

MINUTES OF A REGULAR MEETING OF THE SARATOGA TOWN COUNCIL
HELD JULY 1, 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 and Councilwoman Susan Howe. Councilwoman Judy Welton was absent from the meeting.

APPROVAL OF AGENDA: Councilman Wilcoxson made a motion to approve the agenda with the change of Correspondence to be replaced by an Executive Session. Councilwoman Howe seconded and the motion passed unanimously.

APPROVAL OF THE MINUTES: Councilwoman Howe made a motion to approve the minutes of the June 17, 2014 meeting as presented. Councilman McWain seconded and the motion passed unanimously.

APPROVAL OF THE BILLS: Mayor Zeiger read the following bills for approval: Accounts Payable: \$113,243.28; Payroll and FICA for 6/30/14 in the amount of \$82,735.70; and manual checks in the amount of \$231.33, for a total of \$195,978.98.

Councilman McWain made a motion to pay the Prairie Dog Electric bill in the amount of \$295.25. Councilman Wilcoxson seconded and the motion carried. Councilwoman Howe declared a conflict and abstained.

Councilwoman Howe made a motion to pay the remaining bills in the amount of \$195,683.73. Councilman Wilcoxson seconded and the motion passed unanimously.

EXECUTIVE SESSION: Councilman Wilcoxson made a motion to go into executive session at 6:05 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.

Town Attorney Richard Rideout was asked to attend the executive session.

Councilman Wilcoxson made a motion to come out of executive session at 6:28 p.m. Councilwoman Howe 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.

REPORTS FROM DEPARTMENTS:

Town Hall: Town Attorney Richard Rideout addressed the council and not compromising any discussion that was had in executive session he gave a brief summary of the litigation with Randy Stevens.

The current status of the litigation is that the three separate pending actions have been consolidated for trial that is currently set for mid August of this year before Judge Waldrip. The three actions in summary were the following: the initial one that was commenced by the town against Mr. Stevens back in 2009 with the construction of a retaining wall that violated the town ordinances; that piece of litigation resulted because of mediation in the consent decree that was entered into in June of 2010, subsequently confirmed by the court in an order in March of 2011. Subsequent to that, the agreement of the parties, unfortunately the construction was not able to be completed because of an impediment to the grading of the alleyway and grading of the property, specifically a container that was placed adjacent to the alleyway on Mr. Steven's property that precluded, for safety reasons, any further grading of the property along that line. At one point in time, as the council was aware, the town ended up going back to court to force an action. There was an agreement with Mr. Stevens on how to resolve that issue by the town agreeing to build a ramp and then move the container to a location close to the end of his property to the west. Unfortunately that agreed upon location turned out to be WYDOT property and the town was not able to complete that relocation. The container remains where it is currently and the dirt ramp that the town installed has been removed and for all intense and purposes at this point it is fair to say that particular action and the understanding that was codified in the consent decree is at a standstill.

Subsequent to that Mr. Stevens filed two separate law suits; one on behalf of the trust; and one on behalf of Quality Landscape, entities that he is principal in, claiming that the town has trespassed, has committed a nuisance and is negligent in the performance of their obligations under the consent decree, that the town has inversely condemned his property and also that the town has taken his property without due compensation, and a breach of contract, all as a result of the activities the town took pursuant to the consent decree. Those were the cases that were consolidated; the original suit that was initiated by the town to enforce the zoning ordinances has been stayed pending resolution of the other two cases.

Throughout this period of time we have endeavored, in the direction of the town, to discuss with Mr. Stevens trying to work out a resolution, not only on the original action, but the two that have subsequently commenced. The town will endeavor, in good faith, pursuant to the direction of the Mayor and Council, to negotiate with Mr. Stevens in an effort to resolve this issue as expeditiously and as economically as possible. This has been a considerable imposition on the town's finances and he (Attorney Richard Rideout) has been trying to limit the costs imposed by our obligations. It would be helpful to have some cooperation from the other side and if we can do that then perhaps we can get this resolved.

Mr. Rideout and Mayor Zeiger asked if there were any questions, and being none Mr. Rideout was thanked for presenting the update on the litigation.

Chamber Director Stacy Crimmins addressed the council and reviewed the Special Event Application submitted for the Steinley Cup Festival planned for August 16, 2014 at Kathy Glode Park from 1:00 pm to 5:00 pm. The application included all appropriate attachments and signatures.

Councilman McWain made a motion to approve the Chamber's Special Event Application for the Steinley Cup Festival planned for August 16, 2014 at Kathy Glode Park. Councilman Wilcoxson seconded and the motion carried unanimously.

The Special Event Applications to be submitted by Chris Shannon will be brought back at the next council meeting to allow Mr. Shannon additional time to get the appropriate signatures on the applications.

