

MINUTES OF A REGULAR MEETING OF THE SARATOGA TOWN COUNCIL
HELD JULY 15, 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 as presented. Councilwoman Howe seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES: Councilwoman Welton made a motion to approve the minutes of the July 1, 2014 meeting as presented. Councilman McWain seconded and the motion carried unanimously.

APPROVAL OF THE BILLS: Councilwoman Welton read the following bills for approval: Accounts Payable: \$151,876.81; Payroll and FICA for 7/14/14 in the amount of \$68,976.07; and manual checks in the amount of \$64,103.39, for a total of \$284,956.27.

Councilman McWain made a motion to pay the Prairie Dog Electric bill in the amount of \$174.92. Councilwoman Welton seconded and the motion carried. Councilwoman Howe declared a conflict and abstained.

Councilwoman Welton made a motion to pay the remaining bills in the amount of \$284,781.35. Councilwoman Howe seconded and the motion carried unanimously.

CORRESPONDENCE: Mayor Zeiger noted that a letter had been received from Leon Hetherington which was also published in the Saratoga Sun. Mayor Zeiger asked Mr. Hetherington if it was necessary to read the letter Mr. Hetherington responded that it was not necessary to read it.

Mayor Zeiger also noted a letter had been received from Glee Johnson also addressing the franchise fee.

REPORTS FROM DEPARTMENTS:

Town Hall: Mayor Zeiger stated that after visiting with business owners and listening to their concerns about instituting a franchise fee in the renewal of the franchise agreement with Carbon Power and Light, and following his conversation with the Manager of the saw mill who indicated that they may not be able to make improvements and expansion for a pellet plant if they will have to pay the increase that CP&L has threatened to initiate if the franchise fee is passed. Additional concerns were noted from other business owners and private citizens concerning CP&L's expected increase. Noting those concerns Mayor Zeiger stated that he would like to see the suggested 4% franchise fee removed from the Franchise Agreement with the sitting council after two years being able to review the franchise agreement to see if they want to make changes at that time.

Councilwoman heartily agreed with the removal of the 4% franchise fee at this time. Councilman Wilcoxson indicated that he also agrees the fee should be withdrawn at this time following concerns that were discussed with him. Although he supports the franchise fee his conversations with his constituents indicate that the public does not support it at this time.

Mayor Zeiger added that the Franchise Agreement with CP&L will be a ten year agreement that will allow for the franchise fee being revisited in two years.

Mayor Zeiger read the intent of Ordinance 827, An Ordinance of The Town of Saratoga, Wyoming, Granting a Nonexclusive Franchise to Carbon Power & Light, Inc., A Wyoming Corporation, for the Construction, Maintenance, and Operation of an Electric Utility System and Repealing in Their Entirety All Previous Ordinances in Conflict Herewith, and asked for comments from the public. Noting those comments and thanking the individuals for their comments Mayor Zeiger asked for a motion on Ordinance 827, on first reading.

Councilwoman Welton made a motion to approve Ordinance 827, An Ordinance of the Town of Saratoga, Wyoming, Granting a Nonexclusive Franchise to Carbon Power & Light, Inc., A Wyoming Corporation, for the Construction, Maintenance, and Operation of an Electric Utility System and Repealing in

Their Entirety All Previous Ordinances in Conflict Herewith, on first reading. Councilman McWain seconded and the motion carried unanimously.

Councilwoman Welton made a motion to place Ordinance 827 on the website rather than read the eleven page document at this time. Seconded by Councilwoman Howe the motion carried unanimously.

Mayor Zeiger read the Special Event Applications submitted by Chris Shannon: Blind Dog Night scheduled for August 22, 2014 from Noon until 10:00 pm at the Yard, noting all requirements have been met and all signatures were included.

