no.

Elsie Trout asked if it would be cheaper to have the Sheriff, and Mayor Colman said the Carbon County Sheriff and he disagreed over whether or not the Sheriff could tell his deputies where to live. He said they are in the same boat in that they did not have enough money to hire another deputy. He said that in three years the Wind Tax would go into effect and they could look into it. Councilmember Kahl said that Tracy Terrell had been a deputy and had been in the community but was often sent elsewhere. Councilmember Colman said the trouble with the Sheriff's office was they could not enforce town ordinances, only county and state laws. Elsie Trout said she had lived here a while back when there were many more people and had tended bar in The Dip. She said the Town had two policemen and two dispatchers and there were more fights and more drugs and more drinking, but in the time she lived here, which was 4 years, there had only been no arrests for DUI's, drugs, or fights. She said the policemen didn't do anything.

Councilmember Chace said the Carbon County Economic Development Corporation had hired a very expensive firm to attract more businesses to the county. She said if the Town had police, it would be cleaned up. Wally Burnett asked how the police would help that, and Councilmember Chace said they would enforce the ordinances. Wally Burnett said cops make everyone mad at them by giving speeding tickets, but how could the Town keep a policeman busy when he's not doing that. Councilmember Chace said the police could check dumpsters for stuff thrown in them that shouldn't be there and also the burn pit for illegal dumping. Wally Burnett asked why not lock the dump and Councilmember Kahl said it had been tried but did not work because someone would get the key and leave it open. She said when the Town finally had to take the trash to Casper a lot of what was in the dumpsters now could not go in there. Wally Burnett said to hire a city cop. Troy Maddox said if they hired a policeman and made him do what Councilmember Chace was talking about there would be problems.

Shannon Wagner said she had lived in the Bow for a year but what pushed her out was no internet and no cell service. She said the Town could not afford one but why couldn't they go with Hanna and hire somebody outside the area. She said no one who had work experience would want to live in the Bow.

Sister Marie Martin asked how the power on a joint powers board was distributed. She asked if Medicine Bow would have the same authority as the other towns. Councilmember Chace said it would. Mayor Colman said to do it effectively the power must be equal. He said the only joint powers board that was doing well was the EMS board because it is a separate entity from the towns and experienced people formed it. Sister Marie Martin said that could be done with the police. Troy Maddox said the EMS board took 3 years to put together. Don Mayfield said he had heard the Town of Elk Mountain had already voted this down. Troy Maddox said Hanna had its own problems, and that the reason the EMS took 3 years to form was because of Hanna. Sister Marie Martin said maybe another group can use that experience. Troy said the EMS spent two years trying to make Hanna happy and in the end they voted against accepting the agreement which their own attorney had rewritten. Councilmember Colman said the High Country Joint Powers Board (trash) with Hanna had run fine until this year when Mayor Kinder decided to rewrite it. She said she agreed that Medicine Bow needed police because in the Community Assessment everyone said they needed law enforcement. She said the Memorandum of Understanding proposed 10 hours of law enforcement between Medicine Bow and Hanna and that included travel time. Councilmember Chace said she could not see much travel time and Councilmember Colman asked how many days a week would be covered and Councilmember Chace said 6 days. Councilmember Colman said the memorandum also stated that if the police were needed in Hanna they would be recalled from here. Councilmember

Chace said the Community Assessment had been a good thing and she applauded Councilmember Colman for seeing it through. She said she had spoken to the Mayor and had asked him if there were any problems identified on the assessment that could not be solved with having more people here and he had said no. Kathy Benefield asked where the money would come from and Mayor Colman said from the Town's savings. Kathy asked where the money would come from the next year and Mayor Colman said if the joint powers board was done right it could be good. He said the problem was the budget usually started off bare bones and became champagne expensive. He said it could work if it was located centrally and not in any one town. Shannon Wagner asked if Hanna could write a grant for a Medicine Bow cop's wages. Troy Maddox said one town could not write a grant for another. Mayor Colman said they could if it was a separate entity. Shannon Wagner asked if Hanna was needed and Mayor Colman said there could be others. He said some say go on our own, but there was no money for startup costs. He said they could start with one cop and one car. Troy Maddox asked what standards had to be met and Mayor Colman said they had to be in operation for a year and then they could get grants. Mayor Colman said when DKRW broke ground the Town had a year before most of the workers showed up. He said the Chip and Blue programs paid for two officers for two years. He said they Town could get it going and have it two years for free while watching what DKRW does.

