

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, February 14, 2022, 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, Britz, Race, and Montoya. Clerk/Treasurer Candy Wright and Attorney Doug Weaver were also present.

Mayor Graves presented the agenda with a change in the order of appointments. Councilman Montoya motioned, seconded by Councilman Madsen, to accept the agenda with noted charges. Motion passed 4-0.

Councilman Britz motioned, seconded by Councilman Race, to accept Mayor Graves recommendation to appoint Jarvis Windom to Board of Adjustments. Motion passed 4-0.

Councilman Montoya motioned, seconded by Councilman Britz, to accept Mayor Graves recommendation to appoint Clinton Butler to Board of Adjustments. Motion Passed 4-0.

Councilman Race motioned, seconded by Councilman Montoya, to accept Mayor Graves recommendation to appoint Elizabeth Fiske to the Planning and Zoning Commission. Motion Passed 4-0.

Councilman Montoya motioned, seconded by Councilman Race, to accept the consent agenda as presented and to place it on file. Councilman Madsen abstained from voting on Premier Titles voucher. Motion passed 4-0.

January vouchers approved by Council are as follows: 4 Rivers Equipment, 16.91, lever, Absolute Solutions, 16.23, connector, Albertsons/Safeway Inc, 50.34, office supplies, AlSCO, 39.29, mat rentals, Amazon.com, 114.06, supplies, American Water Works Assn, 344.00, membership dues, Amped Electrical Solutions LLC, 1,847.46, install generator, APT US&C, 159.00, membership renewal, AT&T Mobility, 259.44, mobile internet for PD, Avenue Of Flags Memorial, 93.00, flags, Black Hills Energy, 9,283.11, heat, Bloedorn Lumber, 164.15, hardware supplies, Bob Ruwart Motors, 47.68, filter, Bomgaars, 922.86, hardware supplies, Border States Industries, Inc, 1,225.43, materials, Brandon Graves, 750.00, Town Council, Britz, William R, 150.00, Town Council, Brown Company, 69,224.00, tractor and mower, Capital Business System Inc., 1,009.94, copier meter usage and canon, Capital Business Systems Inc., 26.08, shop printer yearly, CenturyLink, 207.09, phones, Chemseach, 127.50, Air Fresheners, City of Torrington, 12,273.00, sanitation disposal, Clean Harbors, 8,693.98, disposal of materials, CMI-TECO, 1,273.38, filters and parts, Contractors Materials Inc, 73.20, red paint, Crum Electric Supply, 1,406.89, post top led, DBT Transpiration Services LLC, 1,667.44, AWOS maintenance, Drube Supply, 25.85, parts, Energy Labs Inc., 300.00, waste water, Enniss, Tabitha, 375.00, SHRM CP test, ESRI Inc, 400.00, Arc desktop, Fat Boys Tire & Repair, 1,155.28, tire repair, Ferguson Waterworks, 1,502.38, parts, First Bankcard, 972.95, google, Frenchman Valley Coop, 8,296.00, propane, Fusion Cloud Services LLC, 1,172.32, phones, Government Forms &

