

MINUTES OF A REGULAR MEETING OF THE SARATOGA TOWN COUNCIL
HELD FEBRUARY 4, 2014, AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE
SARATOGA TOWN HALL

Mayor John Zeiger called the meeting to order.

The Pledge of Allegiance was recited. Members present were Councilman Mike McWain, Councilman Steve Wilcoxson, Councilwoman Susan Howe, and Councilwoman Judy Welton.

APPROVAL OF AGENDA: Councilwoman Welton made a motion to approve the agenda with the addition of a discussion on the dog pound under the Police Department report. Councilwoman Howe seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES: Councilwoman Welton made a motion to approve the minutes of the January 21, 2014 meeting as presented. Councilman Wilcoxson seconded and the motion carried unanimously.

APPROVAL OF THE BILLS: Councilwoman Welton read the following bills for approval: Accounts Payable: \$25,372.66; Payroll and FICA for 1/27/14 in the amount of \$57,204.46; and manual checks in the amount of \$52,818.25, for a total of \$135,395.37.

Councilman Wilcoxson made a motion to pay the bills in the amount of \$135,395.37. Councilwoman Howe seconded and the motion carried unanimously.

EXECUTIVE SESSION: Councilwoman Welton made a motion to go into executive session at 6:35 p.m. to discuss personnel and matters of litigation in accordance with W.S. 16-4-405(a) (ii) and (iii). Councilwoman Howe seconded and the motion carried unanimously.

Town Attorney Tom Thompson attended the executive session and Police Chief Thomas Knickerbocker and Fire Chief Randy Sikes attended a portion of the executive session. Councilwoman Howe made a motion to come out of executive session at 7:25 p.m. Councilwoman Welton seconded and the motion carried unanimously. Councilman McWain made a motion to seal the minutes from the executive session. Councilman Wilcoxson seconded and the motion carried unanimously. Mayor Zeiger reported there was no action taken.

CORRESPONDENCE: Mayor Zeiger read a letter from Cindy Bloomquist stating her concern that the Town of Saratoga has only paid back about two years of penalties when the charges have gone back many years. She stated in the letter that she believes that the council has never seen an overview print-out of the penalties collected over the last five to ten years and that there is no oversight by the Mayor or Council which is a significant failing in checks and balances. It was noted that she believes that there is secrecy and disinterest surrounding the decisions to return these misappropriated funds. Ms. Bloomquist stated she had sent many letters but the council had always refused to discuss these issues publicly because it involved Town personnel. If that reasoning is followed then one can't discuss publically problems with the water wells or sewer lines with Mr. Bartlett. Why should the budget or billing be any different? She asked why and who made the decision to return only a portion of the penalties.

Councilman Wilcoxson commented on the letter that was read stating that he respects her concerns but sometimes concerns are taken to the wrong people as with the water wells and sewer they are decisions made by the Joint Powers Board. Anytime she has brought problems to him he believes he has always addressed her concerns and has never put a wall up. He stated that he does take offense to being accused of being a part of a cover up and that we are dealing with inflated figures. Councilman Wilcoxson added that for at least two years we have charged only minimum rates which did not cover the water used for watering lawns and such. He noted that he understands that her concern is with the penalties but for one that pays his water bills like he does he doesn't have a problem with the penalties and if he was late on a payment he paid the penalties. If anyone has a problem

with penalties or if they believe that there have been issues they can come in and review their bills and adjustments will be made. Councilman Wilcoxson verified with Clerk Cox that those adjustments have been and will be made. He stated that he doesn't have a problem with Ms. Bloomquist's concerns but he does have a problem with it being said that he is part of a cover-up.

The question was brought up about how far back did the clerk go back and make adjustments.

Mayor Zeiger noted that the clerk went back to 2009 and made adjustments on the penalties that had been charged. The Mayor stated that the practice has always been that if someone would come in and make a substantial payment on a delinquent account the clerk would make an adjustment to the penalties and that practice started with previous clerks, mayors and councils. Is it possible that some may have been missed, of course that's possible, but if anyone has any concerns they are encouraged to come in.

Discussion continued with Ms. Bloomquist questioning who made the decision to go back only 5 years and yes, it was stated in the paper the amount of penalties charged and the amount of penalties adjusted, but that did not take care of every penalty that has been inappropriately charged. Stating that not everyone will look carefully at their bill to see if additional charges have been added and not everyone will come in and question the charges particularly the older citizens.

Councilwoman Welton responded that the paper has covered all of the council meetings and Ms. Bloomquist's comments have been in the paper, other comments have been covered, and all of these penalty issues have been noted in the paper. Councilwoman Welton stated that she doesn't believe anyone, except Ms. Bloomquist, has come in and wanted the town to go back five years and check to see if they have been charged penalties. If anyone has a concern they would not be turned away. There are other issues that are very critical to the town and we need to move on and put this behind us.

