

RECORD OF PROCEEDINGS FOR THE GOVERNING BODY OF THE
TOWN OF WHEATLAND

A regular meeting of the Council for the Town of Wheatland, Platte County, and State of Wyoming was held on Monday, September 14, 2020 pursuant to the law.

Mayor Graves called the meeting to order at 7:00 p.m. The following were present at roll call: Councilmen Madsen, Ashenhurst and Schindler. Councilman Britz was present via speaker phone. Clerk/Treasurer Candy Wright and Attorney Doug Weaver were also present.

Mayor Graves presented the agenda with the addition of an Executive Session. Councilman Madsen motioned, seconded by Councilman Schindler, to accept the agenda as amended. Motion passed 4-0.

Councilman Madsen motioned, seconded by Councilman Schindler, to accept the consent agenda as presented and to place it on file. Motion passed 4-0.

September vouchers approved by Council are as follows: 4 Rivers Equipment, 574.66, parts, Absolute Solutions, 260.00, parts, AlSCO, 92.99, mat rentals, Altec Inc, 8,212.84, repairs to digger truck, Amazon.com, 229.18, supplies, Amped Electrical Solutions LLC, 334.55, light, Andrew Starr Snap On Tools, 5,075.00, pro link edge starter kit, APT US&C, 35.00, webinar, Asencio, Caden, 50.00, overpayment, Ashenhurst, Thane, 150.00, Town Council, Atlas Office Products Inc, 658.16, office supplies, Black Hills Energy, 800.17, utility, Bloedorn Lumber, 648.24, supplies, Blue Tarp Financial, 296.97, supplies/materials, Bomgaars, 1,657.29, safety, Border States Electric, 279.75, electric supplies, Graves, Brandon, 750.00, Town Council, Britz, William, 150.00, Town Council, Capital Business Systems Inc, 692.57, copier, Capital Business Systems Inc, 29.00, shop printer, Caselle, 19,790.00, annual support, Centurylink, 197.44, phones, City of Torrington, 9,404.80, sanitation disposal, CRA Payment Center, 496.86, parts/supplies, CRA Payment Center, 4.58, parts, Crowe, Dean, 136.38, safety, Crystal Ice, 100.00, ice, Dana Kepner, 3,422.16, parts/supplies, DuVall, Clyde, 68.73, safety, Elite K-9, 1,047.90, supplies, Energy labs, 522.00, sewer test, Engineering Assoc, 8,335.19, engineering wells, Fat Boys Tire, 192.00, repair, Ferguson Waterworks, 9,581.33, Sensus Software, Fired-Up, supplies, First Bankcard, 2,163.98, office supplies, Google, postage, schools, First State Bank, 50,000.00, health claims, Floyd's, 404.67, parts, Frenchman Valley, 489.72, propane, Fusion Cloud, 598.59, phones, Galls, 282.94, radio holder, Govt Forms & Supplies, 240.11, forms/checks, H & H Concrete, 318.00, sidewalk repair, H & H Electric, 913.66, wells, Hawkins Inc, 3,247.21, supplies, Heimsoth, Travis, 750.00, electrical inspector, Herdt, Ruth, 200.00, office cleaning, Horton Fuels, 7,042.80, fuel, Ideal, 97.52, coveralls, Industrial Chem Labs, 199.80, monument cleaner, Intermedia.net, 690.49, phone, John Deere Financial, 422.55, supplies, Keyhole Land, 225.18, overpayment, KYCN Radio, 200.00, advertising, Lambert, Michale, 200.00, clean shop, Laramie Peak Motors, 48.72, parts, Laramie Peak Vet, 91.07, services, Lawson Products, 85.85, parts, Lingo Communications, 298.57, phone, Locke Trucking, 116.93, supplies, Long's Tree Spraying, 4,250.00, tree spraying, Madsen, Alan, 150.00, Town Council, Marks Plumbing Parts, 376.81, supplies, McElmurry, Jeanie, 325.00, cleaning, Meritain Health, 60,544.48, health premiums, Mid-American Research Chemical, 130.19, cleaning supplies, Morgan, Devonna, 63.60, safety, Mountain States Lighting, 498.54, parts/supplies, NORCO, Inc, 136.25, parts/supplies, North Platte Septic, 300.00, septic tank pumping, One Call of WY, 51.75, 69 tickets, One Stop Safety, 690.00, drug tests/safety, Partsmaster, 2,384.86, supplies/tools, Peterbuilt of WY, 3,829.77, parts, Pitney Bowes Global, 218.85, postage machine, Platte County, 2,004.81, 2020 primary election fees, Platte County, 57,242.74, taxes, Platte County Asphalt, 7,866.80, patching/and asphalt, Postmaster, 628.30, postage/envelopes, Quill Corp, 523.38, supplies, Record Times, 299.52, groundwater ad, Record Times, 522.76, advertisement, Salt City Sales, 439.28, supplies, Schindler, Jamie, 150.00, Town Council, Seton Identification, 399.22, spill containment, Southeast WY Weed Control, 29,794.52, weed control, Sparkletts & Sierra Springs, 151.31, water cooler rental, State Chemical Solutions, 142.15, supplies, State of WY, 19,386.29, sales tax