Supplies, 459.70, checks, Heimsoth, Travis, 750.00, Electrical Inspector, Herdt, Ruth, 200.00, Office Cleaning, Horton Fuels LLC, 12,251.68, fuel, Howard Supply Co., 300.46, materials, Ideal, 3.42, coveralls, John Deer Financial, 615.78, supplies, Jones, RD, 500.00, contract labor, Kiwanis, 50.00, advertisement, KYCN Radio, 200.00, advertising, Lambert, Michale, 200.00, Cleaning Shop, Lawson Products, 1,967.57, supplies, Lingo Communications, 595.61, phones, LogMeIn Communications, Inc, 563.74, phones, Madsen, Alan, 150.00, Town Council, Marks Plumbing Parts, 34.06, brass closet spud assembly, McElmurry, Jeanie R, 325.00, Cleaning Town Hall, Meritain Health, 31,242.08, Health Premiums, Montoya, Anthony, 150.00, Town Council, Motorola Solutions, 27,727.39, mobile state and national queries maintenance, Nebraska Printworks LLC, 115.03, impounded dog forms, NORCO, Inc, 323.25, supplies, Northwest Pipe Fittings Inc., 1,012.80, pits, Old Grads, 100.00, advertising, One Call of WY, 50.50, 34 tickets, One Stop Safety Solutions, 725.00, safety consulting, drug test, O'Reilly Automotive Inc, 101.50, parts, Otte, Brad, 157.79, travel reimbursement, P.C. Public Health, 210.00, flu shots, Petroski, Greg, 60.00, overpayment on final bill, PH Consulting LLC, 123.38, office supplies, Pitney Bowes, 800.00, postage, Premier Title Company, 950.00, title work airport hangars, Productivity Plus, 8.49, Hose, Quill Corp, 385.42, office supplies, Race, Donald, 150.00, Town Council, Record Times & PC Merchant, 120.00, advertisement, Reliable Rentals, 380.65, heater rental, Respond First Aid Systems, 438.63, first aid kit supplies, Santander, 7,913.00, PD vehicle lease, State of WY, 17,937.81, Utility Sales Tax, Stevenson, Terry, 200.00, Emergency Management, Superior Contracting LLC, 5,808.00, trash hauling, Symbiosa, 1,000.00, gis and mapping, Symbol Arts, 487.50, medal cross on wreath, TDS Collection Service Inc., 2,451.00, rolloff c&d, The Tire Shop, 186.40, repair and service call, Thrifty Foods, 115.55, office supplies, T-O Engineers, 19,974.95, seal coat and mark project, Travelers, 68,124.00, Commercial Insurance, Trihydro Corp, 524.00, landfill monitoring, US Patriot, 2,069.00, supplies, USA Blue Book, 220.67, jcm service saddle, flex coupling, Valli Information System Inc, 990.85, mailing of bills, Verizon Wireless, 264.38, cellphones, WARWS, 395.00, conference, Wesco Receivables Corp., 5,674.68, Street lights, electric supplies, Wheatland Automotive, 4,605.86, auto parts, Wheatland Garage Door LLC, 545.00, service call and labor, Wheatland R.E.A., 4,205.88, electric purchase, Wheatland R.E.A., 3,297.59, electric booklets, Wright, Emily, 594.00, contract labor, WYDOT, 3,040.80, 16th St, WyoLogic Inc., 2,781.50, it & website, WY Machinery Co, 328.75, parts, WY Municipal Power, 235,745.70, power bill, WY Retirement System, 431.25, firemen retirement, WY Water Assoc, 60.00, membership, WY Wireless Internet, Inc, 75.00, internet town hall, WY Workers Compensation, 549.70, fire workers comp, SPET: Western United Electric Supplies, 21,443.62 transformers, Border States, 2,023.00 PCA meters, Payroll: \$169,930.64, Total Vouchers \$794,159.25

At 7:30 p.m. Mayor Graves adjourned into a public hearing.

Mayor Graves asked for public comment on the approval of two Restaurant Liquor License renewals. Hearing none Councilman Montoya motioned, seconded by Councilman Britz, to approve the Restaurant Liquor License renewals for Los Dominguez and Tasty Treats. Motion passed 4-0.

Mayor Graves asked for public comment on the approval of two Club Liquor License renewals. Hearing none Councilman Britz motioned, seconded by Councilman Montoya, to approve the Club Liquor License renewals for the Moose Lodge and the Wheatland Golf Club. Councilman Race abstained from the vote on Wheatland Golf Club. Motion passed 3-0.

Mayor Graves asked for public comment on the approval of eight Retail Liquor License renewals. Hearing none Councilman Montoya motioned, seconded by Councilman Madsen, to approve the Retail Liquor License renewals for the Landmark Bar, the Commodore Bar, I25 Pit Stop, Safeway, Big A, Big Dogs Lanes, Vimbo's Restaurant & Bar and Guadalajara's. Motion passed 4-0.

