

RECORD OF PROCEEDINGS
Town of Medicine Bow Meeting
March 8, 2010

OPENING: Mayor Colman called the meeting to order at 7:01pm. Members present were Mayor Colman, Councilmembers Colman, Chace, and Kahl. 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 Colman to approve the minutes of the regular meeting of February 8 and Special Meeting February 22, 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.

PUBLIC HEARING: A motion was made at 7:12pm by Councilmember Chace and seconded by Councilmember Kahl to go into the Public Hearing regarding the Bow River Subdivision land swap with the Town. The motion carried with all members present voting aye. Attorney MacPherson explained that the Town wanted to swap a parcel of land for a larger parcel of land which was designated a greenway on the subdivision map. Jim Colman showed where the two parcels were located on the aerial photo of the town. Attorney MacPherson said the Town was getting a parcel that was larger and of more value for the land being traded. He said the next step would be to get title insurance on both parcels and sign the deeds which the title company would hold until the subdivision is built, but if it does not get built, the trade would not happen. Mayor Colman asked for public comment and Troy Maddox asked who would maintain the property after it is traded. Mayor Colman said the idea was to get the land set up as a future park so the Town would maintain it. Councilmember Chace said if it was town land then it was the town's responsibility to maintain it. Troy Maddox said the town was not maintaining behind his house very well. Jim Colman said he understood that as soon as Bob Welborn started the dirt work on the rest of the subdivision that he would also do the dirt work on the green way. Troy Maddox said it was a major concern of his. A motion to close the public hearing was made at 7:24pm, there being no further public comment, by Councilmember Chace and it was seconded by Councilmember Kahl. The motion carried with all members present voting aye.

BUSINESS: Lee Browning Neptune Meters—Town Clerk/Treasurer Heath said that Lee Browning had contacted her and told her he had worked with Caselle and was confident that the Neptune meters would be compatible with the Caselle software. Councilmember Chace said she wanted to be absolutely sure they would work before spending the money and asked if Lee Browning could do a test on the town's own water meter. Town Clerk/Treasurer Heath said that was what Lee Browning was asking: permission to come and do just that. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to allow Lee Browning of Finish Line Systems to hook up to three town meters and do a test of the system to ensure everything worked. The motion carried with all members present voting aye.

Bob Heward—Weed Spray Day—Bob Heward said the Conservation Resource Management people wanted to know if the town wanted to do another weed spray day. He said the CRM needed more participants from the Town to help with the spraying. Town Clerk/Treasurer Heath said she wanted to help but they had been holding the event on days she had to work. Bob Heward said the event was held on a day the county could participate and said this year the date of June 2 had been tentatively chosen. Councilmember Colman said that school was not yet out until June 4 but if they chose a date after that the town's summer employees and maintenance department could help. Councilmember Kahl volunteered to help. Bob Heward said they could hold it the following week. He said he could get the flyers done and bring them to Town Hall to distribute in the utility bills. Councilmember Colman said she would put the information in the newsletter and Councilmember Kahl said she would put it on Facebook. Jim Colman said he could pass out the information on Tree Education Day, April 24. Mayor Colman suggested having the Scouts help but Jim Colman said the age limit on spraying was 18, but the Scouts could help pass out information. Mayor Colman said they would try to get more town involvement as well as outside land owners. Bob Heward said there would be a separate day to spray the outside properties. He asked if he could say something else and the Council said he could. He then asked about the Christmas decorations that people had donated years ago saying they had been very expensive and those who had paid for them were disappointed that they had not been put up for a couple years. Councilmember Colman said that most of the decorations had been damaged by the weather and could not be put up. She also said the town was at the mercy of Carbon Power and Light who had to put them up. Sharon Heward said she wished she had been notified because the decorations could be sent back to the manufacturer for repairs and put back into use and that she was willing to pay for that. Councilmember Chace said the town still had them and they could probably be repaired. Sharon Heward said hopefully the manufacturer was still in business. Mayor Colman said he would get with Utilities Commissioner George on that.

Aspen-Banner Engineering Updates—Jim Cavalli addressed the Council regarding the Wind Turbine Project and said the contractor would be back on March 24th or 25th to do the trenching and conduit work but first he had to furnish documents that the "Buy American" clause had been fulfilled. He said the sewer lift turbines had all been moved to the lagoon and the rest were mostly all at the water treatment plant. He said that he was still looking for money for the water transmission line project and that there would be a webinar on it on March 16, 2010. Roger Strube updated the Council on the Community Hall and said that obviously, the new desk had arrived and that the company had come to begin the installation of the A/V system upstairs but the manufacturer had sent the wrong projector bracket so as soon as the right one arrived they would finish the job, probably later this week. Mayor Colman said the whole Community Hall renovation had been paid for by a grant but there had been left over money that had to be spent so they bought the Council desk, protective covers for the air conditioning units and the A/V system for the upstairs which could be used for movie nights and other events. He said he would rather use the money than turn it back. Councilmember Chace said that the Mayor's words should be in the minutes verbatim because she had received a few questions on how much money the Town had paid for the Hall. Town Clerk/Treasurer Heath said that not one penny of the town's own money had been spent on the Hall.