Don Mayfield said he had a situation with Hanna in that he called 911 for his wife and waited 20 minutes until the dispatcher called back and said Hanna wasn't answering their pagers. He said he had had to drive her to Laramie himself where she died that night. He said that was how Hanna worked and it was not wise to go with them or to start one now because if all the savings and reserves were used up and something happened to the water treatment plant there would be no money to fix it. Steve Gisi said he was not convinced the Town needed police at this time. He said there was a police presence here and they see to his needs just fine. He said if the Town grew larger, then yes it would be needed, but not now. He said a town in Colorado of 500 people had two officers and the people were mad at one of them who wrote ticket after ticket until they got rid of him. He said if people wanted security they could move to Houston which has an extensive police force but where people were still scared for their lives. Councilmember Kahl said there were 2,800 workers coming in.

Sister Marie Martin asked if the Town needed the ordinances enforced or not. Councilmember Kahl said they did need enforcing. Don Mayfield asked if a Code Enforcer could do the same thing. Councilmember Kahl said an enforcer would have to go to school. Don Mayfield said it would cost less to send him to school. Councilmember Kahl said an enforcer could not ticket anyone, and that an enforcer could clean up lots but not deal with dogs at large. Troy Maddox said it was a case of civil law rather than criminal law. Don Mayfield said someone could file a complaint and let the court decide.

Shannon Wagner asked what could be done if there was a drug dealer in Town and Mayor Colman said there were means to do something, but Carbon County was broke and only had two undercover drug agents for the whole county. He said the jobs in the county in oil, gas, and coal were all high drug jobs. Councilmember Chace said she met with DCI and Sheriff Colson and showed them where the drug dealers lived in town and they had said they could not do anything without local police that would work with DCI. She said there were kids running around at night after curfew throwing rocks and breaking windows, as well as wild parties going on.

Dawnestelle Gisi asked if the Town could afford to prosecute a case. Troy said three attorneys were needed to do that. Councilmember Kahl said the Town had an attorney. Troy Maddox said a vandalism case of over \$500 damage would be prosecuted by the County. He said three attorneys were needed, one for the Town, one for the defendant, and one to judge the case. He said a lot of paperwork was involved, and you might only get \$500 for a DUI, and that fine would not even pay for the first arraignment. Councilmember Kahl said people who violate ordinances could pay fines. Troy Maddox said they are also entitled to a defense with the three attorneys. Councilmember Kahl said there was such a thing as a bond. Troy Maddox said the bond would not cover costs. Councilmember Kahl said the Town paid the judge whether or not he comes and that money is generated through fines. Troy Maddox said fines were not a good revenue generator, and that court cost more than they generated. Dawnestelle Gisi said a study was needed to show peripheral costs. Mayor Colman said it would be expensive, a money pit. Councilmember Chace said that Commissioner Terry Weickum had said the department would never write enough tickets to pay for itself. Mayor Colman said the only way to defray costs was to sock it to the perpetrator. Lee Jensen said that as far as the nuisance ordinance goes, "R" Addison had a complaint about dirt and was told he was complaining to the wrong people. He asked how the Town could enforce ordinances that it does not comply with itself. Mayor Colman said that the Town did a trash day to save folks a trip to the dump which cost the Town \$500-\$1000. He said the biggest trouble in the Town was people did not care about their properties. He said it was hard to listen to a complaint about dirt from someone who, if a fire occurred, could not be saved because he (the Mayor) would be reluctant to send a fireman on the property through all the metal and trash to get to that person.

Councilmember Colman said the law enforcement was mostly for DKRW when it came, not so much for the Town but for Friday nights after payday, when 800 guys would be coming to Town for the three bars, hotel and motel. Wally Burnett said companies these days have good restrictions. He said there was an incident in Medicine Bow recently and the company sent someone here to investigate and the person who caused the disturbance had been fired. Councilmember Colman said they are working hard at keeping their workers in line because at the last impact meeting the Town had complained about the trouble and told them to clean up. Wally Burnett said that the Sheriff had told them that at Baggs they had a man-camp for three years and only had one incident because the company fired people that caused trouble.