Mayor Graves asked for public comment on the approval of two Bar and Grill Liquor Licenses. Hearing none Councilman Madsen motioned, seconded by Councilman Britz, to approve the Bar and Grill Liquor License for Windy Peaks Brewery Steakhouse & Brewery and for Hill Top Bar & Grill. Motion passed 4-0.

Mayor Graves asked for public comment on the approval of a Microbrewery License. Hearing none Councilman Britz motioned, seconded by Councilman Madsen, to approve the Microbrewery License for Windy Peaks Brewery & Steakhouse subject to the Wyoming Liquor Division's approval of their monthly production report. Motion passed 4-0.

The public hearing was adjourned, and the regular meeting reconvened at 7:34 pm.

Public Comment: Gary Bjorklund, owner of Ace Hardware, addressed Council on comments made by Councilman Britz at the January meeting. Councilman Britz had questioned whether ACE Hardware was a locally owned business and had discussed his interpretation of a locally owned business. Mr. Bjorklund presented comments and facts proving he is a resident of Wheatland and owns his property in Wheatland where ACE Hardware is located.

UNFINISHED BUSINESS: Councilman Race motioned, seconded by Councilman Madsen, to approve Ordinance 834 on third and final reading with noted changes. Motion passed 4-0. Town of Wheatland Ordinance No. 834 An Ordinance Amending Wheatland Municipal Code (WMC) Title 18 to Reform Sections, Eliminate or Revise Obsolete Provisions, Combine Districts, and Create New Districts to Encourage Growth and Economic Development in the Town of Wheatland. WHEREAS, numerous amendments to the code have resulted redundancy within the industrial zoning districts; and WHEREAS, after the passage of this ordinance, all parcels currently zoned Light Industrial District (LID) and Heavy Industrial District (HID) will be zoned Industrial District (I), and; WHEREAS, the addition of additional districts will proactively support airport development and aviation enterprises, and; WHEREAS, the Planning and Zoning Commission in conjunction with the Board of Adjustment held two public workshops in regard to these proposed code changes and updates, and; WHEREAS, the Planning and Zoning Commission held a public hearing on December 2, 2021, to review the proposed code changes and updates, and; WHEREAS, during the December 2, 2021, Planning and Zoning Commission public hearing the Commission voted to recommend to the Town Council to approve Ordinance 834 as presented, and; WHEREAS, the Wheatland Town Council held a public hearing on December 13, 2021, to review the proposed code changes and updates, and; WHEREAS, during the December 13, 2021, Town Council public hearing the Town Council voted to approve Ordinance 834. **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WHEATLAND, WYOMING, as follows: Reordering of Title 18 Chapters as follows: 18.05 General Provisions 18.10 Regulations Applicable to All Districts**