Clerk Suzie Cox responded by saying that she had pulled reports from as far back as the computer would allow plus other archived reports and anyone that had a penalty had an adjustment made. It was not just specific people whose accounts were reviewed. Additionally, there were very few of the older people who didn't pay their bills on time so there were very few adjustments that had to be made on them. In answering a question from Councilman Wilcoxson who asked if the reports and adjustments were made on everyone and not just specific people, there was no pick and choose as they were coming in, Clerk Cox responded by saying that the penalties have always been on the water bills. There were problems if the individual came in at the last minute to make a partial payment, on a delinquent account. The way that the computer would calculate the partial payments was difficult to understand and follow the payment, the adjustment made and penalty on the balance. The penalties have always been on the water bill and anyone who ever came in that was delinquent and talked to us about the bills, those adjustments were made, they have always been made.

Councilwoman Welton added that we have always tried to be a kind and gentler town than a big city. The clerk has always worked with people and if they have had a major problem, their water was never turned off because they hadn't paid their bill. Their bills have been adjusted, we've worked with them, and they were allowed to make payments. We have always done things that would not have been allowed if they were in a big city or other utility companies who would not have allowed the delinquencies to go on.

Glee Johnson stated that what bothered her since these issues came up was that it was interest that was being charged and it was not listed as penalties and the town had to amend the ordinance so that the town could forgive *the interest*. The penalty clause in the ordinances was very small, even with the new ordinance where the town has gone ahead and changed the penalty in it she believes people get confused with the terminology. Mrs. Johnson noted when they first went to the Joint Powers Board with this issue, they kept referring to it as a penalty when it was interest on a delinquent bill, it was not just the five dollar penalty that was on the bill, it was an interest problem.

(clerk's note: the original ordinance read as follows: 13.60.010 (C) Accounts will not be prorated and unless otherwise provided by town code, real property benefitting from services for a portion of a month shall pay the entire month's fee. Charges for services are due by the fifteenth of the month immediately following the month in which the services were provided. A *late charge* of one dollar and twenty-five cents per service will be charged on the fifteenth day of each month that the bill remains delinquent. Upon a bill, or any portion thereof, becoming sixty or more days delinquent, the following additional provisions shall apply:

The amended ordinance is as follows:

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING that Saratoga Municipal Code -- Section 13.60.010 (C), shall be amended after passage and publication and shall read as follows:

(C). Accounts will not be prorated and unless otherwise provided by town code, real property benefitting from services for a portion of a month shall pay the entire month's fee. Charges for services are due by the fifteenth of the month immediately following the month in which the services were provided. A *late charge* of Ten Dollars (\$10.00) shall be charged on the fifteenth day of each month that a bill remains delinquent. A bill shall be delinquent if the entire bill is not paid in full. Upon a bill becoming sixty or more days delinquent, the following additional provisions shall apply:

All other portions of said ordinance 13.60.010, including subsections (C) 1 through (C) 5, not specifically amended shall remain in full force and effect, and

(clerk's note - the original ordinance read as follows: 13.60.010 (6)

6. The governing body of the town of Saratoga, upon affirmative majority vote, may waive *interest* due and owing from a property owner or consumer when the waiver of said *interest* is deemed to be in the best interest of the town of Saratoga. The ability to waive interest for any given consumer or property owner shall be at the sole discretion of the governing body. (Ord. 741, 2005; Ord. 614, 1996; Ord. 601 § 1, 1996; Ord. 520 (part), 1988)

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING that Saratoga Municipal Code -- Section 13.60.010 (C)(6), shall be amended after passage and publication and shall read as follows:

6. The governing body of the Town of Saratoga, upon affirmative majority vote, may waive late charges due and owing from a property owner or consumer when the waiver of said *late charges* shall be in the best interest of the Town of Saratoga. The ability to waive late charges due and owing from any given consumer or property owner shall be at the sole discretion of the governing body.

All other portions of said ordinance not specifically amended shall remain the same.

REPORTS FROM DEPARTMENTS:

Town Hall: Clerk Suzie Cox reported that the town had received a letter from the Department of Revenue stating that the Town of Saratoga was found to be Compliant for the tax year 2014 under Wyoming Law.

Clerk Suzie Cox reported that a Resolution was received from Wyoming Surplus Property which names those individuals authorized by the town council to be eligible to acquire surplus property. This is done on a yearly basis and those individuals generally authorized as representatives are the DPW Supervisor, the Chief of Police and the Fire Chief.

Mayor Zeiger read the Resolution and requested that the council consider naming Chuck Bartlett, DPW Supervisor, Tom Knickerbocker, Police Chief, and Randy Sikes, Fire Chief, as the authorized individual to purchase surplus property for the Town of Saratoga.

