

**RECORD OF PROCEEDINGS**  
**Town of Medicine Bow Meeting**  
**May 10, 2010**

**OPENING:** Mayor Colman called the meeting to order at 7:01pm. Members present were Mayor Colman, Council and 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 Kahl to approve the minutes of the regular meeting of April 12 and Special Meeting April 26, 2010. The motion carried with all members present voting aye.

**APPROVAL AND RATIFICATION OF BILLS:** The bills were read and the Chase credit card bill in the amount of \$769.93 was added to the list. 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. Town Clerk/Treasurer Heath said she would need to make a transfer of funds from their General Savings to the checking account because the State Lands and Investments Board still had not reimbursed the Town for the Wind Turbine request. Roger Strube of Aspen-Banner said the state was very slow to reimburse for ARRA projects. Town Clerk/Treasurer Heath said she would like to make the transfer in the exact amount of the grant request so that when the check did arrive, she could deposit it in its entirety in the savings account. A motion was made by councilmember Colman and seconded by Kahl to transfer the amount of the wind turbine project reimbursement into checking from savings. The motion carried with all members present voting aye.

**PUBLIC HEARING:** At 7:10pm a motion was made by Chace and seconded by Councilmember Kahl to go into a public hearing regarding liquor licenses. The motion carried with all members present voting aye. Mayor Colman said three liquor licenses were up for renewal: The Diplodocus Bar, The Old West Bar, and The Virginian Hotel. He asked for any comments or remarks regarding those businesses. There being none he called for a close to the public hearing. A motion was made by Councilmember Kahl and seconded by Councilmember Colman to close the public hearing at 7:12pm. The motion carried with all members present voting aye.

**BUSINESS: Liquor License Approvals—**A motion was made by Councilmember Kahl and seconded by Councilmember Colman to approve the liquor licenses for The Diplodocus Bar, The Old West Bar, and The Virginian Hotel. The motion carried with all members present voting aye.

**Aspen Banner—**Roger Strube of Aspen-Banner updated the Council on the various projects in town and introduced George Laughlin, an engineer in his employ, to them. George Laughlin reported on the wind turbine project saying that there was a change order. He informed them that High Plains Power had to reconfigure the system at the four locations to meet their standards and it would cost \$6,331.98, but the good news was Jim Cavalli had made an error on the original contract so that there was a surplus of \$9,274, leaving \$2,942 not spent. He said that money would be put into a force account. He said Sun Power would come this Friday and the turbines should be on the grid on Friday. He requested a motion to approve the change orders. A motion was made by Councilmember Chace and seconded by Councilmember Colman to approve the two change orders. The motion carried with all members present voting aye. Roger Strube reported on the Fire Hall. He said a CAD technician had left their employ which put the schedule for the Hall back slightly. He said Jim Cavalli estimated that on May 24 the plans and specs would be available, and the advertisement for bid would be May 25, June 1, and June 8, and then the pre-bid meeting would be held here in Medicine Bow on June 10. The last day for contract changes would be June 15, and the bid would be on June 22 and the bid award June 24. He requested the Council meet on June 24 to award the bid. He then reported on the Community Hall saying the electrical work was finished and all that needed to be done was hire a techno-person to come and plug in, make sure it worked, and teach someone here how to operate the equipment. Mayor Colman told him the upstairs double doors inside were broken.

**Ordinance 08-26-01** An Ordinance Amending Building Regulations and Codes, Section 26-Applications for Building Permits, and Repealing All Ordinances in Conflict Therewith was read by title for the third reading. Attorney MacPherson requested the ordinance be table because he was supposed to have had another version ready for tonight's meeting but was unable to have it ready. He apologized to the Council saying a legal matter came up that he had had to work on all weekend. A motion was made by Councilmember Kahl and seconded by Councilmember Chace to table the third reading until the May 24 meeting. The motion carried with all members present voting aye.