18.15 Airport District (A) 18.20 Airport Enterprise District (AE) 18.25 Aviation Overlay District (AO) 18.30 Conservancy District (C) 18.35 General Business District (GB) 18.40 Highway Business District (HB) 18.45 Industrial District (I) 18.50 Low Density Suburban Residential District (LDSR) 18.55 Mobile Home Park Division (MHP) 18.60 Mobile Home Subdivision District (MHS) 18.65 Planned Unit Development District (PUD) 18.70 Residential – High Density District (RH) 18.75 Residential District (R) 18.80 Travel Trailer Park District (TTP) 18.85 Off-street Parking and Loading 18.90 Signs 18.95 Applications 18.100 Nonconforming Uses 18.105 Building Permits 18.110 Home Occupations 18.115 Trailers, Mobile Homes, Buses or Truck Vans as Accessory Buildings Cross-reference updates are as follows: Chapter 18.15 is hereby added to read as follows: Chapter 18.15 Airport District (A) 18.15.010 Purpose The Airport District is devoted to those non-residential land uses most directly associated with aviation operations. Allowed uses must adhere to the performance standards listed below. Adherence to these standards will be determined by the airport manager. This determination will be based upon a description of the uses of the land, and of any proposed buildings or structures. The airport manager shall approve all proposed uses within the airport district. 18.15.020 General Requirements The following requirements are applied in conjunction with the airport overlay restrictions itemized in Chapter 18.25, as well as those requirements specified by the Federal Aviation Administration. Fencing. A perimeter fence at least 60 inches in height shall be erected to surround the aviation zone or aviation facility, whichever is smaller. Roads. No new road or trail may be closer than 1,200 feet from the end of any runway as projected from the end of the runway if extended in a straight line except those necessary for aviation facility operations. Interference. Uses may not interfere with airport operations, nor interfere with aerial approaches. 18.15.030 Restrictions on Uses Accessory Outside Storage. Accessory outside storage shall not exceed ten percent of the building area. No outdoor storage of derelict vehicles, equipment, recreational vehicles, etc. 18.15.040 Performance Standards Aviation related manufacturing, distribution, maintenance and/or repair, and storage uses that meet the following performance standards as determined by the airport manager shall be allowed in the Airport District, provided: The activity does not involve the generation or storage of animal, vegetable, or other wastes that attract insects, rodents, or birds, or otherwise creates a hazard to aircraft operations; The activity does not emit smoke, fly ash, dust, vapor, gases, or other forms of air pollution that would interfere with the safe operation of aircraft, or that may conflict with present or planned operations of the airport; The activity does not involve water impoundments, solid waste disposal, or other uses which attract birds or other animal species that may present a hazard to aircraft operations; The activity does not emit glaring light or employ highly reflective surfaces that interfere with a pilot's ability to locate runways or landing pads; The activity does not create electronic interference with communications among aviators and ground control personnel; and Accessory storage outside the airport boundary shall be enclosed and concealed by a minimum six-foot-high closed fence that prevents views of the interior. Screen fencing shall be properly maintained at all times. Fencing material shall be approved in advance by the Building Inspector. Accessory outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component. 18.15.050 Non-residential Permitted Uses Other non-residential uses may be permitted as determined by the airport manager that directly depend on and associate with aviation operations. 18.15.060 Excluded Uses All uses not specifically permitted or determined by the airport manager or to be permitted are excluded from the airport district. 18.15.070 Development Standards Landscaping. Any part of a lot not used for structures, off-street parking, loading and maneuvering areas,

