

**TOWN OF ELK MOUNTAIN
OFFICAL RECORD OF PROCEEDINGS
PUBLIC HEARING FOR THE PURPOSE OF ZONING CODE REVIEW
October 14, 2021, 6:00pm Town Hall Complex, 202 Bridge Street, Elk Mountain, Wyoming**

CALL THE HEARING TO ORDER: Mayor Irene called the hearing to order at 6:00PM. Pledge of allegiance recited

ROLL CALL: Council Members present at roll call:

Cm. Angie Hobbs

Cm. Tammy Page

Cm. Craig Mustard

Absent Cm. Bryson Kennedy

Also, Present: Linda Crane, Clerk/Treasurer, John Page, Water Superintendent and Public Works

APPROVE AGENDA: Cm. Page motioned to approve the agenda; Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

CALL FOR PUBLIC COMMENTS: Ken Casner and Bob Johnson commented on the red type and that they weren't sure if the red indicated a change or an addition to the code. Cm. Hobbs told the Council that the PDF she received was the one she posted on the town website, and it included notations in red type. The Mayor said the PDF was the review he and Page had worked on. With a discrepancy in the document posted **Cm. Hobbs made a motion to table the first reading of Ordinance #21-03 until the correct document is posted;** Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

HEARING ADJOURNED: Cm. Page made amotion to adjourn hearing at 6:15 PM; Cm. Hobbs seconded the motion; All in favor none opposed.

**TOWN OF ELK MOUNTAIN
OFFICAL RECORD OF PROCEEDINGS
PUBLIC HEARING FOR THE PURPOSE OF ANNEXATION OF 700 ASPEN
October 14, 2021, 6:15pm Town Hall Complex, 202 Bridge Street, Elk Mountain, Wyoming**

CALL THE HEARING TO ORDER: Mayor Irene called the hearing to order at 6:15PM.

ROLL CALL: Council Members present at roll call:

Cm. Angie Hobbs

Cm. Tammy Page

Cm. Craig Mustard

Absent Cm. Bryson Kennedy

Also, Present: Linda Crane, Clerk/Treasurer, John Page, Water Superintendent and Public Works

APPROVE AGENDA: Cm. Mustard motioned to approve the agenda; Cm. Hobbs seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

CALL FOR PUBLIC COMMENTS: Bob Johnson asked if the property was going to be divide for a subdivision. The Priest's told him was not the intention. Reese Johnson contacted Cm. Hobbs and town hall with some concern. She said she didn't believe the town can proceed with an annexation of a non-contiguous parcel. If the only way to make that contiguous is a roadway area that belongs to Dan Cobb, then to proceed any further he needs to be involved. She was concerned the town had not out weighted the expense and obligation that could come with this annexation and any other similar situation that could fit this non-contiguous annexation in the future.

Clerk Crane said she had been researching the legality of the right a way easement making the property contiguous to the town limits. The easement is a filed document that is included in the property description but the road is owned by Crossing Ranch so there would have to be a decision on how this is interrupted before annexation can move forward.

Cm. Mustard made a motion to table the first reading of Ordinance #21-02 until more research can be done; Cm. Hobbs seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

HEARING ADJOURNED: Cm. Hobbs made amotion to adjourn hearing at 6:25 PM; Cm. Mustard seconded the motion; All in favor none opposed.

**OFFICAL RECORD OF PROCEEDINGS
REGULAR MEETING OF THE ELK MOUNTAIN TOWN COUNCIL
THURSDAY 14, 2021, IN THE TOWN HALL COMPLEX**

CALL TO ORDER: Mayor Irene called the meeting to order at 6:30PM.

ROLL CALL: Council Members present at roll call:

Cm. Angie Hobbs
Cm. Tammy Page
Cm. Craig Mustard
Absent Cm. Bryson Kennedy

Also, Present: Linda Crane, Clerk/Treasurer, John Page, Water Superintendent and Public Works

CITIZEN/VISITORS: Jon Nelson, Northfork Engineering, Bob Johnson, Ken Casner, Brian O'Connor

APPROVE AGENDA: Cm. Page motioned to approve the amended agenda; Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

APPROVE MINUTES: Cm. Page made a motion to approve the September 13, 2021, Regular Meeting Minutes; Cm. Hobbs seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

CITIZEN ADDRESSING THE COUNCIL: None

REPORTS:

Fire Dept: No Report

SCWEMS: The Board hired Tracy Fowler as the south station manager. They were doing interviews via Zoom for the Ambulance Director position. They are doing maintenance on the older ambulances. They are looking for funding to replace 2 of the ambulances. The hospital has shown interest in taking over the ambulance service county wide.

Public Works: Director Page reported on Public Works:

- Covid testing has been suspended for now
- Water plant was turned over to Garrett 2 weeks ago
- Sewer plant was also turned over to Garrett 2 weeks ago.
- The contractor for cold storage has not finished the electrical job. He states he will be here by the end of the month. There was a discussion to advise him to complete the job or go into litigation. Crane would need to forward the contract and explanation to the attorney.
- Snow fence project proposal with company out of Laramie has sent a contract for us to sign and then they will proceed. The contract needs some changing before signing. **Cm. Hobbs motioned**

to sign the snow fence agreement with Centennial Woods, LLC; Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries. The owners representative needs to sign a consent.