utility, Stevenson, Terry, 200.00, Emergency Management, Stone Welding, 422.86, steel for truck repair, Streets, Mark, 500.00, fire inspector, Superior Contracting, 3,696.00, trash hauling, T.C. Ewards, 114.22, service, TDS Collections, 3,667.20, C&D roll-off, Terminix, 637.00, pest control, The Tire Shop, 45.00, repair, Thrifty Foods, 370.67, supplies, Trihydro Corporation, 95.81, landfill monitoring, Valli Information Systems, 1,751.43, billing, Verizon Wireless, 546.20, cell phones, Watchguard Video, 1,492.96, body cams, Waterous Co, 227.00, screen intake 6 zinc fire, Wesco Receivables, 3,281.18, electric supplies, Western United Elect Supply, 18.96, electric supplies, Wheatland Automotive, 1,307.93, Automotive Parts, Wheatland Automotive, 1,944.82, supplies, Wheatland Car Wash, 264.00, 3 5 gal bucket car wash soap, Wheatland Co-op, 47.99, dog food, Wheatland Fire Dept Foundation, 445.21, Chiefs Assoc/banner/schooling, Wheatland R.E.A., 9,134.77, electric purchased, Wyologic, 2,222.75, it/website/monitor, WY Machinery Co, 655.78, parts, WY Municipal Power, 305,852.17, power bill, WY Retirement System, 431.25, firemen's retirement, WY Wireless Internet, 75.00, internet, WY Wireless Internet, 75.00, internet, WY Workers Compensation, 186.54, firemen workers comp, WY.com, 20.00, web hosting, SPET: Border States, 640.67, electric poles, Payroll \$166,047.16 Total \$844,122.75.

UNFINISHED BUSINESS: Representatives from the Wheatland Historic Preservation Commission and the State Historic Preservation Office were present to update the Council and answer questions on the proposed Wheatland Downtown Historic District.

Councilman Britz motioned, seconded by Councilman Ashenhurst, to approve Ordinance 827 on third and final reading. Motion passed 4-0

An Ordinance Amending Wheatland Municipal Code (WMC) 15.05.010(c), 17.05.110(d), 17.05.150(g), 18.05.090(a), 18.05.100, 18.80.020(b), 18.85 General Provisions, and 18.95.010 to Reform Sections and Eliminate or Revise Obsolete Provisions

WHEREAS numerous amendments to the code have resulted in sections of the code that are somewhat disjointed and difficult to read; and

WHEREAS the Planning and Zoning Commission in conjunction with the Board of Adjustment held two public workshops and a public hearing in regard to these proposed code updates; and

WHEREAS the Town of Wheatland has the ability to receive and storage capacity to retain electronic files.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WHEATLAND, WYOMING, as follows:

Section 15.05.010 (c) is hereby amended to read as follows:

- (c) All permit fees are those fees set forth in the Wheatland Building Permit Fee Schedule.