Councilman McWain made a motion to approve the Special Event Applications submitted by Chris Shannon for Blind Dog Night scheduled for August 22, 2014 from Noon until 10:00 pm. Councilman Wilcoxson seconded and the motion carried unanimously; and

Mayor Zeiger read the Special Event Applications submitted by Chris Shannon: Paws in the Yard, a fundraiser for the Wyoming Basset Hound Rescue on August 23, 2014 from Noon until 10:00 pm at the Yard, noting all requirements have been met and all signatures were included.

Councilman McWain made a motion to approve the Special Event Applications submitted by Chris Shannon for Paws in the Yard, a fundraiser for the Wyoming Basset Hound Rescue on August 23, 2014 from Noon until 10:00 pm. Councilman Wilcoxson seconded and the motion carried unanimously.

Fire Department: No report

Police Department: Chief Knickerbocker reported the following:

The first planning meeting for the National Night Out had been held the previous evening and another planning meeting is scheduled for July 28th at 6:00 pm with the National Night Out event planned for August 5, 2014.

The Concessionaire TIPS training is scheduled for July 21st beginning at 8:00 am at the Community Center; and

The Wyoming Highway Patrol has donated seven light bars to the Saratoga Police Department, of those seven, five will be used by the Town of Saratoga and two will be given to the Town of Encampment.

Recreation Department: Director Burton reviewed the upcoming events:

- Kids Art Camp scheduled for July 14th thru 16th has nineteen participants signed up
 - Adult Pottery Class scheduled for July 14th had eight participants
- There will be a free swim day on July 20th

Department of Public Works:

- Street Department: Chuck Bartlett reported that the street crew is installing the sprinkler system at Good Times Park and will be preparing to pave during the last week of July through the first week of August.
- Water & Sewer: Chuck Bartlett reported that the water and sewer crew is flushing hydrants and making repairs to the hydrants as necessary
- Weed and Pest: Chuck Bartlett reported that they will be fogging four nights a week and have two more aerial spraying to do as the weather permits.
- Hot Pool: No Report

REPORTS FROM BOARDS AND COMMISSIONS:

Airport Board: Mayor Zeiger reported that the letters of interest were set aside until the next meeting to give the airport board a chance to review and discuss the letters of interest. The next meeting of the airport board is scheduled for July 22, 2014 at 6:30 p.m. at the Saratoga Town Hall.

Community Center Joint Powers Board: The next meeting of the Community Center Joint Powers Board will be held Monday, July 21, 2014 at 4:30 p.m.

Water and Sewer Joint Powers Board: Mayor Zeiger read the Specific Purpose Tax Reimbursement Requisition 2014-46 in the amount of \$15,135.07 for reimbursement of costs to the water projects which will require permission for the Mayor to sign.

Councilwoman Howe made a motion to approve Requisition 2014-46 in the amount of \$15,135.07 for reimbursement of costs to the water projects with permission for the Mayor to sign. Councilman Wilcoxson seconded and the motion carried unanimously.

Mayor Zeiger read a letter requesting reappointment the Water and Sewer Joint Powers Board from Donnie Price whose term expired on July 1, 2014.

Councilman McWain noted that he would prefer to advertise for the position to see if anyone else is interested in the position. Clerk Cox will advertise the position and the council will readdress the appointment at the next council meeting.

The next meeting of the water and sewer joint powers board will be Wednesday, July 9, 2014 at 6:00 p.m.

Landfill Board: Richard Hodges noted that the 1st truck for this year went out and that the landfill is now shipping the recycling to Utah and that they are accepting glass at this time.

The next meeting will be Wednesday, August 2, 2014 at 7:00 p.m. in Encampment.

Medical Board: No report

Planning Commission: Mayor Zeiger read a letter of resignation from Rod Weinman resigning his position on the Planning Commission.

Councilwoman Welton made a motion to accept Mr. Weinman's letter of resignation from the Planning Commission with regret. Councilman Wilcoxson seconded and the motion carried unanimously.

Clerk Cox will write a letter to Mr. Weinman thanking him for his dedication and support to the Planning Commissions.

