

MINUTES OF A REGULAR MEETING OF THE SARATOGA TOWN COUNCIL
HELD MAY 7, 2019 AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE
SARATOGA TOWN HALL

Mayor Zeiger called the meeting to order at 6:00 p.m.

Members present were Mayor Zeiger, Councilman Jon Nelson, Councilman Steve Wilcoxson, Councilwoman Judy Welton, and Councilman Bob Keel.

APPROVAL OF AGENDA: Councilwoman Welton made a motion to approve the Agenda as presented, Councilman Wilcoxson seconded and the motion carried.

APPROVAL OF THE MINUTES: Councilman Nelson made a motion to approve the minutes of the April 16, 2019 meeting as presented, Councilman Keel seconded and the motion carried.

APPROVAL OF THE BILLS: Treasurer Samuel Flohr read the following bills for approval: Accounts Payable: \$85,853.27; Payroll and FICA for 4/30/2019 in the amount of \$49,995.58; and manual checks including April liabilities in the amount of \$53,082.70, for a total of \$188,931.55.

Councilman Wilcoxson made a motion to pay the bills in the amount of \$188,931.55, Councilwoman Welton seconded and the motion carried.

CORRESPONDENCE: Mayor Zeiger read a letter from the Carbon County Economic Development Corporation requesting funding assistance in the amount of \$5,200.00 for the 2019/2020 fiscal year. The funding is used to continue support of their county-wide Economic Development program.

Councilman Nelson made a motion to donate \$5,200 to the CCEDC for county Economic Development Programs, Councilman Wilcoxson seconded and the motion carried unanimously.

COUNCIL COMMENTS: Mayor Zeiger reported that he and Clerk Suzie Cox would be in District Court for the Randy Stevens litigation hearings scheduled for May 8th and 9th.

Councilman Wilcoxson provided the council with Tyler Picket Park site plans prepared by WLC engineering and explained that he had posted one in the Council Chambers. He asked the public to please review the site plan and make suggestions that they would like to see included. They hope to move forward with fencing and an irrigation system this summer.

Councilman Wilcoxson added the following:

- The Arnolds have volunteered to provide the seed and fertilizer for the park
- He was hoping for assistance from the town to use the skid steer to help with trenching
- Will contact the National Guard to see if they were still willing to assist with the labor of installing the irrigation system
- Will be contacting Lowell's and Home Depot for materials, including the fencing
 - Randy Raymer asked if he had heard right, and that Mr. Wilcoxson will be checking with Lowell's and Home Depot and he did not hear him state that he would be contacting any local businesses
 - Councilman Wilcoxson stated that he had contacted local business earlier and they were hesitant to donate any of the needed materials, unlike Lowell's and Home Depot who had been receptive to donate materials or give a discount for the materials
 - Councilman Wilcoxson indicated he will be going around to local business again to see if they will donate or at least give a discount for materials. Regardless of the possibilities of donations or discounts the project will move forward this summer with adjustments as needed.

No action taken.

Councilman Keel reported that he would be able to make the budget workshop earlier if the council would like to meet earlier than 6:00 he would be available.

Councilman Keel made a motion to begin the budget workshop at 5:00 on Monday, May 20, 2019, Councilwoman Welton seconded and the motion carried.

REPORTS FROM DEPARTMENTS:

Town Hall: Mayor Zeiger stated that he had asked the town attorney Tom Thompson to review the Medical Clinic Lease for tonight's meeting. The following is Mr. Thompson's reply:

- The lease was entered into on October 1, 2018
- The lease is between the Town of Saratoga and the Platte Valley Clinic, LLC
- However, on page 7 the Lessee is HMS and it was noted that this is one of the issues, that being that the lease is addressed to Platte Valley Clinic, LLC but signed by Health Management Services
- The lease is an extended term contract

- Meaning that it binds one mayor and council from another mayor and council – it was entered into on October 1, 2018 and has a term until December 31, 2022
- Extended term contracts are permissible under Wyoming law, but there has to be language in the contract that recognizes the contracts of an extended term that it serves the public interest and it benefits the town
- Under base obligations of the Lessee on page 2, paragraph 2, there appears to be a number of obligations of the Lessee that have not been met
 - Clinic hours
 - Availability of 24/7 on call
 - Services provided by the direction of a doctor of medicine or Osteopathy

Attorney Tom Thompson noted that he had looked at the lease from a prospective of compliance only.