drives and pedestrian walks, and/or storage shall be landscaped with vegetative or nonvegetative materials, all of which shall be properly maintained at all times. Signs. The provisions of Chapter 18.90 shall apply. Off Street Parking. The provisions of Chapter 18.85 shall apply. Setback requirements shall be as follows: Next to residential district (R, RH, MHP, MHS): 150 feet (45.7 meters); a lesser setback is allowable if audio and visual screening satisfactory to the planning commission is installed. Front yard: 40 feet (12.2 meters) Side yard: 25 feet (7.6 meters) Rear yard: 25 feet (7.6 meters) Adjacent to interstate rights-of-way: 10 feet (3.0 meters) Setback requirements may be reduced up to 100 percent upon recommendation from the Airport Advisory Board and approval from the Building Inspector. Reductions shall only apply to lots and parcels located within the designated airport boundary. Chapter 18.20 is hereby added to read as follows: Chapter 18.20 Airport Enterprise District (AE) 18.20.010 Purpose The Airport Enterprise District (AE) is established to provide lands for and encourage the development of well-planned and designed technological-industrial parks which would accommodate certain industrial, technological, professional offices, and other similar activities that require support by an airport facility for shipping, education, communication, research, or other reasons. Because of the type of operation and high development standards employed, these parks may be adjacent to residential districts, if they are provided with access to arterial or collector streets and shall not be materially detrimental to the health, safety, and welfare of such residential districts. This zone is also intended to accommodate certain commercial activities such as commercial parking lots, automobile rental facilities, hotels, and restaurants that support air and business travelers. The boundaries of any airport enterprise district shall be established by the town council. Changes in the size of the airport enterprise district are reviewed through the land use district change process in 18.95 of the Wheatland Municipal Code. Generally, an airport enterprise district shall be located adjacent to an aviation facility. 18.20.020 Performance Standards Aviation-related manufacturing and distribution uses that meet the following performance standards as determined by the airport manager shall be allowed in the AE district, provided: The activity does not involve the generation or storage of animal, vegetable, or other wastes that attract insects, rodents, or birds or otherwise create a hazard to aircraft operations; The activity does not emit smoke, fly ash, dust, vapor, gases, or other forms of air pollution that would interfere with the safe operation of aircraft or that may conflict with present or planned operations of the airport; The activity does not involve water impoundments, solid waste disposal, or other uses which attract birds or other animal species that may present a hazard to aircraft operations; The activity does not emit glaring light or employ highly reflective surfaces that interfere with a pilot's ability to locate runways or landing pads; and The activity does not create electronic interference with communications among aviators and ground control personnel. 18.20.030 Accessory Storage Screening Accessory storage shall be enclosed and concealed by a six-foot high closed fence that prevents views of the interior. Screen fencing shall be properly maintained at all times. Fencing material shall be approved in advance by the Building Inspector. Accessory outside storage shall not exceed the height of the fence, except for operable vehicles, trailers and other equipment designed to be towed or lifted as a single component. 18.20.040 Other Uses Permitted Other non-residential uses may be permitted as determined by the airport manager that directly depend on and associate with aviation operations. 18.20.50 Existing Residential and Commercial Uses Expansion of existing residential or commercial buildings and structures, or erection of accessory buildings associated with existing residential or commercial buildings and structures are permitted uses. This provision shall apply only to existing uses and/or buildings and structures as of the effective date of properties being located within the aviation enterprise

district. 18.20.60 Excluded Uses All uses not specifically permitted or determined by the airport manager to be permitted are excluded from the airport enterprise district. 18.20.70 General Requirements The following requirements are applied in conjunction with the noise and height overlay restrictions itemized in this section, as well as those requirements specified by the Federal Aviation Administration. Roads No new road or trail may be closer than 1,200 feet from the end of any runway as projected from the end of the runway if extended in a straight line. Interference Uses may not interfere with airport operations or with aerial approaches. 18.20.080 General Performance Within any airport enterprise district, no use shall be permitted, the nature or manner of operation of which shall be determined by the airport manager, to be unduly hazardous or injurious to other properties in the vicinity or to the public welfare by reason of the emission of odor, dust, smoke, noise, vibration, electrical, or other disturbance. The determination of the airport manager shall be in the form of findings of fact and conclusions of law. 18.20.090 Conditions of Use Processes and equipment employed, and goods processed shall be limited to those that have limited emissions consisting of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter, water carried waste, or other emissions such that such emission will not interfere with aviation facility operations. 18.20.100 Access All uses shall have access to an arterial or collector street that may be through the interior street network of the park. In no case shall any access be permitted onto local residential streets. 18.20.110 Development Standards Landscaping. Any part of a lot not used for structures, off-street parking, loading and maneuvering areas, drives and pedestrian walks, and/or storage shall be landscaped with vegetative or nonvegetative materials, all of which shall be properly maintained at all times. Signs. The provisions of Chapter 18.90 shall apply. Off Street Parking. The provisions of Chapter 18.85 shall apply. Setback requirements shall be as follows: Next to residential district (R, RH, MHP, MHS): 150 feet (45.7 meters); a lesser setback is allowable if audio and visual screening satisfactory to the planning commission is installed. Front yard: 40 feet (12.2 meters) Side yard: 25 feet (7.6 meters) Rear yard: 25 feet (7.6 meters) Adjacent to interstate rights-of-way: 10 feet (3.0 meters) Chapter 18.25 is hereby added to read as follows: Chapter 18.25 Aviation Overlay District (AO) 18.25.010 Authority This Chapter is adopted pursuant to the authority conferred by W.S. 1977, Section 10-5-301 through 10-5-302, and subsequent amendments thereto. It is found that an obstruction has the potential for endangering lives and property of users of Wheatland Phifer Airfield Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Wheatland Phifer Airfield Municipal Airport and the public investment therein. Accordingly, it is declared that: The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Wheatland Phifer Airfield Municipal Airport. It is necessary in the interest of public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that the prevention of the creation or establishment of hazards to air navigation or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land. 18.25.020 Definitions For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section: Airport means the Wheatland Phifer Airfield Municipal Airport. Airport Advisory Board means an advisory board consisting of five members appointed by the Town Council Airport Elevation means the highest