Section 17.05.090 (a) is hereby amended to include:

- (17) If applicable; approval for the proposed subdivision from the Wheatland Irrigation District (WID) on a form adopted by the WID regarding attached irrigation rights.

Section 17.05.110 (d) is hereby amended to include:

- (8) If the proposed subdivision is within the boundaries of the Wheatland Irrigation District (WID) and the subdivider is not detaching the WID's water rights, the plat must show the following:
 - i. Location of all irrigation rights;
 - ii. How the irrigation is delivered from the source to the proposed subdivision (means of conveyance);
 - iii. How much of each irrigation right is to remain appurtenant to each subdivision lot.

Section 17.05.150 (g) is hereby amended to read as follows:

- (g) Property owners of record within 140 feet, excluding streets, from the parcel(s) in question shall be sent a copy of the application, by certified mail at the expense of the applicant, at least 10 days prior to the council meeting when the application will be considered.

Section 18.05.090 (a) is hereby amended to read as follows:

- (a) There is hereby established the position of Building Inspector, whose duties shall be to enforce Titles 5, 8, 12, 15, 17, and 18 of the Wheatland Municipal Code; provided that enforcing activities herein permitted and directed shall not prevent or abolish the rights of other persons and officials to enforce these titles as is now or as it hereafter may be provided by statute.

Section 18.05.100 Enforcement, Violations and Penalty is hereby added to read as follows:

Section 18.05.100 Enforcement, Violations and Penalty

- (a) Enforcement: The Building Inspector will monitor, process, and enforce Titles 5, 8, 12, 15, 17, and 18 of the Wheatland Municipal Code. The Planning and Zoning Officer will monitor, process, and enforce the Wheatland Development Code of the Wheatland Town Code.
- (b) Violation and Penalty: The owner agent of a building or premises in or upon which a violation of any provision has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, or any other person who knowingly commits, takes part or assists in any violation or who keeps/maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine of not less than one hundred dollars (\$100.00) no more than seven hundred and fifty dollars (\$750.00) for each and every day that such violation continues after notification by certified mail or personal service of the violation.
- (c) When any structure is erected, constructed, altered, converted or maintained/kept, or any structure or land is used in violation of the Wheatland Municipal Code, the Town Council, in addition to the above remedies may institute legal action seeking injunctions, or other appropriate relief to prevent such unlawful activities or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

Section 18.80.020 (b) is hereby amended to read as follows:

(b) All advertising devices as defined by the Wheatland Municipal Code are signs. Any sign shall, by definition, be a structure. A sign building permit must be obtained before any sign is displayed; except those exempt signs described in the Wheatland Municipal Code Section 18.80.030. No signs shall be erected or maintained/kept in any zoning district unless it is in compliance with the town's development code and any other codes or ordinances adopted by the town. The planning commission shall review and approve or disapprove all sign building permit applications. At the discretion of the planning commission, the base for freestanding signs over six feet in height must be designed by a Wyoming-licensed professional engineer. All signs shall be constructed in compliance with the building codes and shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the building inspector in the application for a sign building permit.

Chapter 18.85 is hereby amended to read as follows:

Chapter 18.85 General Provisions

18.85.010 Special Use Permit

- (a) A special use permit is required to allow uses not specifically allowed in a land use district.
- (b) Special use permits shall not be transferable unless specifically documented in the permit.

- (c) Complaints regarding special use permits will not be cause for revocation of a permit unless reference to violation of the permit conditions, state statute, or law.
- (d) Special use permits may be required in addition to other applications as noted within the code.
- (e) In considering a petition for a special use permit, compatibility shall be determined on the basis of neighborhood character, parking needs, town infrastructure, sign requirements, and traffic congestion possibilities.
- (f) Permits shall be issued by the planning office within 10 days after planning commission approval.

18.85.020 Annexations and De-annexations

All petitions for annexation or de-annexation shall be initiated by filing an application with the Planning Office; the recommendation of the planning commission shall be transmitted to the Town Council prior to the council action. The applicant shall be responsible for compliance with applicable state statutes regarding annexations and de-annexations.