Discussion from the council included:

- Was the lease on the agenda to address the lease payments?
- What assistance is the Corbett Medical Foundation continuing to provide to the clinic and shouldn't the town continue to offer assistance as long as the foundation continues to assist the clinic
- The clinic will probably never be able to operate as it has in the past

Comments from Karl Rudd on behalf of HMS

- They are grateful for their dedicated employees who continue to provide the services as available
- Appreciate the assistance offered by the Corbett Medical Foundation that allows them to continue to operate the clinic
- 24/7 on call services – To the viability of the business and to prevent burnout on behalf of their employees, he believes that is asking too much of his employees
- They are trying to provide the best services that they can and he believes the best way to do that is by providing a critical care hospital and putting providers into the community in a permanent capacity
- Dispatch makes the determination if it is necessary to dispense emergency medical services
- Members of his staff are dispensed under an agreement or MOU to respond with EMS if it is necessary during or after hours
- The clinic is not an emergency department, and it was noted that legally they cannot be, and the ambulances could not and should not have been going to the clinic in the past
- Where patients are taken is made by the discretion of the provider

Discussions continued with Nurse Practitioner Foley reviewing the special circumstances created at the clinic by a small staff of providers and typically long hours.

Councilwoman Welton supports the Corbett Medical Foundations support of the medical clinic and would like to see the town offer their support for as long as circumstances make that support necessary.

Councilman Wilcoxson supports the town supporting the clinic and FMS as necessary and as they move forward with the critical care hospital.

Councilman Keel stated that he believes that the town should adjust the lease to make it legal. The town should not continue on with the lease until it is adjusted. If there are things in the lease that the Lessee does not believe can be viable then they should not continue under the lease, and the town should not have a lease that they cannot enforce. It needs to be enforced or changed.

Councilman Nelson added the lease payment was to give the town some revenue stream in order to have a reserve account to offset maintenance or repairs to the building. However, the Corbett Medical Foundation has been terribly generous and perhaps the town needs to continue to be supportive on that point as well.

Attorney Tom Thompson advised that it is necessary to have the proper names on the lease agreement and as far as the enforceable terms and conditions. If this agreement isn't enforced now then it stays in place until 2022. There are grounds to terminate the lease, and it would be possible to deem the lease voidable and start with conditions that both parties are comfortable with.

Having a consensus of the parties, the lease will be tabled until the next meeting to give each party time to review the lease and have their suggestions available to make revisions to the current lease.

Mark Pesognelli noted that right now there is one medical doctor available at the clinic one day a week and that they are in negotiations with an Osteopath that may be able to do tele-med with the use of the machine that was purchased by the Corbett Medical Foundation.

Fire Department: Councilman Nelson noted that there would be a business meeting last Wednesday and they have planned a gun raffle for around July 4th.

Police Department: Chief Lehr requested permission to promote Officer Tyler Christen to the position of Sergeant at the rate of \$22.00 per hour.

Councilman Wilcoxson made a motion to allow Chief Lehr to promote Officer Tyler Christen to the position of Sergeant at the rate of \$22.00 per hour, seconded by Councilwoman Welton, the motion carried.

Attorney Tom Thompson was asked to review a lease agreement between the Saratoga Police Department and Venture Technologies and De Lage Landen Public Finance, LLC. The purpose of the agreement was to update the 911 system and transition away from the Sheriff's Office for the 911 system. The lease was signed by "Chief" Robert Bifano, on June 2, 2017 and will continue for 37 months with a beginning payment of 52,000.00 and monthly payments of \$1305.91. The Police Department continues to have problems with the 911 system due to incorrect installation and Chief Lehr will continue to work with Motorola Services to correct those problems.

Recreation Department/Commission Report: Mayor Zeiger read a letter declaring a vacancy on the Recreation Board submitted by Chairperson Sarah Lincoln.

Ms. Chia Valdez Schwartz addressed the council objecting to her commission seat being declared a vacancy. Ms. Schwartz stated that she sent emails that she was in Arizona and would be back in May. Her appointment was in October and she had not been to a meeting since that appointment.

Councilman Nelson made a motion to accept the letter from Sarah Lincoln declaring a vacancy on the Recreation Commission, seconded by Councilman Keel. Councilman Nelson voting yes, Councilman Wilcoxson voting yes, Councilwoman Welton voting yes, Councilman Keel voting yes, and Mayor Zeiger voting yes the motion carried.

Councilman Keel made a motion to allow Director Burton to advertise for letters of interest for the Recreation Commission, seconded by Judy Welton and the motion carried unanimously.

Recreation Director Lisa Burton presented the Arbor Day Proclamation and requested permission for the Mayor to sign.

Mayor Zeiger read the Arbor Day Proclamation and Councilman Wilcoxson made a motion to support the Proclamation with permission for the Mayor to sign, seconded by Councilman Nelson the motion carried unanimously.

For the May 23rd Arbor Day celebration children will go to the Saratoga Cemetery at 9:00 a.m. to help with planting trees. The trees will be planted to replace the trees that were damaged by the fire at the mill. Additionally Mayor Zeiger was asked to attend the celebration to support the Proclamation and to accept the Tree city USA certification.

Councilman Nelson stated that he has revised the Recreation Director's job description which will be reviewed by the town attorney and the recreation board.

Recreation Director reported that she and Sarah Burton will begin working on opening the swimming pool.