Shannon Wagner said they keep talking about DKRW which would pour a bunch of money into the communities, and shouldn't we wait until they came to start a police department. Mayor Colman said yes. Shannon Wagner asked if they were coming and Councilmember Kahl said the CEO of the company and the Vice President had come to Hanna and said they were coming. Mayor Colman said they had donated to Bow Days. He said the current hurdle is they were approved to build the plant but had to have an environmental impact statement to get money from the Federal Reserve to do it. He said the study can take 1 ½ to 2 years, but once it was done, they would be here. Shannon Wagner said she would rather do the police then and not now when the Town did not have the money.

Mayor Colman said this meeting was to see in which direction everyone wanted to go, whether they wanted a joint powers board or an in-house police force, and whether they wanted it now or later. He said it would be easy for this Council to decide something and hand it over to the next Council when some of the current members might not be here. Wally Burnett said they still needed to know which way to go. Art Weiser asked why DKRW doesn't help, and Mayor Colman said they would when the time came. Art Weiser said to wait until they showed up. He said a joint powers wasn't good because you lose the supervision of the department to someone else. He said the police need to be answerable to Medicine Bow and not Hanna. Councilmember Kahl said that with a joint powers board the police would answer to a board, and not any town. Art Weiser said there would be ideas from two or three different outfits when you only need one. Councilmember Kahl said that was why you needed a board. Art Weiser said that the Town of Hanna doesn't participate in the garbage board right now. Councilmember Kahl said it was because that agreement was written that way, that each town could lower their contribution by 4% when times were hard. Troy Maddox said the Town of Hanna played games.

He said that in order to form a joint powers board, Hanna would have to turn loose of their police department. He said before they go any further, it would be good to see if they are willing to do that.

Mayor Colman said his pet peeve with Hanna is they want something and then reject it. Troy Maddox said the whole history dealing with Hanna was not good. Mayor Colman said if the Town waited, it could be a year or two before they got a joint powers board going. Art Weiser said they would not get it running that fast, to look at them (Hanna) now.

Councilmember Chace made a motion to reconsider the vote taken on July 12, 2010 (the vote which was taken on entering into a joint powers board with the Town of Hanna for police protection) because she said that Councilmember Kahl should not have been prevented from voting. She said Councilmember Kahl, though employed by the Hanna Marshal's Office did not have a conflict of interest, which was why she had been prevented from voting. Councilmember Colman asked why it wasn't a conflict when she herself was being prevented from voting on Fire Department issues because her husband was Fire Chief. She said she was not a paid employee of the Fire Department. Councilmember Chace said that because it was a joint powers board they were voting on it would not affect Councilmember Kahl's wages or job security. Dawnestelle Gisi said the police issue should be on the ballot so the people could vote on it.

Troy Maddox asked why pass a motion on something that doesn't exist? He said the Town did not have the money and didn't know how much it would cost, nor was there an agreement to vote on. He said that Councilmember Chace was trying to push this on the town's people when they didn't want it, and that she had lost the people's trust that elected her. He said she might as well go home and write a letter of resignation. Sister Marie Martin said that wasn't true. She said they were talking about two different issues and personalities were getting into it.

Mayor Colman said a code enforcer could enforce city ordinances and that same person could be sent to animal control school, but the question was, can the Town afford to prosecute. He said it was all or nothing that people in violation could rack up fines so high they could not pay them, at which point the Town would put a lien on their property that probably could not be collected until that person died and the heirs tried to sell. That would incur more legal costs. He said the biggest thing to as was how effective it would everything be together. Don Mayfield said the Town did need police but can't afford it. He said they were looking at major expenses for garbage coming up and would have no money for it. Sister Marie Martin asked if there was a time limit for the joint powers.

Mayor Colman said there was a motion on the table to reconsider the vote of July 12, 2010 because Councilmember Kahl should not have been stopped from voting. Councilmember Kahl said she would not benefit from this and that she could be fired tomorrow. Mayor Colman said he understood but there was a perception that she could, and Town Attorney MacPherson advised that she should not vote on this issue. Councilmember Kahl said that according to Robert's Rules of Order she could. Mayor Colman said that here are the constituents she represented.

Councilmember Chace said it was not all of them. Councilmember Colman said they had all the letters in front of them from people who were against it, and would she still vote for it. Councilmember Chace said she would still vote for it because people are scared to live here. Councilmember Colman asked who was scared, and Councilmember Kahl said she would not sleep in her own bed when things were going on across the street. Mayor Colman said there were other options to take, and if she believed she was threatened, could call the Sheriff's office and report them, saying there were minors in the house. Councilmember Kahl said she had called and by the time the deputy got there, it was quiet again.

