

## RECORD OF PROCEEDINGS

### THE REGULAR MEETING OF THE ELK MOUNTAIN TOWN COUNCIL WAS HELD MONDAY, NOVEMBER 14, 2011, IN THE TOWN HALL COMPLEX

- CALL TO ORDER: Mayor Irene called the meeting to order at 6:40 P.M. The Pledge of Allegiance was recited. Roll call was taken, Council Members present were:  
Cm. Morris Booth  
Cm. Ken Casner  
Cm. Angie Hobbs  
Mayor Morgan Irene  
Cm. Janeen Jones  
Also present:  
Linda Crane, Clerk/Treasurer, Pat Eastman & John Larsen, Public Works,  
Bill Sherwood, Fire Chief
- CITIZENS/VISITORS: Keith Haskins, PMPC, Joyce Menke, HCJPB, Bob Johnson, Peg Johnson, Al Santilli, Kimberly Irene, Melisa Henderson, April Richards, Aspen Moon, Chris Strauch, Robert Meyer,
- APPROVE AGENDA: Addition of the HEM Spanish Club, appointment of Park Board Members and Mayor Pro Tem were added to the agenda. **Cm. Hobbs made a motion to accept the agenda with the amended addition;** Cm. Casner seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.
- CITIZENS ADDRESSING THE COUNCIL: The HEM Spanish Club wanted to thank the Council for the work they provided to help fund the trip they are planning to Costa Rica. They ask the Council if there were any more community service projects they could do. The Council discussed that since they had worked for the Town as contract labor they would need to wait until after the first of the year to be able to use them again. The group gave the Council an update of the projects they have been working on. Kimberly Irene addressed the Council for Lonnie Briggs with a request for 3 new 5x8 American flags for the cemetery, park and a spare. **Cm. Jones made a motion to purchase 3 flags from the Park, Cemetery, and General Fund budgets;** Cm. Hobbs seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.
- APPROVE MINUTES: Mayor Irene asked for approval of the minutes. **Cm. Jones motioned to approve the minutes of the regular meeting October 10th and Special Meetings October 24<sup>th</sup> and 28th and November 8<sup>th</sup>;** Cm. Booth seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.
- REPORTS: Reports were given by PMPC, the Fire Dept., SCWEMS, Public Works Dept., HCJPB, and Historic Trails RC&D.
- PMPC:** Keith reported that the 41 day advertising on the drilling contract was completed and presented Pay Request No. 4 from Water Systems Drilling for Release of Retainage. After a discussion on the mud pit and possibility of withholding a portion of the retainage, **Cm. Casner made a motion to approve Pay Application No. 4 to release retainage in the amount of \$33,984.93 and have PMPC write a letter to the contractor with the Town's concerns about the mud pit;** call for discussion. Keith also informed the Council that there was a port-a-pot still at the location that needed to be removed. **Cm. Casner amended his motion to include the removal of the port-a-pot before releasing the retainage;** Cm. Hobbs seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried. Keith updated the Council on the progress with the Tank and Transmission Line. The building is erected and most of the exterior is complete and the tanks are started. **Cm. Jones made a motion to pay Payment Request No. 2 to High Plains Construction, Inc. in the amount of \$243,324.56;** Cm. Booth seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried. Ferguson Waterworks has advised PMPC that the meters have been backordered even further. Estimated

delivery date is now December 18<sup>th</sup> with their completion date on January 18<sup>th</sup>.

Fire Dept.: Chief Sherwood reported the Fire Department received one fire calls in the last month. The Fire Department will be purchasing some new equipment and attending mid winter fire school in January. They have burnt the fire pit at the Fire Hall and it is full again. He requested that anyone dumping trees and limbs go to the north end of the roto-mill pile to dump.

SCWEMS: The EMS has responded to 44 calls so far this year. He invited the public to the Open House in Saratoga on December 10<sup>th</sup> from 10 a.m. to 12 to tour the new SCWEMS ambulance barn.

WATER: Pat reported some complaint of odor and dirt in the water. He flushed some of the hydrants in the Johnson addition on November 7<sup>th</sup> to try and alleviate the problem.