**Ordinance B-47 Second Reading—**Annual Appropriations Ordinance for Fiscal Year Ending June 30, 2011 was read by title. A motion was made by Councilmember Kahl and seconded by Councilmember Chace to approve the second reading of this ordinance. The motion carried with all members present voting aye.

**Resolution 2010-10—**A Resolution Approving the contribution by the Town of Medicine Bow to the Carbon County Council of Governments to be used Solely for the Educational and Informational Materials and Activities to be Funded from the Proceeds of the General Purpose Sales and Use Excise Tax was read by title. Mayor Colman said he personally thought it was a waste of money because Albany County was able to pass their 6<sup>th</sup> cent tax easily, and this was not a new tax. Councilmember Colman said she was on the committee and she had the amount reduced from \$1,000 to \$500. She said it would be spent to inform the public that it was for services currently ongoing and not for projects. Mayor Colman said the city of Rawlins was paying \$1,000 for losing \$2.3 million and if Medicine Bow paid \$1,000 it would be paying a higher percentage for what they would lose. Councilmember Kahl asked what would happen if the Town did not pay it. Mayor Colman said there would not be any money for flyers. Councilmember Colman said some of the services this tax funded were the museum, senior center, and health clinic. Troy Maddox asked if any other communities had decided not to pay and Councilmember Colman said none of them had decided that. Troy Maddox said the support of the Carbon County Council of Governments was critical now. Councilmember Kahl said they were trustworthy and would not blow the money. Councilmember Colman said it was likely all the money would not be needed. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to approve the resolution. The motion carried with all members present voting aye.

**CITIZENS PARTICIPATION "R" Addison** addressed the Council regarding the blowing silt from the new school construction project. He said previously he had come before the Council regarding the silt and now there was at least a foot of it as well as tumbleweeds trapped in the fence he had put up last year. He said because of his injuries, he needed to have someone clean it up, or at least, a container brought over to put it in. He also said the second thing was he wanted to know more about the turbines being put up by the Town. He wanted to know the output levels and wind speeds, asking that information be made available to the public. Town Clerk/Treasurer Heath said the output was supposed to be 2.5 kilowatts. Councilmember Colman said, regarding the school, that the problem would continue unless something was done. Utilities Commissioner George said the school district had ordered trees which were coming today

and they have placed sod around the building. Councilmember Colman asked about the mound of dirt. Utilities Commissioner George said it was to be used for the basketball court, and the chips would be used for the playground area. Mayor Colman said that any other construction project would have been required to have a fence or some kind of system to stop the blowing dirt and would have been fined if none was used. He requested Town Clerk/Treasurer Heath write a letter to the School District and explain the problem. He said they would hit them with the Nuisance Ordinance within 24 hours if they did not comply. "R" Addison then asked where the silt could be deposited. Councilmember Colman said that "silt" to her meant blown sand or dirt. "R" Addison said that was what he meant. Utilities Commissioner George said it could be dumped at the burn pit. Councilmember Kahl asked him to check if there were any more of the small green trash dumpsters that "R" Addison could use.

**John Pattee** of Tandan Sanitation introduced himself to the Council saying he ran Tandan Sanitation in Hanna. He said he had heard the Town of Medicine Bow might be interested in getting out of the trash business and selling the truck and dumpsters. He said he was interested and came to see what the Council might want to do. He said that the 96 gallon containers cost more but he preferred to use them because he felt they did not get so much junk in them. Councilmember Kahl asked if he had a proposal ready but he said he did not. Mayor Colman pointed out that Mr. Pattee's fee would be on top of what the town's customers were already paying. Councilmember Chace said that the problem was that people don't understand that the requirement to take the trash to Casper was a mandate from DEQ and the EPA and there was no choice in the matter. Lance Adams said he recommended the Town of Medicine Bow also lower its payments by 4% (as the Town of Hanna did) and put the difference in an account for the future. Councilmember Colman said that was a different thing. Mayor Colman said he needed to see a plan and some costs. John Pattee said he needed to find out what commercial rates were for the Town and also get an idea of the volume.