Park Lease—Attorney MacPherson—Attorney MacPherson said he had re-written the lease for the park and it was under the same monetary amount, \$10 per year but contained a new clause such that if the school ever wanted to dispose of the land they would have to dispose of it to the Town. He said that for all purposes it was a transfer to the Town which would not occur immediately. He said if it was approved by both the Town and the School District, the deed would be recorded at the Land Office so that the land could not be bought by any one else. He said before the Town puts any more money into the property, he suggested purchasing title insurance to make sure the title is clear. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to purchase title insurance on the park. Attorney MacPherson suggested not putting money into the park until it was determined that there were no problems with

ownership. He said he still had to get School District approval on it which might take a couple months. Councilmember Chace said she could not do it without School District approval. Jim Colman said that the County Assessor clearly identified the park as belonging to the School District. Councilmember Kahl said if the agreement was approved the School District could not sell the land to anyone else. Mayor Colman called for a vote on the aforementioned motion and the motion failed with all members present voting nay. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to enter into the agreement and if the School District approved it, to acquire title insurance. The motion carried with all members present voting aye.

Ordinance 08-26-01—was read by title: An Ordinance Amending Chapter 8 Building Regulations and Codes, Section 26-Applications for Building Permits. It was the second reading. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the second reading of the ordinance. Troy Maddox asked if the Town had a definition of the term “remodel.” Mayor Colman said they did not have one at this time. Troy Maddox asked the ordinance be tabled until they had a definition because it would save a lot of discussion down the road. Councilmember Kahl asked if there was a definition. Jim Colman said there was only an understanding. He said he also wanted to change the square footage in the ordinance from 100 sq. ft. to 500 sq. ft. Attorney MacPherson said it could be approved now and changed before the third reading. Troy Maddox said it would save a lot of headaches for the Planning and Zoning. Mayor Colman said they needed an airtight definition of what “remodel” means. Councilmember Chace said she thought “remodel” was internal, that is, to change something inside your house. Mayor Colman said they needed a definition that was airtight. Mayor Colman called for a vote on the motion that had been made to approve the second reading of the ordinance and the motion passed with Councilmembers Colman and Kahl voting aye and Councilmember Chace voting nay. A motion was made by Councilmember Colman and seconded by Councilmember Chace to not proceed with the third reading until they had some definitions. The motion carried with all members present voting aye.

Resolution 2010-006—was read by title: A Resolution Amending the 2009-2010 Budget for the Town of Medicine Bow, Wyoming. A motion was made by Councilmember Colman and seconded by Councilmember Kahl to approve the resolution and the motion carried with all members present voting aye.

Resolution 2010-007—was read by title: A Resolution to Dispose of Municipal Property. Councilmember Colman suggested that since Bob Welborn was now there that he could indicate on the aerial photograph where the two parcels of land were that were going to be traded. Bob Welborn did so. Mayor Colman said that it had been stated that when Bob Welborn did the dirt work on the subdivision he would also do the greenway that was to be traded and asked him if that was true. Bob Welborn said it was true. A motion was made by Councilmember Chace and seconded by Councilmember Colman to approve the resolution and the motion carried with all members present voting aye.

Resolution 2010-008—was read by title: A Resolution Authorizing Submission of a Federal Mineral Royalty Capital Construction Grant Account Application to the State Loan and Investment Board on Behalf of the Governing Body for the Town of Medicine Bow For the Purpose of Replacing the Media in the Water Treatment Plant. A motion was made by Councilmember Chace and seconded by Councilmember Colman to approve the resolution and the motion carried with all members voting aye.