Zoning: Nothing to report

Public Works: Mayor Irene told the audience that the town is no longer hauling the trash from Kinder Morgan and Wyoming Department of Transportation at Arlington and Wagonhound. They have contracted with TanDan Trash Service. John Patee will be using the town's dumpsters until he receives his then he will return the dumpster back to Elk Mountain. John updated the Council on what he has been doing in Public Works. He attended a water conference in Casper to receive hours toward his certification. Six Points Solutions was suppose to start on the sewer line repair on Evans and Main today but didn't show up he will contact them to see if it was weather related or if the locates weren't complete. He reminded everyone of the Christmas decorating on Saturday, November 19<sup>th</sup>.

HCJPB: Joyce Menke reported that the office in Hanna is up and running. They are in the process of setting up a WyoStar account for the closure fund. They are also working on the internal controls, personal manual, putting insurance policies in place, and working on recycling. They are putting up fencing to enclose the office. **Cm. Jones made a motion to give the HCJPB the Town's excess office furniture;** Cm. Booth seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried. Cm. Casner mentioned that the town needs to fill the vacant HCJPB seat.

HTRC&D: The HTRC&D Council has decided to changes to quarterly meetings.

Park Board: No report.

**TREASURER'S REPORT:** Treasurer Crane recommended approval of the treasurer's report. **Cm. Jones moved to approve the treasurer's report;** Cm. Hobbs seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.

**BILLS TO BE PAID:** Treasurer Crane presented the bills to be paid. **Cm. Booth moved to approve the bills to be paid in the amount of \$180,811.53;** Cm. Jones seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.

- **See attached list.**

**CORRESPONDENCE:** Correspondence was received from Local Government Liability Pool, SCWEMS, CCCOG and HCJPB Minutes, Carbon County Predator Management District, MBCD Newsletter

**OLD BUSINESS:** Medicine Bow River Bridge Update: Mayor Irene gave an update on the statue of the bridge project. At this point the Wyoming Highway Department has majority control of the project and the studies are complete. It will be located in the same area and will be a 24 foot or 28 foot wide bridge if a walking area is included. Bill Sherwood suggested that the Mayor contact Ralph Terrango with the Department for any input the town may have on design and how they can be involved.

Update on Town Website: The Town received a preview of the new website layout from Salt Lake Creative's. It wasn't up to the standard the Council was expecting. They requested Linda write a letter telling them we are no longer in need of their services and request our domain name and identifying items. We will again be putting it out locally to design a website for the town.

Blind Corner-Pedestrian Safety: John said they will wait until next spring to install the mirror on Veterans Street.

IOOF-Structural Analysis: John told the Council he had received 3 estimates for the structural analysis. He said he needed a scope of work to present to the engineer. **Cm. Hobbs made a motion to go forward with John's suggestions to use Robert Cleary to do a preliminary scope of work in the amount of \$1,750.00;** Cm. Casner seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.

2<sup>nd</sup> Amendment to the HCJPB Agreement: Galen Woelk reviewed the agreement and it was sent on to Hanna and Medicine Bow with the additions from Elk Mountain and Hanna's Attorney Peg Trent.

Board By-laws: The Council discussed the by-laws for the Park Board, Cemetery Board and the Senior Board. Cm. Jones had some items she felt needed included in the by-laws-explanation of a quorum, who can call a special meeting, how vacancies are addressed, voting rights, authority the Town of Elk Mountain on the Boards. The Council felt that "community input" should be struck and the addition of "encourage citizen's participation" should be included. Also change the wording to "pursue grant opportunities as needed". Specifically to the Park Board a change of 6 members to 6 to 9 members is to be added. **Cm. Jones made a motion to approve the Cemetery By-laws with the addition of the aforementioned items;** Cm. Hobbs seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried. **Cm. Booth made a motion to approve the Senior By-laws with the addition of the aforementioned items;** Cm. Casner seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried. **Cm. Booth made a motion to approve the Park Board By-laws with the addition of the aforementioned items and the change to the number of board members;** Cm. Hobbs seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried. With the approval of the Park Board, Cemetery Board and Senior Board By-laws along with Internal Controls and the Employee Handbook the Mayor will forward them on to the attorney for review.