point of an airport's usable landing area measured in feet from sea level Approach Surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 18.25.050. In the plan the perimeter of the approach surface coincides with the perimeter of the approach zone. Approach, transitional, horizontal, and conical zones mean the zones set forth in Section 18.25.040. Conical Surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet. Hazard to Air Navigation means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace. Height means for the purpose of determining the height limits in all zones set forth in this Chapter and shown on the zoning map, the datum shall mean sea level. Horizontal Surface means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. Larger than Utility Runway means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred pounds maximum gross weight and jet-powered aircraft. Nonconforming Use means any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto. Non-precision Instrument Runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment for which a straight-in non-precision instrument approach procedure has been approved or planned. Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set for in Section 18.25.050. Primary Surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 18.25.040. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. Runway means a defined area on an airport, prepared for landing and takeoff of aircraft along its length. Structure means an object, including a mobile object, constructed, or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines. Transitional Surfaces means those surfaces extended outward at ninety-degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Tree means any object of natural growth. Visual Runway means a runway intended solely for the operation of aircraft using visual approach procedures. 18.25.030 Administration and Enforcement It shall be the duty of the Airport Manager to administer and enforce the regulations prescribed in this Chapter. Applications for permits and variances shall be made to the Planning Department upon a form published for that purpose. Applications required by this Chapter to be submitted to the Planning and Zoning Commission shall be promptly considered, granted, denied, or postponed. Applications for actions by the Airport Advisory Board shall be forthwith transmitted by the Airport Manager. 18.25.040 Zones To carry out the provisions of this Chapter, there are created and established certain zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Wheatland Phifer Airfield Municipal Airport. An area located in more than one of the following zones is only in

the zone with the more restrictive height limitation. Such areas and zones are shown on Phifer Airfield Zoning Map, dated November 2006, which may be found in the Planning Office. The various zones are established and defined as follows: Runway Larger than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet at a horizontal distance of ten thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway. Transitional Zone. The transitional zones are the areas beneath the transitional surfaces. Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand feet radii for all runways designated utility or visual and ten thousand feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. Conical Zone. The conical zone is established by the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet. 18.25.050 Height Limits Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this Chapter to a height more than the applicable height limit established in this section for such zone. Such applicable height limitations are established for each of the zones in question as follows: Runway Larger than Utility Visual Approach Zone. Slopes twenty feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline. Runway Larger than Utility with a Visibility Minimum Greater than Three-fourths Mile Non-precision Instrument Approach Zone. Slopes thirty-four feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline. Transitional Zones. Slopes seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty feet above the airport elevation, which is six thousand nine hundred eighty-seven feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Horizontal Zone. The horizontal zone is established at one hundred fifty feet above the airport elevation or a height of four thousand nine hundred thirty feet above mean sea level. Conical Surface. The conical surface slopes twenty feet outward for each foot upward, beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation. Exception. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to fifty feet above the surface of the land. 18.25.060 Use Restrictions Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others,

result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. 18.25.070 Nonconforming Uses Regulations not Retroactive. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of July 2, 1979, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to July 2, 1979, and which is diligently prosecuted. Marking and Lighting. Notwithstanding subsection A of this section, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Advisory Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