18.85.030 Land Use District Change

All petitions for a land use district change (rezone) shall be initiated by filing an application with the Planning Office; the recommendation of the planning commission shall be transmitted to the Town Council prior to the council action.

- (a) In considering a petition for a land use district change, compatibility shall be determined on the basis of neighborhood character, parking needs, town infrastructure, sign requirements, and traffic congestion possibilities.

18.85.040 Replat, Boundary Adjustments, and Vacations

All petitions to make changes to platted subdivisions, record of surveys, platted lot lines, easements, and/or rights-of-way shall be initiated by filing an application with the Planning Office; the recommendation of the planning commission shall be transmitted to the Town Council prior to the council action.

18.85.050 Optional pre-application filing meeting

Prior to filing for a permit, the developer may submit to the planning office a conceptual plan or declaration of intent. This does not require a formal filing nor fee, nor does it require planning commission review. The planning office shall discuss the plans with the applicant or representative, and shall recommend any possible changes, refer other public services, and provide aid in complying with these procedures.

18.85.060 Public Notice

- (a) After a completed application has been received by the Planning Office; at the expense of the applicant, a certified letter with notice of the application to be sent to property owners of record within 140 feet, excluding streets, of the parcel in question at least 10 days prior to the hearing.
- (b) The applicant shall cause the filing and description of the area to be published in the official newspaper at least 15 days prior to the hearing of the filing by the planning commission and shall submit the affidavit of publication to the planning office before the scheduled meeting date. For annexations and de-annexations the applicant shall cause the filing and description including a map showing identifiable landmarks and boundaries to be published in the official newspaper no more than ten (10) days after filing.
- (c) The agenda of the planning commission meetings shall be made available to the news media and public no later than three days prior to the meeting.

18.85.070 Filing procedure – Generally

- (a) **Submission Deadline.** The Planning Commission shall hear no requests unless the completed application has been submitted at least 35 days prior to the regularly scheduled meeting date. All reports, documents, and other supplementary materials required by this chapter must be included.
- (b) **Forms.** All filings require that the prescribed application form(s) be completed on or before the final submittal date. Forms are available in the planning office.
- (c) **Proof of Ownership.** All applications shall contain the signature of each person possessing a fee simple interest in the property. Proof of such legal interest shall be required upon the request of the planning office.
- (d) **Fees.** All application and associated fees are those fees set forth in the Wheatland Planning and Zoning Fee Schedule.
- (e) **Hearing Date.** All applications which are in full compliance with this section shall be heard by the planning commission at the next regularly scheduled meeting of the commission.
- (f) **Action by Planning Commission.** If the planning commission determines that conditions are necessary for the plan submitted, the applicant shall submit a revised plan to the planning office. If the planning office determines the conditions in the plan are fulfilled, the planning office may approve the modifications. If the planning office determines that the conditions have not been fulfilled, the planning commission shall review the revised plan in accordance with these procedures.
- (g) **Required Prints.** Draft and/or preliminary plats and plans will be accepted in PDF format. If the applicant chooses to provide paper copies; the planning office may require as many as 12 prints of any plans or plats to be reviewed and may collect additional mailing fees. The planning office will transmit the plats/plans to appropriate federal, state, and local agencies for their review and recommendations.

18.85.080 Filing procedure – Required application information

The following items must accompany every filing, except those minimum requirements regarding subdivisions in WMC Title 17:

- (a) Completed application with an email address;
- (b) Proof of ownership;
- (c) A list of addresses for all property owners within 140 feet, excluding streets;
- (d) A plan of development, at a suitable scale and illustrated for ease of viewing by a public audience;
- (e) Number and gross density of units, if applicable;
- (f) Acres set aside for recreation or open space, if applicable;
- (g) If phased development is proposed, a general phasing plan;
- (h) Anticipated schedule of development or use;
- (i) How utilities will be provided.

18.85.090 (b) Review by planning office – Preparation of report to Planning Commission

- (b) Upon completion of its review, but no later than five (5) working days prior to the planning commission meeting, the planning office shall email its staff report with recommendations to the applicant, planning commission, and make the report available on the Town website.

