

RECORD OF PROCEEDINGS

THE REGULAR MEETING OF THE ELK MOUNTAIN TOWN COUNCIL WAS HELD MONDAY, SEPTEMBER 9, 2013 IN THE TOWN HALL COMPLEX

- CALL TO ORDER: Mayor Irene called the meeting to order at 6:37p.m. Pledge of Allegiance was recited.
Council Members present at roll call:
Cm. Angie Hobbs
Cm. Janeen Jones
Cm. Robert Meyer
Cm. John Page
Also Present: Linda Crane, Clerk/Treasurer, John Larsen, Public Works Director, Bill Sherwood, Fire Chief
- CITIZEN/VISITORS: Robert Johnson, Gary Steele, Jon Anderson, Ken Casner, Gregg Olson
- APPROVE AGENDA: Mayor Irene asked for approval of the agenda **Cm. Jones made a motion to approve the agenda**; Cm. Meyer seconded the motion; Council Poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried.
- APPROVE MINUTES: Mayor Irene asked for approval of the Regular Meeting Minutes August 12, 2013, **Cm. Hobbs made a motion to approve the August 12th Regular meeting Minutes**; Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Abstain, Cm. Page Aye, motion carried. Mayor Irene asked for approval of the Special Meeting Minutes of August 21, 2013, **Cm. Jones made a motion to approve the August 21st Special Meeting Minutes**; Cm. Hobbs seconded the motion; Council Poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried. Mayor Irene asked for the approval of the August 29, 2013 Pre-Bid Meeting Minutes, **Cm. Hobbs made a motion to approve the 29th Pre-Bid Meeting Minutes**; Cm. Meyer seconded the motion; Council Poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Abstain, Cm. Meyer Aye, Cm. Page Abstain, motion carried. Because of the lack of a quorum for the September 6, 2013 Hearing the minutes were placed into record as a formality for the Feasibility Grant bid process.
- CITIZENS ADDRESSING THE COUNCIL: Bob Johnson addressed the Council with a request to add the remaining 3-4 loads of gravel on the sewer lagoon road. The gravel was supposed to be placed there after the flood. He said that when the contractor was here working on the redundant water line project would be a good time to complete the sewer lagoon road. The Mayor said that the Council would consider that.
- REPORTS: Reports were given by Fire Dept., SCWEMS, Water Dept., Zoning, Public Works Dept., HCJPB, Park Board, Cemetery Board, Juvenile Services and CCEDB.
Fire Dept.: Chef Sherwood said the fire department had received a letter of commendation from the Aspen Highland Homeowners Association for their quick response to a fire at the subdivision. The County gave the department a 1-ton Dodge truck that they will rebuild to use as a quick attack. The Mayor asked about the ownership of the truck and the Chief said he would check into it.
SCWEMS: Representative Sikes was unable to attend the meeting but sent a report. SCWEMS had 8 ambulance calls in August. MS 272 will be brought over as soon as a new plug-in adapter arrives. Sikes and Stephanie Colman just finished the instructor coordinator class and are now certified to teach EMS classes through the state. SCEWMS will be sponsoring an EMT-B class sometime in January. Roy Barber was selected for the at large position on the Board. The fire hall needs a higher DSL to be able to stream training videos. The SCWEMS Board will pay for the cost of increasing the service.
Water: Public Works Director Larsen told the Council that things were running about the same at the tanks and water chlorination has remained steady.
Zoning: Nothing to Report
Public Works: Public Works Director Larsen reported the lift station is running good at 4-5%. Water usage is down. Larsen said his last day with the Town will be September 18th. The Mayor thanked John for the job he has done for the Town.

HCJPB: Representative Irene said the Board again tabled the reinvesting of funds for a better interest rate on their money. The Board purchased an electric power washer for the landfill. The landfill has \$539,900.86 in investments and accounts and \$2,976.15 was approved to pay bills.

Park Board: The Park Board held their regular meeting but they didn't have a quorum to conduct business. They proceeded to have a workshop and will update the Council after next meeting. Mayor Irene told the Council that Paul and Crystal Clark repaired the cabin floor and worked on the sprinkler system in the park. He said he had heard good thing about the Labor Day celebration.