**STATUS REPORTS Utilities Commissioner George**—said there was a vacation request from Maintenance Operator Hamill for June 1-7. Mayor Colman asked him if Utilities Commissioner George was going to cover while he was out and Utilities Commissioner George said he would. Mayor Colman approved the request. Utilities Commissioner George then reported that Building Inspectors School would cost about \$695 for 30-50 hours and did not include meals or a hotel and was located in Englewood, Colorado. Councilmember Colman asked if he would be able to take any classes online and Utilities Commissioner George said it was all classroom work. He asked if he should schedule the class but the grant did not come through, how the town would pay for it. He said he was willing to do it if the Town moved forward on other things. Mayor Colman said they would also have to find an electrical inspector to inspect wiring. Councilmember Kahl asked if that was included in the course and Mayor Colman said that the State had decided only a journeyman electrician or above inspect wiring. Jim Colman said he was aware of two other members of the Planning and Zoning Commission who would be willing to do the course if Utilities Commissioner George could not. Town Clerk/Treasurer Heath suggested asking the Wyoming Business Council if Building Inspector Training met the requirements for the grant. Mayor Colman said it made sense to use the labor the Town already had. Councilmember Kahl said Utilities Commissioner George had already helped quite a bit at the Community Hall. She asked if he would be allowed to do private inspections and Utilities Commissioner George said according to the town employee manual he would be allowed to do them. Councilmember Chace asked about the status of the metering. Utilities Commissioner George said the meters were read but the battery died and could not be revived in time for the billing. He said the next day the readings were downloaded, and that if they took that and readings from the next three months through July a real first billing could be done the following month. Councilmember Chace asked how many months were required before a water survey could be done and he said six months of readings were needed. Councilmember Colman asked how long the Town was going to go if this did not work. She said this was the last band-aid for the system she was willing to do and asked what the plan would be. Councilmember Kahl asked if the meters could be read by hand. Utilities Commissioner George said that process took four days. Mayor Colman suggested that one of the summer employees go with Maintenance Operator Hamill to help him take readings. Utilities Commissioner George said he knew the meters were reading because they had gotten numbers. Councilmember Colman said they needed to get Caselle to talk to the system. Town Clerk/Treasurer Heath said that the software was now communicating but that was not the problem. Mayor Colman said the Town could use an Excel system and if this did not work they were not going to play with the Sensus Salesman Jeff Check's shit any longer if Jeff Check did not show up within 24 hours when we called. Utilities Commissioner George reminded them that this was an 8 year old system that wasn't implemented when bought. Councilmember Chace said the Mayor was right, and that the Town did not need to give Sensus 8 more months. Utilities Commissioner George spoke about the Summer Kids Program as sponsored by the Wyoming Workforce. He said there were more stipulations than they had been told; the income requirements would not allow them to hire some of the teens. Mayor Colman asked how many applications had been turned in and Town Clerk/Treasurer Heath said four and one with an application only because they did not want to fill out the income papers. Utilities Commissioner George said they had not sent the packets right away and they had not known to tell some of the kids they needed them. Mayor Colman said to hire all that qualified for the program. Councilmember Colman asked if the Maintenance Department was going to 2 day work weeks and Utilities Commissioner George said Maintenance Operator Hamill was not in favor of it. Mayor Colman said if he chose to do four ten hour days someone absolutely had to cover all the days. Utilities Commissioner George said if the Council agreed, he would not do that until after June 7 and end after Labor Day. Mayor Colman said he was willing to do that for Town Clerk/Treasurer Heath if Deputy Clerk/Treasurer Benefield could cover half days on Fridays in the afternoons. He said the office hours would be from 8am to 6pm without a lunch break. Town Clerk/Treasurer Heath said she would check with Deputy Clerk/Treasurer Benefield.