18.85.100 (a) and (b) Action by planning commission, etc.

- (a) Planning commission shall review each filing at a regularly scheduled public meeting. Prior to any action, the planning commission shall review the application, plans, reports, recommendations, and comments from the planning office, the applicant or representative and citizens. The applicant or representative must be present at the public hearings. Failure to appear without prior approved notice will be grounds for rejecting the application.
- (b) Unless postponed at the request of the applicant, the planning commission may:
 - (1) Approve the request as proposed; or

- (2) Approve the request with conditions; or
- (3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done; or
- (4) Postpone indefinitely – the request or motion is neither approved nor disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting; or
- (5) Deny the request with or without prejudice.

18.85.110 Action by town council.

- (a) Only filings regarding land use district boundary changes, subdivisions, replats, vacations, annexations, and de-annexations shall be referred to town council for final adoption or rejection.
- (b) Upon receipt of a recommendation from the planning commission, the town council shall consider the matter and, if approved, the planning office shall prepare an ordinance effecting the proposed change. If the council is in receipt of a signed petition against proposed land use district revisions and finds that 20 percent or more of the area of lots included within the revision or within a distance of 140 feet of the boundaries of such revision have petitioned against the revision, an affirmative vote of three-fourths of all members of the council shall be required to pass the ordinance. A copy of the ordinance when signed and passed shall be transmitted both to the planning commission and the applicant.

18.85.120 Board of adjustment – Appeals generally.

Contested cases shall be handled by procedures outlined in the Wyoming Administrative Act and subsequent rules of practice.

- (a) The appeal board for the following types of disapproval is the town board of adjustment:
 - (1) Special Use Permit;
 - (2) Site plans or building plans;
 - (3) Home occupations;
 - (4) Private property structures in a public right-of-way and town easements; provided, however; if the board of adjustment approves the private property in public right-of-way or easement the approval shall include an agreement with the town, clarifying the owner may be required to take any structures down at the owner's cost if the town needs the right-of-way or easement space for any reason. The agreement shall be signed by the property owner and the mayor and shall be filed with the office of the county clerk prior to issuance of a building permit.
- (b) Appeals for all other actions shall be directed to the district court.

18.85.130 Board of adjustment – Procedure – Fees - Deadline for filing – Public Notice

- (a) Appeals to the board of adjustment shall be made by submitting a completed appeal application to the planning office.
- (b) After a completed application has been received by the Planning Office; at the expense of the applicant, a certified letter with notice of the application to be sent to property owners of record within 140 feet, excluding streets, of the parcel in question at least 10 days prior to the hearing.
- (c) The applicant shall cause the filing and description of the area to be published in the official newspaper at least 15 days prior to the hearing of the filing by the board of adjustment and shall submit the affidavit of publication to the planning office before the scheduled meeting date.
- (d) All application and associated fees are those set forth in the Wheatland Planning and Zoning Fee Schedule.

18.85.140 Board of adjustment – Meetings

The board of adjustment shall meet regularly in accordance with its by-laws. All meetings shall be open to the public, minutes of the proceedings shall be taken, and all other procedures set forth in the by-laws of the town board of adjustment shall be fulfilled.

18.85.150 Board of adjustment – Powers generally

The board of adjustment has the following powers:

- (a) To hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of Titles 5, 8, 12, 15, 17, and 18 of the Wheatland Municipal Code.
- (b) To hear and decide special exemptions to the general provisions of Titles 5, 8, 12, 15, 17, and 18 of the Wheatland Municipal Code, as provided for in this chapter.
- (c) To vary or adjust the strict application of any of the requirements of titles 15, 17, and/or 18 in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building as a result of which the strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of this chapter may be granted by the board unless:
 - (1) That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land or buildings and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of titles 15, 17, and/or 18;
 - (2) For reasons fully set forth in the findings of the board, the circumstances or conditions are such that the strict application of the provisions of titles 15, 17, and/or 18 would deprive the applicant of the reasonable use of the land or building, that the granting of the adjustment is necessary for the reasonable use of the land or building, and that the adjustment as granted by the board is the minimum adjustment that will accomplish this purpose; and
 - (3) That the granting of the adjustment will be in harmony with the general purposes and intent of titles 15, 17, and 18, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (d) To grant exceptions and variances upon request, after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five years in violation of Titles 5, 8, 12, 15, 17, and 18 of the Wheatland Municipal Code or any other ordinances of the town and the town has not taken steps toward enforcement
- (e) Reverse or affirm wholly or partly the order, requirement, decision, or determination as necessary, but no power exercised shall exceed the power or authority vested in the administrative officer from whom the appeal is taken.