Councilwoman Welton made a motion to authorize Chuck Bartlett, Tom Knickerbocker and Randy Sikes to purchase surplus property. Councilman Wilcoxson seconded and the motion carried unanimously.

Fire Department: Fire Chief Randy Sikes addressed the council and requested permission to order a number of items to outfit the new fire truck. The items included hoses, nozzles, a strainer and monitor at a cost of approximately \$9,749 plus shipping.

Councilwoman Howe made a motion to approve the purchase of equipment for the new fire truck in the amount of approximately \$9,749. A discussion followed with Treasurer Joe Elder reviewing the fire department budget and the availability of funds. Councilman McWain seconded the motion and the motion carried unanimously.

Police Department: Councilwoman Welton reported that she and Mayor Zeiger had accompanied Officer Bifano to the dog shelter after she had received complaints that there had been two dogs that were kept in the facility for a number of months and the conditions were very unsatisfactory. Councilwoman Welton added she understands that the animals are generally kept in the shelter for a short time until the owners can be contacted or until someone will adopt the animal. Councilwoman Welton also noted that Rescue Me Dog would like to become involved again by taking care of the animals when they are brought in. They would also like to help by assisting with cleaning the shelter, providing food for the animals and walking the animals. Councilwoman Welton would like to set up a meeting between the parties to see if we can come up with a workable plan.

Attorney Tom Thompson cautioned the council concerning the walking of the animals where the public would be tempted to interact with one of the animals and the potential for someone to be bitten by the animal is a concern. Councilwoman Welton noted that the individuals would be only walking the animals within the confines of the shelter area.

There are a number of items that need to be repaired at the shelter, flaps on the exits to the kennel area, cleaning around the kennel would allow for easier cleaning and maintenance, and a new heater will be installed as soon as possible.

It was discussed that the animals that were being kept in the shelter for an extended time were animals having been taken from the defendant and deemed as vicious by the judge in municipal court. The case was extended by a number of delays and until the case was resolved the animals could not be released. The case having been settled after nearly four months, the animals were put up for adoption and then released from the shelter.

Chief Tom Knickerbocker reported to the council that he has completed the TIPS trainer course and has received his certification as a trainer and he will be receiving his trainer kits in the near future. Chief Knickerbocker added that he has contacted the owners of licensed establishments and they are all very supportive of having their bartenders and servers attend the TIPS classes. He will be able to offer a number of training classes, bartender and server certification, event training, and senior training. Currently his commitments exceed class size and he will be offering two trainings to provide for the establishment owners who have committed their employees to the class.

Recreation Department: Recreation Director Lisa Burton provided the council with the February schedule of events for the recreation department.

Department of Public Works:

- Street Department: Chuck Bartlett reported that the street crew has been snow plowing and replacing signs and the saw mill signs have been installed.

Chuck Bartlett requested permission to order additional street signs to replace the street signs that are either missing or unreadable at a cost of approximately three thousand dollars (\$3,000). Additionally the state will be mandating high density signs in the near future and we will need to begin replacement of the old signs to meet WYDOT requirements. The signs will be ordered over a three month period to reduce the immediate impact on his budget.

Councilman Wilcoxson made a motion to allow Chuck to purchase street signs in the amount of approximately \$3,000. Councilwoman Welton seconded and the motion carried unanimously.

- Water & Sewer: Chuck Bartlett reported that the water/sewer crew has been checking water meters and working in the shop.

Mayor Zeiger reported that Chuck Bartlett had addressed, in writing, questions raised by Glee Johnson at the last council meeting. Mayor Zeiger read the report which included a graph, aerial views and a location map depicting the location of the proposed outflow project. The report was passed around to the audience for review.

The report indicated that Mrs. Johnson had inquired why the town did not discuss a ten acre evaporation lagoon in lieu of installing a pipe to the North Platte River.

The report noted that the project is done by the Town of Saratoga Carbon County Joint Powers Board as owners of the system and an evaporation plan was one of the options looked at by them. The report also indicated:

- The existing system consists of a three cell aerated lagoon system with a surface area of 7.8 acres.
- Effluent flow for the past six years has ranged from 96 million gallons to 236 million gallons, with an average of 132 million gallons per year.

- A lagoon approximately 81 acres in size would be needed for containment of one year's worth of flow assuming a five foot depth and three feet of freeboard.
- If we have flows like we did in 2011 and the evaporation pond was based off of the 2011 flows being 236,000,000 gallons, a 145 acre lagoon would be needed (approximately one-half the size of the Saratoga Lake).
- These lagoons would need to be lined and construction costs would be higher than the proposed alternative and we do not have sufficient land to construct this system.
- The proposed option was approved by both DEQ and EPA (Additional information can be obtained from the Town Hall).