18.25.080 Permits and Variances Permits-Future Uses. Except as specifically provided in subsections i., ii., and iii. of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this chapter unless a permit therefor has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Chapter. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (d) of this section. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones. In areas lying within the limits of the approach zones but at a horizontal distance of no less than four thousand two hundred feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal area, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of the terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree more than any of the height limits established by this Chapter, except as set forth in Section 18.25.050(f). Permit-Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on January 1, 2022, or on the effective date of any applicable amendment to this Chapter, or than it is when the application for a permit is made. Except as indicated, all applications for a permit shall be granted. Permit - Nonconforming Uses Abandoned or Destroyed. Whenever the Airport Manager determines that a nonconforming tree or structure has been abandoned or more than eighty percent torn down or is physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height

limit or otherwise deviate from the zoning regulation. Variances. Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustments for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of this Chapter will result in unnecessary hardship and the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this chapter. Additionally, no application for a variance from the requirements of this chapter may be considered by the Board of Adjustments unless a copy of the application has been furnished to the Airport Advisory Board for advice as to the aeronautical effects of the variance.

Obstruction Marking and Lighting. Any permit or variance granted, may; if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such marking and lights as may be necessary. If deemed proper by the Airport Advisory Board, this condition may be modified to require the owner to permit the Airport Advisory Board, at its own expense, to install, operate and maintain the necessary markings and lights.

Chapter 18.50 and 18.55 is hereby combined and renumbered to 18.45 to read as follows:

Chapter 18.45 Industrial District (I)

18.45.010 Purpose The Industrial District (I) is intended to provide for manufacturing, warehousing, processing, service, storage, wholesale, distribution operations, and research and development uses with all operations generally contained within a contiguous property. Examples include heavy manufacturing, storage, livestock operations, major freight terminals, waste and salvage, distribution centers, processing, and other related uses. Because of the objectionable influences that may be created in this district, a buffer or additional setback strip and other site design requirements may be required around this district to protect other adjacent districts.

18.45.020 Mitigation of Impacts All uses shall be subject to the following: Excessive amounts of dust, fumes, odors, smoke, vapor, noise, lights, and vibrations shall be confined within the Industrial District (questions concerning the interpretation of "excessive amounts" shall be decided by the planning department based on the intent and purposes of this section); and, Outdoor storage, equipment, and refuse areas shall be concealed from view from abutting rights-of-way and adjoining residential districts; and, Industrial Permit Application that includes a site plan shall be submitted to the planning commission for review and consideration before obtaining a building permit.

18.45.030 Permitted Uses Uses permitted in an industrial district are: Indoor Warehousing; Lumber Yard; Non-Toxic Material Storage; Manufacturing which does not emit smoke, dust or excessive noise beyond the property lines; Assembly plants; Research and development establishments; Bakeries; Mobile home and trailer sales; Sales and repair of trucks rated over one and one-half ton; Farm equipment sales and repair; Industrial and domestic construction equipment sales and repair; Boats sales, service, and storage. All other uses require a Special Use Permit as provided by WMC 18.95.010

18.45.040 Development Standards Minimum district area shall be three (3) acres. Maximum height is subject to fire protection capabilities and aviation overlay district requirements. Public access is required. Setback requirements shall be as follows: Next to residential district (R, RH, MHP, MHS): 150 feet (45.7 meters); a lesser setback is allowable if audio and visual screening satisfactory to the planning commission is installed and inspected by the building inspector prior to the start of any