Upon review of all relevant documentation, arguments or briefs by the appellant, the board of adjustment will then take under advisement the facts pertaining to the appeal and render a decision. If the board of adjustment finds in favor of the appellant, a permit shall be issued by the building inspector or planning office with any conditions desired by the board included on the permit. In the event of an adverse decision by the board of adjustment further appeal shall be to the district court.

18.85.160 Board of adjustment – Failure to timely file – Additional charges and penalties.

- (a) Additional Fee. In the event the applicant appealing to the board of adjustment has already started or completed that which is requesting the board to consider, the applicant shall be assessed up to a \$500.00 fee. The Board of Adjustment can deny the appeal, even if the additional fee is paid.

The payment of the additional fee and/or the approval or denial of the appeal does not preclude the town from pursuing criminal charges that may be applicable for violating any Wheatland Town Code provisions or ordinances.

18.95.010 Building permits – Required – Issuance – Fees is hereby amended to read as follows:

The erection, construction, reconstruction, alteration, moving or change of use of any building or structure shall not be commenced without obtaining a building permit from the building inspector. No permit shall be issued by the building inspector unless satisfied that the building or use contemplated complies with all the provisions of this chapter. Building permit fees are levied by the building inspector as set forth in the Wheatland Building Permit Fee Schedule. Passed and approved this 13th day of July 2020. Passed and approved this 10th day of August 2020. Passed and approved this 14th day of September 2020. S/N: Mayor Brandon Graves Attest: S/N: Clerk Candy Wright

Councilman Ashenhurst motioned, seconded by Councilman Schindler, to approve Ordinance 828 on second reading. Motion passed 4-0. An Ordinance rezoning Grayrocks Mobile Home Park.

Councilman Madsen motioned, seconded by Councilman Schindler, to approve the Employee Sick Leave Policy with noted changes. Motion passed 4-0.

Representatives from Britz & Company were present to discuss the Town’s sewer line which runs through their property. Councilman Madsen motioned, seconded by Councilman Schindler, to allocate up to \$50,000 to the FY 2020/2021 sewer department budget as matching funds for a \$100,000 grant application. Motion failed 3-0 with Councilman Madsen, Schindler, and Ashenhurst voting no.

Councilman Ashenhurst motioned, seconded by Councilman Madsen, to provide up to \$30,500 to share the projected costs of the Britz & Co. sewer project, with any additional expenses paid by Britz & Co. Motion failed 2-1 with Councilman Madsen and Schindler voting no.

NEW BUSINESS: Councilman Schindler motioned, seconded by Councilman Madsen, to approve Ordinance 829 on first reading with noted changes. Motion passed 4-0. An Ordinance Prohibiting the Landing and Taking Off of Airplanes, Helicopters, and Rotorcrafts Except at the Town of Wheatland Municipal Airport.

Councilman Madsen, motioned seconded by Councilman Schindler, to approve the Platte County Fire District 1F Agreement for Fiscal Year 2020-2021. Motion passed 4-0.

Councilman Madsen, motioned, seconded by Councilman Schindler, to adjourn into Executive Session at 9:31 p.m. for personnel matters, pursuant to Wyoming State Statute §16-4-405(a)(ii).

Council adjourned out of Executive Session at 9:45 p.m. No action was taken. With nothing further to come before the Council the meeting was adjourned at 9:46 p.m.

Brandon Graves, Mayor

Attest: _____
Candy Wright, Clerk/Treasurer