

MINUTES OF A REGULAR MEETING OF THE SARATOGA TOWN COUNCIL  
HELD DECEMBER 17, 2013, AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE  
SARATOGA TOWN HALL

Mayor John Zeiger called the meeting to order.

The Pledge of Allegiance was recited. Members present were Councilman Steve Wilcoxson and Councilwoman Susan Howe, and Councilwoman Judy Welton. Councilman Mike McWain was absent from the meeting.

APPROVAL OF AGENDA: Councilwoman Welton made a motion to approve the agenda as presented. Councilwoman Howe seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES: Councilwoman Howe made a motion to approve the minutes of the December 3, 2013 meeting as presented. Councilwoman Welton seconded and the motion carried unanimously.

APPROVAL OF THE BILLS: Councilwoman Welton read the following bills for approval: Accounts Payable: \$81,926.58; Payroll and FICA for 12/17/2013 in the amount of \$57,131.88; and manual checks in the amount of \$231.23, for a total of \$139,289.69.

Councilwoman Howe made a motion to pay the bills in the amount of \$139,289.69, Councilwoman Welton seconded and the motion carried unanimously.

CORRESPONDENCE: Mayor Zeiger read a letter received from Doug Campbell owner of the Wolf Hotel addressing a letter sent by Clerk Suzie Cox to all liquor license holders referencing the need for server training to prevent additional over serving at some of the establishments. Mr. Campbell noted that he believes it is very important that the police officers routinely visit the establishments which builds a working relationship and provides a sense of support for the bartenders.

REPORTS FROM DEPARTMENTS:

Town Hall: Mayor Zeiger presented the Community Development Block Grant application and noted that a public meeting had been held prior to the council meeting and the council had heard comments from the public in support of the grant application.

Councilwoman Welton made a motion to approve the Community Development Block Grant application, seconded by Councilman Wilcoxson. The motion passed unanimously.

Clerk Suzie Cox reported that a check in the amount of \$1,827.74 had been received from Wyoming Community Gas as the Choice Gas contribution for 2013. The intended use of this year's funds is to be for fences at Good Times Park and the Saratoga pools. Communities that are a part of the Choice Gas Program receive money back per capita if there is a surplus in the program. The council was reminded that the monies received last year were to be used to build a new information kiosk at the Saratoga Lake.

Mayor Zeiger read the list of official depositories and asked the council to consider The Rawlins National Bank, Bank of the West and the Bank of Commerce as the official depositories. Additionally, Mayor Zeiger asked the council to consider nominating the Saratoga Sun and the Rawlins Daily Times as the designated newspapers.

Councilman Wilcoxson made a motion to designate the Rawlins National Bank as an official depository of the Town of Saratoga, seconded by Councilwoman Welton. The motion carried unanimously.

Councilwoman Welton made a motion to designate the Bank of Commerce as an official depository of the Town of Saratoga, seconded by Councilwoman Howe. The motion carried unanimously.

Councilwoman Welton made a motion to designate the Bank of the West as an official depository of the Town of Saratoga, seconded by Councilwoman Howe. The motion carried unanimously.

Councilman Wilcoxson made a motion to designate the Saratoga Sun as the official newspaper of the Town of Saratoga, seconded by Councilwoman Howe. The motion passed unanimously.

Councilwoman Welton made a motion to designate the Rawlins Daily Times as the official newspaper of the Town of Saratoga, seconded by Councilwoman Howe. The motion passed unanimously.

Fire Department: Fire Chief Randy Sikes reported that the food drive is under way and the fire department will be delivering thirty food baskets this Saturday.

Police Department: Chief Tom Knickerbocker reported that the department is up to staff after hiring Officer Dickey.

Chief Knickerbocker reported that he had been contacted by a resident with concerns about the trucks on residential streets and ways that signs designating the truck route could help divert trucks looking for the saw mill off of town streets.

Chief Knickerbocker and Chuck Bartlett discussed the signage for the truck route to keep the trucks off of the residential streets.