CITIZENS PARTICIPATION

Petition—Sharon Heward said she had a petition from some concerned citizens. She said the first item on it was the purchase of laptops and Mayor Colman said that had not been passed. She said that there had been talk of moving the town office to the red building which used to be a school. She said she lived here her whole life and didn't get involved in politics but the economy was in the toilet and there was already a nice facility that works for our little town so why move it. She said it had been a terrible shame to tear down one school house and what it was replaced with was not adequate. Mayor Colman said he agreed with her, that the new school was not adequate. Sharon Heward said when the town was on its feet again then they could move the office and use this building as a police office. She said these were the concerns they had. She said the Council had to know how the people felt, that it wasn't feasible to move the office over there. She said it bothers her that things had to be worked on and overhauled and that this office was convenient for the seniors of the town while the other was not. Mayor Colman said he had talked to the Wyoming Business Council about getting a grant to renovate the red building, and after that is done, and then the town office can be moved there. He said one reason he wanted to do that was because he wanted to open the gym up for everyone to use. Sharon Heward asked if they had the money to do everything that needed to be done to the red building because if the town office moved, it would take Town Clerk/Treasurer Heath 20 to 30 minutes to go across town and back if she needed something for a meeting. Mayor Colman said he was impressed by the petition and any time the people got involved it was good. He said if they were able to get grants and have a workshop on what needed to be done, would people come to it? Sharon Heward said people wanted to know and it should be put on the ballot whether or not to move this facility over there. She said the town should have the right to vote on this. She said to put it before the people because they didn't want to be stuck with a white elephant again. Mayor Colman said he didn't want that to happen as well and that was what he was trying to prevent. Councilmember Chace said she wanted her to know that along with moving Town Hall over there they had plans to put the new Fire Hall there as well as the preschool, and open the gym up for the kids. Mayor Colman said people were not concerned at moving the Fire Hall there, only the Town Hall. Sharon Heward said the Town Hall was in a perfectly good spot. She said if a police department ever got started they could have this building, but utilize what we had now. She said until a boom came along we are small and had to live within our means. Bob Heward asked if it was legally required to have a public hearing over this and Attorney MacPherson said it was not, though it probably would be a good idea. Troy Maddox said it was a good idea to have a meeting to explain why you're doing something. Councilmember Kahl asked if she had suggestions on how to better communicate. Sharon Heward said to put things like that in the newsletter. Councilmember Kahl asked if people were able to speak at the Lion's Club meetings and Don Mayfield said yes, that the Entertainment Chairperson was there, Jeannette Fisher, and she could arrange it. He said he had heard rattling about a big desk and what it cost and did not know it came from the grant and not the town money. Mayor Colman said we either had to spend the money left in the grant or give it back and he would rather spend it. Councilmember Colman said it is hard for the Council because they had already discussed the desk and A/V system for 3 months and it was all in the minutes which were posted and available to all. Sharon Heward said she did not want to read them because she didn't have time. Mayor Colman asked if it would be beneficial for one of them to start coming to lunch or even breakfast now and then. Councilmember Colman said she did not have a problem coming to lunch or to the Lion's Club meeting.

Jeannette Fisher—addressed the Council and said she would love to get something big started here, like the way the Lion's Club sponsored the Woodchoppers' Jamboree in Saratoga. Councilmember Kahl said if we could get community participation it would be wonderful but we couldn't get it. Councilmember Chace said she agreed with Jeannette Fisher 100%. Councilmember Kahl said that was why she had started the Craft Fair, which she wanted to continue. She said soon they would have an art contest to put pictures on the walls of the Community Hall. She said we needed to promote the Hall. Jeannette Fisher said the rental should be a reasonable price and Mayor Colman said it was cheap, that the big room with the kitchen was \$50. Sharon Heward thanked the Council for listening to her and

Councilmember Kahl said not to hesitate to call the Council if she had questions. Sharon Heward said one thing the town might do was cook-offs. Mayor Colman said he was looking to do three of them during Bow Days: a Burger Contest, Dutch Oven Contest, and a Dessert Contest, using a 1920's recipe. Sharon Heward said they could do a country fair where people could bring quilts and canned goods. Jeannette Fisher said you had to have numbers and participants.

STATUS REPORTS

Utilities Commissioner George—was absent but Town Clerk/Treasurer Heath said he had wanted everyone to know that he and she were working on a SLIB grant to cover the cost of the Water Treatment Plant Media Replacement Project. He said it was critical to do it this year because next year there was no money in the emergency fund.

Town Attorney MacPherson—said he had met with the accountant on the 501 (c) (3)'s (nonprofits) and the accountant would work with the IRS to get approval of the status. He said it's a very extensive application but they would get through it. He said he should finish it by next month and could meet with them. He said he had also had a letter from County Attorney Cindy DeLancey indicating the county wanted to form a Juvenile Services Board. He said the purpose of the Board was to go after a \$50,000 grant. He said Medicine Bow was not listed but could be if the town wanted to participate. Mayor Colman said it would not cost the town anything but the grant was for juvenile crime prevention. He asked if the Town wanted to be part of it. A motion was made by Councilmember Colman and seconded by Councilmember Kahl to approve becoming part of the county wide juvenile services board. The motion carried with all members present voting aye.