industrial use. Front yard: 40 feet (12.2 meters) Side yard: 25 feet (7.6 meters) Rear yard: 25 feet (7.6 meters) Adjacent to interstate rights-of-way: 10 feet (3.0 meters) Minimum lot size: 10,000 square feet Accessory storage shall be enclosed and concealed by a six-foot high closed fence that prevents views of the interior. Screen fencing shall be maintained in an attractive condition. Fencing material shall be approved in advance by the building inspector to be attractive to the area. Landscaping. Any part of a lot not used for structures, off-street parking, loading and maneuvering areas, drives and pedestrian walks, and/or storage shall be landscaped, all of which shall be properly maintained at all times. Signs. The provisions of Chapter 18.90 shall apply. Off Street Parking. The provisions of Chapter 18.85 shall apply. The following is hereby added to 18.90.030 Exempted signs: (o) Signs updating branding or logos, not increasing in size, or changing bracketing design. (p) Transient merchant signs when included in the town permitting of transient merchants. (q) Exempt signs that exceed the standards of subsections (a) through (o) of this section may only be allowed with an approved special permit and building permit. Passed and approved this 13th day of December 2021. Passed and approved this 10th day of January 2022. Passed and approved this 14th day of February 2022. S/N: Mayor Brandon Graves Attest: S/N: Clerk Candy Wright

Councilman Britz motioned, seconded by Councilman Race, to approve Ordinance 835 on third and final reading. Motion passed 4-0. Town of Wheatland Ordinance NO. 835 An Ordinance Rezoning 1554 and 1556 Gilchrist Street, Town of Wheatland, Original Town, Block 132, Lot 10 WHEREAS, the applicants, Alvaro Amaya and Janice Faris, submitted an application for a land use district boundary change for the real property described below, and; WHEREAS, the Planning and Zoning Commission held a public hearing concerning this land use district boundary change on December 2, 2021, and; WHEREAS, during the December 2, 2021, Planning and Zoning Commission public hearing the Commission voted to recommend to the Town Council to approve the requested land use district boundary change from Residential District to General Business District, and; WHEREAS, the Town Council held a public hearing concerning this land use district boundary change on December 13, 2021, and; WHEREAS, during the December 13, 2021, Town Council public hearing the Town Council voted to approve the requested land use district boundary change from Residential District to General Business District. Now Therefore, be it Ordained by the Town Council of the Town of Wheatland, Wyoming: The following described real property: 1554 GILCHRIST STREET, WHEATLAND, WYOMING: TOWN OF WHEATLAND, ORIGINAL TOWN, BLOCK 132, EAST HALF OF LOT 10 1556 GILCHRIST STREET, WHEATLAND, WYOMING: TOWN OF WHEATLAND, ORIGINAL TOWN, BLOCK 132, WEST HALF OF LOT 10 Be and the same is hereby re-zoned from Residential District (R) to General Business District (GB) as set forth in Title 18 of the Wheatland Municipal Code. Passed and approved this 13TH day of December 2021, on first reading. Passed and approved this 10th day of January 2022, on second reading. Passed and approved this 14th day of February 2022, on third reading. Councilman Britz motioned, seconded by Councilman Montoya, to approve Ordinance 837 on second reading. Motion passed 4-0. Ordinance 837 An Ordinance amending section 15.05.010 (a) and (b), of Wheatland Municipal Code, repealing the previously adopted building code and adopting the establishing and effective date of the 2021 edition of the international building code residential code, international existing building code international fire code, international mechanical code international plumbing code and the international fuel gas code and the 2020 edition of the NFPA 70. S/N: Mayor Brandon Graves Attest: S/N: Clerk Candy Wright

Councilman Montoya motioned, seconded by Councilman Britz, to approve Cinema West Agreement with Heather Ferguson, Curtis Hofrock and Double AM&H LLC. Motion passed 4-0.

Councilman Britz provided an update on the economic health and development trends for the community.

Josh Morris with T-O engineering provided an update on the airport hangar/land acquisitions along with a proposed lease agreement for council to review.

NEW BUSINESS: Councilman Race motioned, seconded by Councilman Madsen, to accept the Fiscal Year 20/21 financial audit with noted changes. Motion passed 4-0.

Councilman Madsen motioned, seconded by Councilman Race to approve the South Street Water Line Design and Bidding Proposal with Engineering Associates. Motion passed 4-0.

With nothing further to come before the Council the meeting adjourned 9:12 p.m.

Brandon Graves, Mayor

Attest: _____
Candy Wright, Clerk/Treasurer