**Town Attorney MacPherson**—no report

**Medicine Bow Museum**—Town Clerk/Treasurer Heath said that Director Smith said the museum would open as usual on Memorial Day, possibly sooner. Director Smith also was gathering information for a grant.

**Medicine Bow Volunteer Fire Department**—Fire Chief Colman reported the Department had purchased a washing machine with county funds. He said there were new plates on Emergency-1, the new hoses had not yet arrived, and the Department responded to one call last month.

**High Country Joint Powers Board**—Councilmember Chace asked how the Town of Medicine Bow could cut back on their payments if the Town of Hanna cut back. She asked if there would be enough in the Board's savings accounts to operate the landfill. She said they still needed a transfer station, and no matter what happened, Medicine Bow was liable for a third of the cost of monitoring the landfill after it closed. Lance Adams suggested the Town keep the 4% in an account here for those purposes. He said the transfer station would be paid for in 5 payments instead of 3. Councilmember Colman said everything was based on the 2000 census and that would change since many feel the population has dropped since then. She asked when the next census would take effect and Town Clerk/Treasurer Heath said it would take effect next year. Councilmember Colman said the costs could go down according to the new census. Lance Adams said if the cost would be the same to operate it and the cost would be broken down by the population percentage of the total. He said the percentages might move around a little. Councilmember Colman said she has been in contact with the Town of Elk Mountain and said that they also feel the same; that Hanna won't pay their fair share when the time comes. She asked if the Town of Hanna did not pay their share if they would be in default of the agreement.

Mayor Colman said they would not be, but he said in reality, and this was nothing personal, that he could not see for the hours the landfill operated, why two bookkeepers were needed. That would save some money there, if in cold reality, the second bookkeeper was cut. Councilmember Kahl said that Councilmember Chace kept the landfill's books by herself when the populations were higher. Councilmember Chace said she did it for \$100 per month, and besides, she saw on the budget where Chris Moon was getting health insurance. Attorney MacPherson said that by majority vote, the Joint Powers Agreement could be changed. He said he needed to read the agreement again. Lance Adams said the Town of Hanna wanted to change the agreement. Councilmember Colman said it scared her that the Town of Hanna's attorney was looking at the agreement to change it. Lance Adams said the Town of Hanna alone could not change it. Councilmember Chace said she thought the Town of Medicine Bow should get out of it. Utilities Commissioner George said the town should go to private collection. Mayor Colman said the only way to go with a private collector was to close the landfill, monitor it, and dissolve the Board. He said after the trash was collected it would be the collector's problem. John Pattee said that was true; that once he collected it, the trash was his. Mayor Colman said he needed to see a proposal from John Pattee. He said it was not the Board he had problems with, but the bedfellows in the agreement. Councilmember Kahl said the Joint Powers had been asked to cut expenses. Councilmember Chace said she had made a motion to cut the bookkeeping down last December and the Board would not budge on that. Mayor Colman said if the Town of Hanna would do its job and enforce collections they would be able to pay their bills. Utilities Commissioner George said the Joint Powers Board is supposed to work for the communities it serves, but when the power shifts to the Board, it's the municipalities' faults. Councilmember Colman said they needed to go to the next meeting. Councilmember Chace said it was this Thursday at 4pm. Utilities Commissioner George said the Board was spending our money. Attorney MacPherson said the towns had political clout in that they appointed the representatives, who then ran the Board. Utilities Commissioner George said the Town could not support every special interest group, and if the Town had to cut its budget, so should the Board. Councilmember Chace said that in reality, what happened was the members of the Board showed up ready to go home and Chris Moon ran everything. Lance Adams said he still recommended reducing the Town's payment by 4% and putting that money into an account for later. He said everyone knows the transfer station is coming and the Board will pay for what it could with its savings and would bill the towns for the rest. Councilmember Colman said the buy-in with Casper should be done very soon or the price would go up. Town Clerk/Treasurer Heath suggested finding out if worse came to worst if the Board dissolved and it had paid the buy-in, could each town still dump there.