Fire Department: No report

Police Department: No report

Recreation Department: Director Burton reviewed the upcoming events:

- Spike Volleyball – July 9th and 10th at the high school with twenty-six currently registered
- Kids Art Camp – July 14th thru 16th
- Adult Pottery Class – July 14th
- British Soccer Camp – July 21st thru the 25th
The second round of swim classes start July 7th with approximately twenty signed up at this time

Department of Public Works

- Street Department: No Report
- Water & Sewer: No Report
- Weed and Pest: No Report
- Hot Pool: No Report

REPORTS FROM BOARDS AND COMMISSIONS:

Airport Board: Mayor Zeiger reported that the two letters of interest and one additional letter expected were set aside until the next meeting to give the airport a chance to review and discuss the letters of interest.

Clerk Suzie Cox presented reimbursement requests for the new Taxiway /Taxi Lane project at the Saratoga Airport. Request #1 for grant # 3-56-0026-23 is a request for reimbursement for federal funds in the amount of \$36,164.00 and will require permission for the Mayor to sign; Request #1 SAA-05B Grant 3091 is for reimbursement for state funds in the amount of \$2,410.00 which will require permission for the Mayor to sign. The town's portion of the project will be \$1,608.50 and also attached is the Sage Engineering summary of work performed and billing in the amount of \$38,574.00 for preliminary design work, design and bidding, and the Construction Contract Administration on the Taxiway/Taxilane Project. Also included is the Certificate of State Grant-In-Aid that will require permission for the Mayor to sign. Mayor Zeiger read each reimbursement for Council action.

Councilman Wilcoxson made a motion to approve Request #1 for grant # 3-56-0026-23 for federal funds in the amount of \$36,164.00 will permission for the Mayor to sign. Councilman McWain seconded and the motion carried unanimously.

Councilman Wilcoxson made a motion to approve Request #1 SAA-05B Grant 3091 for state funds in the amount of \$2,410.00 will permission for the Mayor to sign. Councilman McWain seconded and the motion carried unanimously.

Councilman Wilcoxson apologized for missing the Airport Board meeting because of medical issues that made it impossible for him to attend.

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

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

Medical Board: No report

Planning Commission: The Planning Commission's next meeting will be Tuesday, July 8, 2014 at 5:30 p.m.

Recreation Commission: The next meeting will be Monday, July 14, 2014 at 5:00 p.m.

Community Garden Board: Christy Smith, expressing the Board's appreciation, thanked the town crews for finishing the greenhouse.

Ms. Smith addressed the council with an update on the activities at the community garden and presented the council with a financial report for their review, which included an in-kind donation table that will be revised and updated, and a progress report for the \$6,000 grant from the Department of Agriculture. The Progress Report and Request for Reimbursement will require a letter to be signed by the Mayor and approved by the council before it can be submitted. Christy Smith indicated that she will draft the letter for the Mayor's signature and will bring it back to the council for approval and permission to submit.

The Council thanked the Garden Board for their efforts and encouraged them to proceed.

South Central Emergency Medical Services: No report

Items from the Public: Mayor Zeiger reported that a letter was received from Richard Hodges and the Mayor asked Mr. Hodges if he would like the letter read in its entirety to which Mr. Hodges indicated that it was not necessary to do so.

Mr. Hodges explained the letter questioned the town's stand on bicyclist camping in town parks or undeveloped public property. With the only camping allowed at the Saratoga Lake Campground, he believes it is unfair to expect bicyclists to ride an additional two miles to the lake for camping. He would like to see the town permit camping at the hot pool Good Times Park or anywhere else that is undeveloped public property. However, he believes that the hot pool area is better because they have access to the pool and showers and restrooms. Discussion followed and the ordinance was reviewed and it was noted that the ordinance might well have to be amended to allow this activity.

Councilman Wilcoxson addressed the council with his concerns about the hot pool Good Times Park area being used as a campground because he believes that the city parks are being provided for visitors and family enjoyment and not for camping and the many issues that type of activity might bring to the community.

Chamber Director Stacy Crimmins indicated that she and others have been having ad hoc meetings to discuss that issue wanting to come up with suggestions to take to the town council. After some discussion it was noted that these suggestions would take careful consideration.

Mr. Hodges then apologized for comments he had made during previous council meetings and assured the council that he did not mean to offend anyone.

No decision was made and the council thanked Mr. Hodges for his letter and comments.

Councilman McWain stated that reviewing the ordinance he believes that the council would not have to change the ordinance but that they could give permission to any of the churches if they would provide camping on their property for travelers.

Adjournment: Being no further business to come before the meeting, Councilman McWain made a motion to adjourn at 7:05 pm. Councilman Wilcoxson seconded and the motion carried unanimously.

The next regular meeting of the Saratoga Town Council will be held on July 15, 2014 at 6:00 p.m. in the Council Chambers of the Saratoga Town Hall.

Mayor John Zeiger

ATTEST:

Suzie Cox, Clerk