Mayor Zeiger read a letter of interest submitted by Thomas Knickerbocker for appointment to the Planning Commission.

Councilman Wilcoxson made a motion to appoint Thomas Knickerbocker to the Planning Commission for a five year term. Councilwoman Welton seconded and the motion carried unanimously.

The Planning Commission's next meeting will be Tuesday, August 12, 2014 at 5:30 p.m.

Recreation Commission: The next meeting will be Monday, August 4, 2014 at 5:00 p.m.

Community Garden Board: Christy Bloomquist addressed the council and requested permission to purchase two solar fans for the greenhouse at a cost of approximately \$700. She had discussed the purchase of the fans with Clerk Cox, Chuck Bartlett and Kent Smith explaining that the purchase of the fans would complete the obligations of the Department of Agriculture Grant and the remaining reimbursement could be requested and the grant closed.

Councilman McWain made a motion to allow the purchase of two solar fans for the community garden. Councilwoman Welton seconded and the motion passed unanimously.

South Central Emergency Medical Services: No report

Items from the Public: Mayor Zeiger asked if there were any items from the public and Royce Kelly responded by saying that he had been in court the day before and during that time it was noted that a member of the planning and zoning committee had told Andy VanTol that he did not need to get a Special Use permit to operate a home business. Mr. Kelly would like to have the town research that future actions are done properly.

Comments were made by the public concerning the operation of a home business occupation and the use of a computer for personal business.

Attorney Tom Thompson stated if you are working home on a computer for your business it is not the intent to classify that as a home occupation. The home occupation issue is being reviewed and is being addressed as to what defines a business conducted at home. That type of use does fit the home occupation as the ordinance indicates. The Planning Commission is reviewing that and trying to provide some clarity to what defines a home occupation. The question under the current home occupation ordinance is who requires a special use permit and who does not.

Councilman Wilcoxson indicated that the Planning Commission is working on a process to change that part of the ordinance. Currently the committee has put the home occupation ordinance on hold until the master plan is addressed. However if there is no change in the law, as it is written, or you recommend a moratorium which is done by the council, then you have to enforce the laws as they are on the books. As stated in the ordinances, a home occupation is any use for gain or support carried on within a dwelling in a residential district only by the occupants thereof. If you use your home to earn money, then that is a home occupation and you are required by the ordinance to get a special use permit and until those laws are changed, they need to be enforced.

Tom Thompson explained the issues created by having the ability to operate a home occupation in any residential district. If the town becomes aware of a home occupation that is being conducted and they require citizen A to get a special use permit and they ignore what is being done by citizen B then that is not a uniform application of that ordinance. The council can be required, through "writ of mandamus", to enforce the ordinances upon everyone and if they are not going to do that then there should be a moratorium that occurs in regards to the home occupations until the master plan comes out.

Chris Shannon stated that the planning commission has been working on the home occupation ordinances and they had approved and submitted their suggested changes to Tom Thompson, it has since been sent back to the commission for additional review.

Cindy Bloomquist encouraged the council to look at imposing a moratorium on home occupations by Resolution until the master plan is developed.

Additional discussion followed but no action was taken.

EXECUTIVE SESSION: Councilwoman Welton made a motion to go into executive session at 6:56 p.m. to discuss matters of litigation in accordance with W.S. 16-4-405(a) (ii) and (iii). Councilwoman Howe seconded and the motion carried unanimously.

Attorney Tom Thompson and Chuck Bartlett were asked to join the council in executive session.

Councilwoman Welton made a motion to come out of executive session at 7:21 p.m. Councilman McWain seconded and the motion carried unanimously.

Councilwoman Howe 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.

Adjournment: Being no further business to come before the meeting, Councilwoman Welton made a motion to adjourn. Councilman McWain seconded and the motion carried unanimously.

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

Mayor John Zeiger

ATTEST:

Suzie Cox, Clerk