- WYDOT has asked about sending them a letter to discontinue trash service so they can negotiate with other companies. **Cm. Page motioned to send a letter to WyDot discontinuing the trash pickup at the Maintenance Building;** Cm. Hobbs seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.
- Kim Parker with WDEQ has advised the town needs a 2nd operator until my replacement can be found. **Cm. Mustard motioned to hire Brian O'Connor as the back up for water and sewer at \$400 per month;** Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.
- The Mayor asked Page about item he will need to address in the future. Page said the trash truck is ready to go, the plows on the pickup, the skid steer is inside, there is a project list and explanation on the office desk.

Page Thanked the Council for making his time working for the town enjoyable and rewarding.

HCJPB: The next Board meeting will be in January.

Park Board: No Report

Cemetery Board: No Report

Museum Board: Director Hobbs told the Council because of poor material and compaction issues with the fill dirt they needed to change the foundation design to support the building. **Cm. Page made a motion to pay change order #1 for the foundation changes to Pioneer Mill & Construction, Inc. in the amount of \$4,000;** Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Abstain, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries. The informational/directional signs being funded by CCVC Grant have arrived. They will go up at the I-80 off ramps in the spring.

CCVC: Received minutes from their meetings.

CCCOG: Next meeting in Rawlins.

LEPC: No Report

Treasurer Report: **Cm. Hobbs made a motion to table approving the September Treasurers Report as presented until there was clarification on the Wind Impact Fund total;** Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Bills to Ratify and Paid: **Cm. Hobbs made a motion to pay the bills from September 14, 2021, thru October 14, 2021, in the amount of \$297,340.96;** Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

WIND IMPACT REPORT: The Impact report was included in the packet.

CORRESPONDENCE: Bluearth Renewables, Invenergy LLC, LGLP, Energy Labs, Carbon County Planning and Zoning, Various emails and board minutes. Bluearth Renewables are initiating local permit applications to construct and operate a wind project in Carbon County. Invenergy has identified Elk Mountain as part of the study area for the ISC permit process for the Rock Creek Wind Energy Project.

Energy Labs-The analytical summary report on the Nitrogen, Nitrate + Nitrite in the drinking water shows Non-Detectable results.

OLD BUSINESS:

Jon Nelson, Northfork Engineering-2021 Street Project: Nelson presented the Council with documents to start closing out the street project. Change Order #2 is a reconciliation of quantities, such that the contract amount matches the work completed bringing the balance to finish to zero as necessary to close-out the contract. **Cm. Hobbs motioned to sign Change Order #2;** Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Application for Payment #3 is for payment of retainage. **Cm. Mustard motioned to accept Payment #3 Retainage in the amount of \$26,796;** Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Executive Session: Cm. Mustard made a motion to enter executive session at 7:07 PM for matters concerning litigation to which the governing body is a party or propose litigation to which the governing may be a party, personnel or any information classified as confidential by law; Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Exit Executive Session: Cm Page made a motion to exit executive session at 7:27 PM; Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Cm. Hobbs made a motion to approve and seal the minutes of the executive session; Cm. Page seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Executive Session Action: The Council took no action on item #3 Contractor's Final and Unconditional Release and lien waiver. If necessary legal documents should be sent to the attorney for review.

Natural Gas Update- Black Hills has not been responding to the Mayor request for estimates.

NEW BUSINESS:

Application for Variance-Russell McClain 206 Evans: Cm. Page motioned to set a variance hearing for 206 Evans Nov. 8th prior to the regular council meeting; Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Public Works Water and Sewer Position: The Council discussed the wages for the open positions. The town has been below market price for the positions we need. They are advertising a pay range from \$40,000-\$49,000 depending on experience and certification. The Council assessed that the rates need to increase on the enterprise funds to sustain themselves. The position is advertised on the Wyoming at Work website. **Cm. Hobbs motioned to increase the pay for the open positions;** Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries.

Conoco Trash Pickup: At the last meeting in September the Council motioned to discontinue trash pickup at the Conoco Station. They were unable to secure a private company to take over the pickup from the town. **Cm. Hobbs motioned to continue with the trash pickup at the Conoco;** Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries. As the rates are up for review it should be noted that the rates for the station will change in the future.

Accept Public Works Director John Page's Resignation: Cm. Hobbs motioned to accepted John Pages' resignation as Public Works Director and Water and Sewer Superintendent; Cm. Mustard seconded the motion; Council Poll; Cm. Hobbs Aye, Cm. Page Abstain, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries. The Mayor told Page that he appreciated everything you've done for the town.

Accept Council Member Tammy Page's Resignation: Cm. Mustard motioned to accepted Cm. Page resignation from the Council; Cm. Hobbs seconded the motion; Council Poll; Cm. Hobbs Aye, Mayor Irene Aye, Cm. Kennedy Absent, Cm. Mustard Aye, motion carries. The Mayor told Cm. Page he appreciated her efforts through the years and personally thanked her for all she has done for the town.

Brian O'Connor wanted to also Thank John and Tammy for all they have done for the town.

EXECUTIVE SESSION: None needed

AJOURNMENT: There being no further business to come before the Council, **Cm Mustard motioned to adjourn at 8:30 PM;** Cm. Hobbs seconded the motion; all Council Members present voting Aye none Opposed.

CLERK

MAYOR