Mrs. Johnson expressed her disappointment that she seemed to be singled out for her comment about the evaporation pond at the last council meeting. She stated that she was offended by the reaction when she compared the installation of the pond system at Sinclair, which she is very knowledgeable about, and when she brought that up she was not saying that the town had made a terrible decision, but that maybe there were other systems that could have been considered. She stated that she is knowledgeable about these systems and that she understands the area that it would take for our system and the size of our sewer system. She then stated her disappointment in Mr. Bartlett for bringing this to the council.

Councilman Wilcoxson addressed Mrs. Johnson and stated that he had requested that Mr. Bartlett address the question that was brought before the council at the last meeting so that it could be discussed.

Mrs. Johnson reiterated that she had only brought the question up about the evaporation ponds to see if the council had explored any other ideas before making a decision on the project and she was upset to be singled out with her questions.

Councilwoman Welton and Councilman Wilcoxson expressed their opinions that they did not take the response in the report as being stated to offend anyone and the discussion ended without any action being taken.

- **Weed and Pest:** Chuck Bartlett requested permission to advertise for summer help and asking to hire three weed technicians. Councilwoman Welton made a motion to allow Mr. Bartlett to advertise for summer help. Councilman Wilcoxson seconded and the motion carried unanimously.
- **Hot Pool:** Chief Knickerbocker explained that although the cameras are working at the hot pool the reports are not being transmitted to his office at this time, but they are working on the software to correct those issues.

REPORTS FROM BOARDS AND COMMISSIONS:

Airport Board: Mayor Zeiger reported that a public hearing had been held prior to the council meeting and that Michael Haak, Planner for Aeroland Planning, LLC presented the airport master plan. Mayor Zeiger asked if there were any questions or comments that the public would like to bring forth.

David Worthington thanked Mr. Haak for the presentation and his valuable work on the project noting that he hopes that the airport and airport board will use it to make improvements at the airport.

Michael Haak reported that he had presented nine documents to the Mayor which require approval of the council with permission for the Mayor to sign. The documents include the following:

- Letter to John Sweeney – FAA Administration requesting review and comments on the Master Plan.
- Four (4) copies of the Application for State Airport Aid—SAA-05B on the reconstruction of the remaining portion of Taxiway B which is contiguous to the aircraft parking apron-reconstruction of a portion of the east hanger access taxiway (Taxiway #1), all of the west

hanger access taxilane (Taxilane #2), mill and overlay Taxiway C between Taxiways A & B in the amount of \$49,757.

- Four (4) copies of the Application for Federal Assistance SF-424 for the above described a/k/a south apron taxiway (Taxiway B), taxiway C, and hanger access taxilane project in the amount of \$746,348.
- The portion budgeted by the town is the amount of \$33,171 for a total project cost of \$829,276.

Councilman Wilcoxson made a motion to approve the letter to John Sweeney with permission for the mayor to sign, Councilwoman Howe seconded and the motion carried unanimously.

Councilwoman Welton made a motion to approve the Application for State Airport Aid in the amount of \$ \$49,757 with permission for the mayor to sign, Councilman Wilcoxson seconded and the motion carried unanimously.

Councilwoman Welton made a motion to approve the Application for Federal Assistance in the amount of \$ \$746,348 with permission for the mayor to sign , Councilman Wilcoxson seconded and the motion carried unanimously.

Community Center Joint Powers Board: Councilwoman Welton noted that seven very good resumes had been received for the Executive Director position and the board would be doing interviews this week.

The next meeting will be held February 17, 2014 at 4:00 p.m.

Water and Sewer Joint Powers Board: The next meeting will be held February 12, 2014 at 6:00 p.m.

Landfill Board: The next meeting will be held February 5, 2014 at 7:00 p.m. in Saratoga.

Medical Board: no report

Planning Commission: The next Planning Commission meeting will be February 11, 2014 at 5:30 p.m.

Recreation Commission: The next meeting will be in February 10, 2014 at 5:00 p.m.

Community Garden Board: Cindy Bloomquist noted that the next Garden Board meeting will be on March 10, 2014.

South Central Emergency Services Board: no report

Items from the Public: Tasha Worthington thanked Glee Johnson and Cindy Bloomquist for doing research on these subjects and taking them to the council for answers. Additionally she stated that it was good that the town was visually and audio recording meetings but she would like them streamed to the public so they would be available for everyone.

Jennifer Hamilton thanked the council for her appointment to the airport board and the council in turn thanked her for her interest in that board.

Adjournment: Being no further business to come before the meeting, Councilwoman Welton made a motion to adjourn, seconded by Councilwoman Howe and the meeting was adjourned at 8:25p.m.

The next regular meeting of the Saratoga Town Council will be held February 18, 2014 at 6:00 p.m. in the Council Chambers of the Saratoga Town Hall.

Mayor John Zeiger

ATTEST:

Suzie Cox, Clerk