Chuck Bartlett reported that many truck drivers use GPS's to get their directions which indicate that Bridge Street is the closest route to the saw mill. However, the designated truck route is from Chatterton to State Street which is not marked. Mr. Bartlett added that signage cannot be placed along the highway without permission from WYDOT.

Mr. Bartlett stated that the Wyoming Highway Department has been contacted and a letter was received from Randy Griesbach, District #1 Traffic Engineer, permitting the Town of Saratoga to put a sign with an arrow pointing toward the saw mill on the north end of town on south bound side of the highway below the Green River Ordinance sign. Permission was also granted for the installation of a sign at the north end of the bridge on the north bound side of the highway with an arrow pointing to the east for north bound traffic.

Mr. Bartlett noted that the signs will be ordered and installed as soon as they are received.

Mayer Zeiger requested that the police department continue to watch for trucks that are driving on residential streets and off the truck route.

Recreation Department: Recreation Director Lisa Burton reported the following:

- Ladies Night Out on December 4<sup>th</sup> had approximately 46 in attendance.
- The Jingle Bell Fun Run was rescheduled because of the weather and had seven participants which raised approximately \$350.00 – noting that Chris Shannon participated and contributed \$280.00 of that total. The amount raised was donated to the giving tree to provide gifts for children.
- Presented a letter from Dana Little, Administrative Assistant of the Saratoga/Platte Valley Chamber of Commerce stating that the Town of Saratoga Recreation Department has been nominated as Organization of the Year. The winner will be announced at the Annual Dinner on January 9, 2014.

Department of Public Works:

- Street Department: Chuck Bartlett reported that the street crew has been working on the snow plows and equipment and helping the water and sewer crew.
- Water & Sewer: Chuck Bartlett noted that the water and sewer department crew has been installing new services.  
Mr. Bartlett added that Jeff Check of Sensus will be at the January 8, 2014 council meeting to answer questions about the water meters.
- Weed and Pest: No report
- Hot Pool: No report

## REPORTS FROM BOARDS AND COMMISSIONS:

Airport Board: Mayor Zeiger noted that one letter of interest had been received for the airport board and the council will address the appointment at the next meeting.

Community Center Joint Powers Board: Councilwoman Welton reported that the board had held a short regular meeting on December 16, 2013 to deal with maintenance and budget issues.

The next meeting will be held January 20, 2014 at 4:00 p.m.

Water and Sewer Joint Powers Board: The next meeting will be held January 8, 2014 at 6:00 p.m.

Landfill Board: The next meeting will be held January 8, 2014 at 7:00 p.m.

Medical Board: no report

Planning Commission: Mayor Zeiger read a letter from Planning Commission Chairman Rory Grubb which was attached to a list of ordinance changes addressing home occupations. The letter and attachments were included in the council's packets and intended for council review upon the recommendation of the Planning Commission.

Chuck Bartlett presented a Variance submitted by homeowner Thomas Knickerbocker which Mayor Zeiger reviewed and as noted by ordinance the check list was read for the council and public in attendance.

Councilman Wilcoxson made a motion to approve the Variance submitted by Mr. Knickerbocker, seconded by Councilwoman Welton. The motion passed unanimously.

Questions were raised asking why the council would not address the letter from Rory Grubb and it was indicated that the council needs adequate time to review the letter and attachments prior to any action being taken. It was also noted that the ordinance suggestions will be presented to attorney Tom Thompson for his review prior to any action by the council.

The next Planning Commission meeting will be January 7, 2014 at 5:30 p.m.

Recreation Commission: The next meeting will be in January 13, 2014 at 5:00 p.m.

Community Garden Board: The next meeting will be in March 2014.

South Central Emergency Services Board: no report

Business: Mayor Zeiger read **Ordinance 822:** An Ordinance Amending Section 2.08.020 of The Town of Saratoga Municipal Code – providing for the removal of employees and board members for incompetency or neglect of duty.