**Medicine Bow Planning and Zoning**—Chairman Jim Colman said that the Planning and Zoning Commission had taken in fees as part of the permitting process for the Conservation Resource Management building, and that there had been a gentleman's agreement that the CRM would provide inspections. He said they do not have an inspection process so the Commission recommended refunding the fees of \$1,033.62. A motion was made by Councilmember Chace and seconded by Councilmember Colman to refund the money. The motion carried with all members present voting aye.

**Medicine Bow Tree Board**—A letter of resignation from Lori Hunter was read by Mayor Colman, who accepted the resignation. A letter of recommendation to appoint Sarah Babbitt was read and Mayor Colman appointed her. A letter was read from Jim Chiro requesting to cut down a cottonwood tree which was on city property but was leaning over the house he had just purchased. He also cited the reason that the tree was blocking the intended driveway to the property. He said he had received a letter from the Tree Board stating the tree had been planted by the Lions Club and it was more than 80 years old. He wrote that he would donate trees for the Town to be planted next to the welcome signs, and pointed out that if any tree limbs should fall they would fall on his house and the Town would be held responsible. Councilmember Kahl asked where the tree was located and was shown pictures that had been enclosed in the letter. Jim Chiro's letter further stated that the tree was about 80 years old and the lifespan of a cottonwood was from 72-100 years, and in 20 years any tree he would donate to the town would grow significantly during that time. Mayor Colman said he had driven by that neighborhood in last week's windstorm and the Town was lucky that tree had not fallen or lost any limbs. Councilmember Chace said she had driven by there and looked at the tree, and that it was leaning over his house and that she did not think the Town had the right to tell people what to do with their yards. Jim Colman said it was not true that the tree was blocking the intended driveway, and there was plenty of room to drive around it without trespassing on the neighbor's property. A motion was made by Councilmember Kahl and seconded by Councilmember Chace to allow Jim Chiro to remove the cottonwood. The motion carried with all members present voting aye. Jim Colman then said that the Council should specify how many and what kind of trees Jim Chiro should donate to the Town and Mayor Colman said the letter specified two trees at each welcome sign and would likely be Blue Spruces. Jim Colman said the indigenous tree would be cut down and replaced with a non-native tree. Mayor Colman said Jim Colman was the person who when he was on the Tree Board said the State recommended not to plant cottonwoods. Councilmember Colman said if the tree blew down on the house, the Town would be liable. Lance Adams said that in the original agreement with WYDOT to place the welcome signs it might not state there would be trees placed, and if it wasn't stated, there would have to be another agreement made. Jim Colman said there were two other small trees in the alley that should be removed. At 9:12pm Mayor Colman called for a recess. The session resumed at 9:18pm.

## EXECUTIVE SESSION

At 9:18pm a motion was made by Councilmember Chace and seconded by Councilmember Kahl to go into Executive Session to discuss personnel. The motion carried with all members voting aye. At 9:49pm a motion was made to go back into General Session by Councilmember Chace and seconded by Councilmember Kahl. The motion carried with all members voting aye. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to accept the minutes of the Executive Session. The motion carried with all members voting aye. A motion was made by Councilmember Kahl and seconded by Councilmember Chace to have Councilmembers Chace, Kahl, and Marble oversee the Fire Department in matters that come before the Council. The motion carried with all members voting aye except Councilmember Colman who abstained because she was a member of the Fire Department. A motion was made by Councilmember Chace and seconded by Councilmember Kahl to hire the three teens who did not qualify for the Wyoming Workforce program for a summer temporary position. The motion carried with all members voting aye. 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 9:52pm. The motion carried with all members voting aye.

ATTEST:

BY: \_\_\_\_\_  
Kevin Colman, Mayor

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Town Clerk/Treasurer Karen R. Heath