Cemetery Board: Nothing to report

Juvenile Services: The Mayor told the Council that they are looking at the Cathedral Home in Laramie to operate the Crisis Center in Rawlins.

CCEDB: The Mayor told the Council that Tractor Supply in Rawlins will be holding an unofficial grand opening on the 19th. Jim Dreaver with the SBA reported he was working with a party that is interested in putting a grocery store in Hanna. The CCEDB has grants for employee training and municipalities qualify to apply.

TREASURER'S REPORT: Treasurer Crane recommended approving the treasurer's report. **Cm. Meyer motioned to approve the August Treasurer's Report;** Cm. Jones seconded the motion; Council Poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried.

BILLS TO BE PAID: Treasurer Crane told the Council that the bills to be paid needed Check # 8721 for \$235.00 to WARWS deducted from the total since PW Director Larsen would not be attending the conference. She would wait to see if there is a charge for cancelation. She recommended paying the bills to be ratified and paid after the deduction in the amount of \$19,566.95. **Cm. Page motioned to approve the amended bills to be ratified and paid in the amount of \$19,566.95;** Cm. Hobbs seconded the motion, Council poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried.

- **See attached list.**

CORRESPONDENCE: Correspondence: Specific Purpose Tax JPB Minutes, US BANK, Federal Reserve, BLM, Delta Dental, Assurant Health, LGLP, Sinclair Refinery, Fastenal, DEQ, and Susan Ward.

Cm. Jones asked about the check for carpet cleaning. Mayor Irene said the carpets were cleaned in the Town Hall, Senior Center and training room at the Fire Hall. She also asked about the Sinclair Refinery correspondence. Crane said it was a letter for permit renewals at the plant. Also questioned was the DEQ letter which acknowledged they had received the Towns comments on the DKRW project. And the Fastenal letter that said the Town had a credit balance in their unclaimed property in the amount of \$238.51. Crane said she had filled out the paperwork to get the refund.

OLD BUSINESS: Ken Casner-TIP (Take It Personal): Mr. Casner addressed the Council with 6 items he wanted to discuss making it clear he would not be political correct and be using his freedom of speech:

1. Information and Transparency-He said the Clerk's office is not posting the minutes of previous meeting in accordance to the state statues.
2. Redundant Water Line-He wanted to state his opposition to the project and felt there were other alternatives. He suggested the use of plastic tanks for storage to remedy the need to paint metal tanks to prevent rust, discussed the system and how it would work and compared the estimated cost of the redundant line to his estimated cost of using these tanks with a savings of somewhere in the \$500,000.00 range.
3. Commercial Garbage Rates-He said that not all commercial businesses were paying the commercial rate. Although as a council member he voted for the current commercial rate to go into affect he now felt differently. Mr. Casner requested a dumpster to be placed behind his business so he could control the use of the dumpster. He also wanted to know if commercial garbage was picked up on a different day than residential. If this isn't possible he wanted to be placed back on residential rates for his business. Mr. Casner addressed the lack of a recycling program in the Town.
4. Cleaning of residential lots-He disagreed with the town cleaning a residential lot using town equipment and man hours and the town siting public safety as a reason for this. He felt the property owner should be sent

a bill for the clean-up. On the subject of public safety he addressed the speeding problem through Town.

5. Mayor's policy on equipment-He stated the Mayor's policy on using town equipment by residents and felt that residents operating equipment was a violation of this policy. He was concerned about the liability of residents using the equipment. The Mayor stated that the town equipment is operated by town employees and use by residents is at his discretion.
6. Boards-He questioned the Mayor sitting on boards associated with the town particularly the HCJPB. The Mayor said the vacancy was not advertised and he was filling in until Joe Grillo's return where he would resume the position.