Discussion followed with a number of individuals commenting on their dislike of an ordinance that doesn't define incompetency or neglect of duty and one which gives the mayor the authority to remove members of a volunteer board.

Attorney Tom Thompson explained that rather than amending each ordinance that addresses the boards and commissions he amended the Section 2 of the ordinances that addresses administration and personnel (Officers and Employees Generally) dealing with all personnel and employees. However, Mr. Thompson noted Wyoming Statutes § 15-2-12 provides the same guidance as does the proposed ordinance.

*15-2-102. Officers; election, appointment and removal; conditions for appointive office or position.*

*(a) The officers of a town are a mayor and four (4) councilmen, all of whom shall be elected. Unless otherwise provided by ordinance, the clerk, treasurer, marshal, attorney, municipal judge and department heads as specified by ordinance shall be appointed by the mayor with the consent of the governing body and may be removed by the mayor for incompetency or neglect of duty. All other appointments, except the appointment of members of a board or commission, and removals shall be made by the mayor without consent of the governing body, unless consent is required by separate statute. The governing body shall determine the method of appointing members of a board or commission, unless the method of appointing such members is specified by separate statute.*

Although both Mayor Zeiger and Attorney Tom Thompson attempted to explain that the ordinance was not defining incompetency or neglect of duty, adding that it would cover many issues including failure to attend meetings, acting on behalf of oneself or with a conflict of interest, those individuals in opposition to the ordinance were reluctant to accept those explanations.

Having not had an opportunity for a motion or a second Councilman Wilcoxson, for discussion purposes, made a motion to approve Ordinance 822 on first reading. Councilwoman Welton seconded the motion. Discussion continued.

Councilman Wilcoxson noted that he found it interesting that there was so much opposition to an ordinance that would allow board members to go the mayor and council with a request to remove a board member whom they thought was acting unethical, adding that he had been criticized for having a vote on the planning board and another vote on the council. Councilman Wilcoxson indicated that he had been told on a number of occasions that this was unethical. The proposed ordinance would give those individuals an opportunity to take their concerns to the mayor and council to be resolved.

Councilwoman Welton asked Attorney Tom Thompson if anywhere in our by-laws or ordinances is there a definition of incompetence or neglect of duty. Mr. Thompson responded by saying that he doesn't believe there is and state statute has the exact same language saying that an individual may be removed by the mayor for incompetence or neglect of duty. It has been defined by case law by the Wyoming Supreme Court. But it is almost impossible to have an exhaustive definition by ordinance as to what those two words mean.

The verbiage in Ordinance 822 is in line with the state section on officers. It has been defined by the Supreme Court to mean you were dismissed for cause.

Discussion continued with no additional action taken and the question was called. The motion passed unanimously.

Items from the Public: The following items were discussed:

- Tasha Worthington questioned the censorship used by the town clerk because the clerk neglects to note all comments made during council meetings and the individual making those comments.
- Thank you from KayCee Alameda to the council for passing the CDBG Grant application.
- Thank you from the council and mayor to Ms. Alameda for her assistance with the grant and to VOV for their contribution to that application.
- Chris Shannon questioned the town clerk's actions on utility billing adjustments and the council's intent on going back further into utility billing.
- David Worthington stated he hoped the council would appoint individuals to the airport board that have aeronautical experience.
- Chuck Bartlett noted that there would be a river study committee meeting on Thursday, December 19<sup>th</sup> at 9:00 a.m. to review the river study. He also noted there will also be a public meeting at 6:00 at the community center to take public comments on the river study.
- Michael Dunn was introduced as the new reporter for the Saratoga Sun.

Adjournment: Being no further business to come before the meeting, Councilwoman Welton made a motion to adjourn, seconded by Councilman Wilcoxson the meeting was adjourned.

The next regular meeting of the Saratoga Town Council will be held January 7, 2014 at 6:00 p.m. in the Council Chambers of the Saratoga Town Hall.

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Mayor John Zeiger

ATTEST:

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Suzie Cox, Clerk