Medicine Bow Museum—Councilmember Colman said that Director Smith had told her that Tribcsp.com was going to cease services to Medicine Bow on March 20, 2010 and asked the Town if she could have Vistabeam. Town Clerk/Treasurer Heath said the cost of the slowest speed was not much more than they were already paying for Tribcsp.com. Councilmember Colman said Director Smith had a concern about the mounting of the equipment and Mayor Colman said the light pole, which belonged to the town, could be used. Councilmember Kahl said perhaps it could be mounted on a tree. Troy Maddox said it needed to be above the level of the trains.

Medicine Bow Volunteer Fire Department—Chief Colman presented the names of four individuals who had finished probationary status and wanted to become full members. He said Charlie and Mary George and Kevin and Stephanie Colman were the four. The four members were approved by Mayor Colman. Chief Colman said there were still four probationary members. He said they had had 2 EMS runs in the last month and had held a CPR Recertification Training. He requested to transfer the balance of the training budget with the balance of the equipment budget to pay for some equipment. A motion was made by Councilmember Chace and seconded by Councilmember Colman to approve the transfer and the motion carried with all members present voting aye. Chief Colman requested to spend \$1,091 to send 3 people to the Cody Fire School: Les French, Chantel Germaine, and Aaron Kirlin. A motion was made by Councilmember Chace and seconded by Councilmember Colman to approve sending those three to the Cody Fire School and the motion carried with all members present voting aye. Town Clerk/Treasurer Heath suggested that the Fire Department get their own credit card for training purposes and if they wanted to get reimbursed for something from the Town, to get pre-approval. Chief Colman then reported that 1,000 feet of hose was missing and they did not have enough. He requested to spend \$5,600 for more hose. He also said he needed 4 more helmets because some members did not have any. It was suggested to transfer the money from the Code Enforcer's Wages which would not be used. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the purchases of the hose and helmets. The motion carried with all members present voting aye. Chief Colman also asked if the Town had the tax id documents for the Fire Department and Town Clerk/Treasurer Heath said she had them and would copy them for him. Town Clerk/Treasurer Heath formally thanked Troy and Karol Maddox for the excellent food they had provided for the new Fire Truck Barbeque.

High Country Joint Powers Board—Councilmember Chace said there would be a budget workshop in Medicine Bow on March 15, 2010. She said she was at a loss to understand how she could enforce her statement that Medicine Bow should pay no more than the rest of the people of the three towns. She said she would request that Chris Moon have the figures on hand on what it cost to run the dump.

Medicine Bow Planning and Zoning—Chairman Colman said they were working on a planning grant. He said he was also looking at contracts with the University of Wyoming for help with surveying, and also working on revising building permits. Councilmember Chace said she wanted to bring up an issue with the grant in that they might not want to get the aerial survey because it would cost \$50,000. Chairman Colman said that would exceed the grant. He then asked Attorney MacPherson on how to enforce the ordinance requiring building permits for people who were bypassing getting one. Attorney MacPherson said a warning letter should be written, and then a Cease and Desist should be filed in District Court. He said he believed the Town could ask for attorney's fees to be awarded in those cases. He suggested having a daily penalty for every day they are out of compliance.

Medicine Bow Tree Board—Chairman Colman reported that Tree Board Education Day was set for April 24 at the Community Hall and at the next meeting he would bring the Arbor Day Proclamation for approval. He said the goal was to work on the Memorial Garden, and that the CRM would help. He said the problem was that to date there were no donations for plants. He said the grant for \$1,000 had been approved. He reported that they were working on bids for the tree replacement, but only had \$29 left in the budget and they might need help with the fabric purchase. Chairman Colman then read his resignation letter from the Tree Board. A motion was made to accept the resignation by Councilmember Kahl and seconded by Councilmember Chace. The motion passed with Councilmembers Kahl and Chace voting aye and Councilmember Colman abstaining. Councilmember Kahl then asked if the Tree Board could open its own checking account and Attorney MacPherson said they could not and all money had to be run through the General Fund of the Town. Troy Maddox suggested Jim Colman be thanked for his 5 years of service on the Tree Board. Mayor Colman thanked Jim Colman for his service.

CORRESPONDENCE

Mayor Colman approved Gary Hamill's request for vacation March 15-19. He then read a letter from a mother in New Jersey requesting Virginian items for her disabled son. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to send them a t-shirt, medallion, and town pin. The motion carried with all members present voting aye. Chief Colman said to add a Fire Department hat to that. There being no further business to bring before the Council, a motion was made by Councilmember Chace and seconded by Councilmember Kahl to adjourn the meeting at 9:41pm. The motion carried with all members present voting aye.

ATTEST:

Karen R. Heath, Clerk/Treasurer

BY: _____
Kevin Colman, Mayor