Saratoga Airport: Dave Shultz, Sage Engineering, addressed the council and reviewed the pending terminal demolition project in the amount of \$40,000. Mr. Shultz discussed the upcoming projects:

- 2020- Snow removal equipment project
- 2021- Upgrading the parking area; and
- 2022- A new terminal building.

Councilman Nelson presented a Request for State Airport Aid for demolition of the airport terminal. The project is a 60/40 project with 60% from the State \$36,000 and 40% from the town \$4,000.

Councilman Nelson made a motion to approve the Request for State Airport Aid for demolition of the airport terminal in the amount of \$40,000 with permission for the Mayor to sign, seconded by Councilman Wilcoxson and the motion carried unanimously.

Department of Public Works: DPW Director Jon Winter reported the following:

Streets:

- Performed equipment maintenance and repairs on the street sweeper to begin weekly street cleaning
- Assisted the water/sewer crew with a valve replacement and new vault at Kathy Glode Park

Water/Sewer:

- Request permission to purchase 400' of 6" poly pipe for various project needs at a cost of approximately \$1,200.

Councilman Wilcoxson made a motion to purchase 400' of 6" poly pipe for various project needs at a cost of approximately \$1,200, seconded by Councilman Nelson a discussion followed.

Councilman Nelson reviewed the product that Mr. Winter was asking to purchase, and questioned what his intended uses would be. Sharing his knowledge of those uses, Councilman Nelson indicated that it might not be a necessary purchase.

The question was called and Councilman Nelson voted nay, Councilman Wilcoxson voted nay, Councilwoman Welton voted yes, Councilman Keel voted yes, Mayor Zeiger voted nay, the motion failed.

- Continue to work with Councilman Nelson on issues with the DO sensor in Cell #2

Weed/Pest

- Requested permission for Mayor Zeiger to sign the pre-award acceptance letter for the EIMG.

Councilman Wilcoxson made a motion to allow Mayor Zeiger to sign the pre-award acceptance letter for the emergency insect management grant, Councilman Nelson seconded and the motion carried unanimously.

Parks:

- One bid was received for the park maintenance contract: Submitted by Scott and Michelle McIlvaine d/b/a Quality Lawn Care in the amount of \$38,200 for park maintenance from May 8, 2019 to September 30, 2019.

Councilman Nelson made a motion to award the park maintenance contract to Scott and Michelle McIlvaine d/b/a Quality Lawn Care in the amount of \$38,200, seconded by Councilman Wilcoxson the motion carried unanimously.

REPORTS FROM BOARDS AND COMMISSIONS:

Community Center Joint Powers Board: Councilwoman Welton noted that the next meeting will be held on Monday, May 13, 2019 at 4:30 p.m.

Water and Sewer Joint Powers Board: Councilman Nelson that the consultant from Forsgren Associates will present an update on the Saratoga Master Plan Level 1 Study Project at a public hearing prior to the next meeting on May 8th at 6:00 p.m.

Landfill Board: Councilman Wilcoxson stated that he believes that the dumpster stuffing is a result of the landfill not being open on Sundays. Additionally, he noted that it was suggested at the landfill board meeting that an additional charge may be added that would charge individual users when they dump their trash rather than utilize one of the local haulers.

Councilman Wilcoxson noted that a referendum initiative was being reviewed by the town attorney that would address the Sunday closures and forcing the landfill to maintain a clean dump area. The next Landfill Board meeting will be held at 7:00 p.m. on June 5th in Encampment.

Medical: Mark Pesognelli reported that they continue working on the credentialing of payers and thanked the Corbett Medical Foundation for their support and help.

Mr. Pesognelli encouraged everyone to attend the sustainability meeting on May 8th at the Community Center. There will be additional information provided in support of the critical care hospital facility.

Planning Commission: The next Planning Commission meeting will be held at 5:30 on Tuesday, May 14th Councilman Keel noted that they will be discussing the job description for the planning and zoning officer.

SCWEMS Board: Nothing to report

New Business: Mayor Zeiger read a Special Event Application submitted by Chris Shannon for a concert at the "Yard" on June 1, 2019 from 5:00 p.m. until 10:00 p.m. all necessary signatures were obtained prior to the meeting.

Councilman Keel made a motion to approve the Special Event Application submitted by Chris Shannon for a concert at the "Yard" on June 1, 2019 from 5:00 p.m. until 10:00 p.m., Councilwoman Welton seconded and the motion carried unanimously.

Adjournment: Being no further business to come before the meeting, Councilman Keel made a motion to adjourn, Councilman Wilcoxson seconded and the meeting was adjourned at 8:02 p.m.

The next regular meeting of the Saratoga Town Council will be held on May 7, 2019 at 6:00 p.m. in the Council Chambers of the Saratoga Town Hall.

John Zeiger, Mayor

Suzie Cox, Clerk