Building Funding: Cm. Casner asked for the floor to present a position paper and motion on the Carbon County Senior Services Board; he was granted the floor. In the position paper he said the issue in terms of the law was not being addressed and there needed to be a solution. Cm. Casner quoted state law utilizing a government building by a non-profit organization. He stated he would not abide by the opinions of the lawyers to provide a service contract by the Town of Elk Mountain City Council in return for such a service, thereby paying the utilities for this meal service to our senior residents. He felt that the entire community should not provide a service contract to this non-profit organizations stating that it is already funded by the federal government through the Department of Aging, state grants, and at the County level. Cm. Casner would like to put forth a motion he feels will create a workable compromise to the solution for all the entities. **Cm. Casner made a motion that the Elk Mountain City Council bill Carbon County Senior Service Board, with a monthly bill of \$500.00 a month. These fees were established as recorded on our own public record for a billing rate to provide water, sewer, gas and electricity known as public utilities to the non-profit organization. The billing rate will be retroactive from 30<sup>th</sup> of June till the end of the fiscal year 2011. By doing this action, the Carbon County Senior Services Board will have been provided a record of the yearly billing requirements in 2011 for the upcoming budgeting in 2012 from the Elk Mountain City Council. In providing such a billing record to the Carbon County Senior Services Board, these billing records will also require their board to appropriate the funding to repay retroactive billing to the Elk Mountain City Council. Furthermore in doing such a billing process, the Elk Mountain City Council will meet all the parameters of the Wyoming law and the requirements of our budget of 2011, not to mention creating a billing record for the Wyoming Department of Audit based on the 2011 budget;** motion dies for a second. Further discussion lead to **Cm. Booth making a motion to develop a service contract with the Carbon County Senior Services in the amount of \$1.00 to provide services for the remaining FY 2111-12;** Cm Jones seconded the motion, call for discussion. The Council expressed uncertainly on the amount that needs to be stated in a service contract. Mayor Irene said he would contract the attorney to see if there is a specific amount that needs to be

stated. Cm. Jones rescinded the second, motion dies.

Termination of Legal Council Contract: **Cm. Jones made a motion to terminate the contract with Trent Law Offices and Attorney Peg Trent;** Cm. Booth seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Nay, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.

Appointment of Town Attorney: Mayor asked for a motion to approve Galen Woelk as the new town attorney. **Cm. Jones made a motion to confirm Galen Woelk as the new Town Attorney;** Cm. Booth seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Cm. Jones Aye, motion carried. Galen Woelk is an attorney at the Law Office of Aron and Hennig in Laramie.

Speed Control: The Mayor thanked Bill Sherwood for the use of the WyDot speed control sign. The plan is move it to other streets in town.

Animal Ordinances: **Cm. Booth made a motion to send the last revision of the animal ordinance to the Town Attorney;** Cm. Jones seconded, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, motion carried.

NEW BUSINESS:

LGLP Elections: The Council received an election ballot for 2 open seats on the Local Government Liability Pool Board. It was decided since no one was familiar with any of the candidates we would forego voting.

Carbon County Predator Management District: The Council received a letter from the CC Predator Management District requesting funding for the District. They stated that a portion of their funding was lost in the Carbon County Commissioner budget cuts. The Council was unaware of this Boards funding structure and asked that Linda write a letter asking them to address the Council on how they are funded and what services they offer in the county before taking any action on the matter.

Board Appointments: Mayor Irene asked the Council to confirm the appointment of Ellen Meyer and Nina Watson to the Park Board. **Cm. Casner made a motion to confirm the appointment of Ellen Meyer and Nina Watson to the Park Board;** Cm. Booth seconded motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Cm. Jones Aye, motion carried.

Appointment of Mayor Pro Tem: Mayor Irene asked the Council to confirm the appointment of Cm. Jones as Mayor Pro Tem. **Cm. Booth made a motion to confirm the appointment of Cm. Jones as Mayor Pro Tem;** Cm. Hobbs seconded the motion, Council poll; Cm. Booth Aye, Cm. Casner Nay, Cm. Hobbs Aye, Cm. Jones Abstain, motion carried.

ADJOURNMENT:

There being no further business to come before the council, **Cm. Hobbs made a motion to adjourn the meeting at 9:50 P.M.;** Cm. Jones seconded motion, Council poll; Cm. Booth Aye, Cm. Casner Aye, Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye motion carried.

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Clerk

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Mayor