Cm. Meyer asked Mr. Casner about the plastic tanks and their longevity he referred to in the redundant water line discussion. Mayor Irene addressed the commercial rate comments by placing Mr. Casner's business back on residential rates. Cm. Jones said the Council should look at the equipment policy use and commercial rates for garbage. Clerk Crane told Mr. Casner now that it has been brought to her attention she would post minutes as stated in state statute. She said anyone was always welcome to come to the office and ask for copies of any public information. There was also a discussion on the posting places in town. The town minutes and notices are placed in three locations which can be the town office, post office, senior center or the library. The Mayor said the Council would take Mr. Casner comments under consideration.

Specific Purpose Water Project: Gary Steele, PMPC introduced Jon Anderson to the Council. Mr. Anderson has been working with the residents affected by the easement process. Two of the three agreements and easement have been signed and they are waiting on the Elk Mountain Hotels'. He said he had met with the Havers to review the last agreement the town approved in which Havers requested the waiver of four water and sewer taps fee. Since it was stated in the agreement that the town would not extend the sewer line down East Main Street and the Havers had no plans for development in the near future they were now requesting \$7,000.00 along with the requested tap waivers because they really weren't getting anything out of this. It was pointed out that they will benefit from the change in water temperatures that they have brought to the Council's attention numerous times. The Council discussed the business disruption wording included in the request for the \$7,000.00 as being a onetime payment and excludes the Hotel from any claims of disruption in the future. Gary told the Council that the town attorney reviewed these changes and the Council agreed for the sake of moving forward and not incurring more legal fees they would accept the monetary request. The town's attorney made some changes to the agreement language to the affect that the land owners and the town must agree jointly to terminate any agreements. **Cm. Jones made a motion to accept the easement agreement from the Hotel;** Cm. Meyer seconded the motion, Council poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried.

Gary Steele said that the Town's Attorney was reviewing the Master Agreement which had expired between the Town and PMPC. He presented the Council with Task Order No. 7098.080 which shows Specific Project Data and Services of Engineer. **Cm. Jones made a motion to approve the task order contingent on the town's attorney reviewing the Master Agreement;** Cm. Page seconded the motion, Council poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried.

Old Garbage Truck Disposition: Clerk Crane told the Council that the advertisement is in the WAM Newsletter. She said there haven't been any inquiries. She said she would also put it out in an E-Blast to all the Clerks in the State. The Council discussed using a surplus agency to dispose of the truck or going out to bid if they had no response from other entities.

Energy Audit: Clerk Crane has the September update was ready to go to the State and was waiting to see what work has been done and the schedule for the remaining projects. PW Director Larsen said the on demand hot water heater is purchased, the materials are there to finish the weather stripping on one of the bay doors and he still has the vents to cover. Chief Sherwood said he would be able to get the insulation put up in October and Cm. Meyer offered to help.

Approval of Bid for Feasibility Study and Grant: The Council held a hearing to

open bids received for the Feasibility Study on September 6, 2013. Mayor Irene, Cm. Meyer and Clerk Crane were in attendance. Mayor Irene opened the one bid received from DOWL HKM and Buckingham Architects and discussion was held on the material addressed in the bid. It was felt that the items pertinent to the study were not covered. Cm. Meyer invited Gregg Olson, LM Olson to comment on the bid. His comments help the Council understand what they were getting from the bid. He said that prior to accepting this bid the Council could negotiate with the bidder to narrow the scope of deliverables. **Cm. Hobbs made a motion to negotiate this proposal with DOWL HKM and Buckingham Architects;** Cm. Meyer seconded the motion, Council poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried. The Council will be having a workshop September 13th at 6:30pm to discuss the items they need to negotiate.

NEW BUSINESS:

SCWEMS Appointment: **Cm. Page made a motion to approve the appointment of Roy Barber to the SCWEMS at large position;** Cm. Hobbs seconded the motion; Council poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Jones Aye, Cm. Meyer Aye, Cm. Page Aye, motion carried.

LPLG Nominations: The Council chose to pass on offering any nominations for the LPLG Board.

ADJOURNMENT:

There being no further business to come before the council, **Cm. Page made a motion to adjourn the meeting at 8:20 P.M.;** Cm. Hobbs seconded the motion, all Council Members voting Aye none Opposed.

Clerk

Mayor