Troy Maddox said the issue was why pass the motion now when you need to know more. Mayor Colman said there was a motion on the floor and asked if there was a second to it. There was no second so the motion died. He then said he agreed with everyone in audience and said to put the question on the ballot. He asked how to word it. Troy Maddox said he didn't know because there was nothing to vote on. Wally Burnett said to go to Hanna first and see if they would give up their police department. Sister Marie Martin asked if it could be studied first. Councilmember Colman said they (members of the public) had made the statement so it was their decision. Sister Marie Martin said a joint powers board was wanted, but only if it was equal. Don Mayfield said the agreement must come out and say it was equal representation. Troy Maddox said nothing had been done so why vote on it. Councilmember Kahl said there had been a Memorandum of Understanding. Troy Maddox said that was from Hanna, and not for a joint powers board. He said there had to be an agreement to vote on before a vote could be taken.

Mayor Colman said when the EMS was formed it was done by a group of concerned citizens who got together and formed one. He said if the people wanted a joint powers board then they should form one. Councilmember Chace said they had to figure out how much it cost to hire two cops for 20 hours per day. Shannon Wagner said they did not have to reinvent the wheel, and this had to have been done before. Troy Maddox said to build something that could be voted on. He said in order to have a joint powers board Hanna would have to give up its police department. Wally said a committee should be formed to put something together. Shannon Wagner said information could be gotten from the computer. Troy Maddox said the County already had an attorney who was familiar with joint powers boards.

Councilmember Chace said they needed to make the community a nice safe place so people would live here. Mayor Colman said to look at the community and see what had changed from 20 years ago. Councilmember Chace said a comment she heard repeatedly and that Troy Maddox himself complained about was the junk that won't fit on a certain guy's property. She said many people complain about "R" Addison's stuff.

Sister Marie Martin thanked the Council for having the meeting and bringing the issues out. Mayor Colman said they had to form a committee. He said the committee should find out what it would take to both form a joint powers board and to do it on our own. He said if there was no plan there was no direction to go, and that the people who researched the joint powers board should find out first if Hanna will play by giving up their police force. Councilmember Chace said if they had a plan and took it to Elk Mountain, they might join. Mayor Colman said you have to design a plan before you sell the product, and they had to find out what the best plan would be.

Steve Gisi said he was still not convinced the Town needed full time police now, but when DKRW came, yes. He asked if the main reason to get a cop was code enforcement, why someone could not just go to their neighbors and ask them if you can trim their tree or help them haul off some junk, or turn their music down. He said to try step 1 first, and then step 2 and then fine them.

Mayor Colman said if people didn't like certain issues to write a letter to the Town. He said what he was hearing was to come back to the people with this issue when they had a plan. He said he agreed with them that when DKRW came they needed something. He said a group of citizens said they wanted police, but the disagreement was on whether to do it ourselves or go into a joint powers board. Troy Maddox said he thought we could wait a while. Steve Gisi said he was not convinced we needed police. Mayor Colman said we needed to form a group who will look into both a joint powers board and doing it ourselves. Councilmember Colman said the Council would not move on this until they heard from this group. Mayor Colman agreed. Councilmember Kahl said they would research and put together a proposal. Mayor Colman said no one should have a hidden agenda or hidden opinion and just the cold, hard facts should be used. He said they could all agree that they wanted something, but can't buy it if they didn't know what it was, and that they had time. He said they needed to do the work but not to take a step until the groundwork was laid. Councilmember Kahl asked if she could do work and research and the Mayor said yes. She asked if she could vote on it and the Mayor said no, that the problem is the perceived benefit, because he worked for the Fire Department but could not vote on issues concerning it.

Councilmember Colman said that if the expenses of the joint powers board are split by population, the Town of Hanna would want more influence. She said there lay the problem, over who has control. Councilmember Kahl said they needed an ironclad agreement. Councilmember Colman said there weren't any. Mayor Colman said they now had a plan but had to put out the information. He asked Town Clerk/Treasurer Heath to post a notice looking for persons interested in serving on the committee to research law enforcement for Medicine Bow, and to sign up at the Town Hall. There being no further business to bring before the Council, a motion was made by Councilmember Chace and seconded by Councilmember Marble to adjourn the meeting at 8:52pm. The motion carried with all members present voting aye.

BY: _____
Kevin Colman, Mayor

ATTEST:

Town Clerk/Treasurer Karen R. Heath