

MINUTES OF A REGULAR MEETING OF THE SARATOGA TOWN COUNCIL  
HELD JUNE 4, 2019 AT 6:00 P.M. IN THE THEATER  
OF THE PLATTE VALLEY COMMUNITY CENTER  
SARATOGA WYOMING

Mayor Zeiger called the meeting to order at 6:00 p.m. in the Platte Valley Community Center Theater. The meeting had been changed to the Community Center in anticipation of a large attendance.

Members present were Mayor John 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 Keel seconded, and the motion carried unanimously.

APPROVAL OF THE MINUTES: Councilman Wilcoxson made a motion to approve the Minutes of the May 21, 2019 meeting as presented, Councilwoman Welton seconded and the motion carried unanimously.

APPROVAL OF THE BILLS: Treasurer Samuel Flohr read the following bills for approval: Accounts Payable: \$87,368.37; Payroll and FICA for 5/28/2019 in the amount of \$55,005.24; and manual checks in the amount of \$15,816.81, for a total of \$158,190.42.

Councilwoman Welton made a motion to pay the bills in the amount of \$158,190.42, Councilman keel seconded, and the motion carried. Councilman Nelson abstained from voting on the payment to Kassey Westring in the amount of \$ 820.00

CORRESPONDENCE: Councilman Keel read a letter from Karl Rude expressing his disappointment that the Mayor had allowed Carbon County Memorial Hospital CEO Bob Quist to speak to the Council to offer the hospitals support should the council need a backup plan if the clinic were to need services.

*(This correspondence included an earlier email to Mr. Rudd from Clerk Suzie Cox which noted that Mayor Zeiger asked her to let Mr. Rudd know Mr. Thompson would not be attending the May 21<sup>st</sup> meeting and therefore the Medical Clinic Lease would not be discussed until June 4<sup>th</sup>. (this note was read and discussed by Mr. Rudd at a later time in the meeting) the Medical Clinic Lease was not discussed at the May 21<sup>st</sup> meeting)*

Councilman Keel read a letter from Brandy Wallace, Saratoga's representative to the CCEDC. The letter expressed the CCEDC's interest in encouraging the towns objectives in economic development by having a shovel ready parcel of land that either has utilities or can get them quickly. This being prepared would help is someone were to quickly come to our county with a plan or project.

Town counsel, Tom Thompson noted that in regard to making property available to either a business or a private individual there are some prohibitions under Wyoming law in providing aid to private individuals and corporations. There is an expressed prohibition against that type of gifting to private corporations or individuals. The request would need to be more detailed as to whom the gifting would be going and for what.

COUNCIL COMMENTS:

Councilman Wilcoxson addressed the council and stated that he had been told of a website that he should look at, which was "Platte Valley Citizens Unite". After reading the website he understood that the writer was supportive of the critical access hospital, however, most of the statements did not represent that support. There were a number of statements that were misrepresented and when this type of thing is put on the internet the damage is already done.

Councilman Wilcoxson went through each item:

- Page 2/7 Conducting business behind closed doors. *His response*; not since January 1<sup>st</sup> has this happened

The author of this website does not even have the guts to put their name on this website

- Page 5/7 #1 "He" has shown disregard for public disclosure / dissolved the airport board. *His response*; This, "he" did not do, there are four council members and the vote was unanimous, "his" vote did not count although he held his hand up to allow the public to know how he felt about the issue Councilman Wilcoxson noted that his support was for dissolving the airport board

- Page 6/7 #3 Healthcare benefits for the town attorney. *His response*; this would have been paid by the individual with no cost to the town

#5 One hanger owner appealed to the town to have exceptions for his ground lease and "he" allowed the appeal, without conferring with the Airport Board

This had been discussed for years, and the appeal was the proper way to handle it, but some of the then current airport board members wanted to put their influence into that issue

- The "Mayor" allowed the removal of the board member to be approved without the board member having an opportunity to address the issue. *His response*; The recreation board brought that recommendation to the council and it was their recommendation to remove that individual because she had not attended any meetings since her appointment months earlier

Councilman Wilcoxson added that everyone has an opinion but attacking someone's character like this is inappropriate, everyone should be accountable, but this is not the way it should be done.

Councilman Wilcoxson noted that if he had insulted the individual that came up with this "trash" They could come by his house to discuss it.

Councilman Nelson added that the website and the negative comments serves no productive purpose and anyone that wants to be heard is welcome, it means your interested, something is going on and we want to hear from the public in this type of forum, not on facebook, not through text messages and then he thanked everyone for coming.

Councilman Keel stated that he appreciates the public participation and hopes everyone will be able to voice their opinions, adding that he had taken count and it appears that approximately 91 people came to participate in the meeting.

ITEMS FROM THE PUBLIC: *(the following individuals requested that they be put on the agenda)*

Stacy Crimmins read a letter addressed to the Mayor and Council from the Platte Valley Chamber of Commerce Board of Directors through Board Chairman Johnathan Schnal. The letter expressed the boards support of the availability and sustainability of quality healthcare for the valley as well as the importance of a sustainable future for the nursing home as well as a clinic.

Joanie Johnson addressed the council and audience and explained that she and her husband John, have lived in Saratoga since 1972. Dr. Johnson had designed and paid for the original clinic along with his dental office at 1212 S. River. She just can't support the critical care hospital because it is overrated and will burden the town with government spending. She disagrees that CCMH is in direct competition with HMS and the critical care hospital is way beyond what the town needs. Letters need to be written to recruit a doctor that would love and appreciate living here.

Gene Smith accompanied Ms. Johnson to the podium and expressed his concern about the HMS business plan and the anticipated funding. He disagrees that the funding for such a large project will be available. The CMS(Medicare) website indicates that they do not guarantee funding for these projects. To compensate for the lack of funding he believes the cost of health care will increase for the clinic and the critical care hospital. Its not about the competition, it's about healthcare for the people in the valley and he's grateful for the response by Mr. Quist and CCMH.

Rocky Fiedor addressed the council and attendees assuring that he is not pro or anti about HMS but that he was concerned about himself, family, employees, home, and neighbors. He encouraged the town to work through the lease and to reconsider terminating the lease. He wishes there were a fulltime doctor, fulltime support staff at the clinic, but instead we have two qualified providers and a support staff, and he wants more. Without the commitment of HMS and the two current providers we would have nothing. What is the motive for terminating the lease? If the lease is terminated, we would lose the clinic and that will be followed by closure of the nursing home then followed by closure of our local pharmacy. Terminating the lease will not only effect Saratoga but will also impact two other communities and all residents from I-80 to the state line.

Greg Salisbury, Encampment Mayor, stated his concerns about health care and stated that it is not only Saratoga's decision, but it is the whole valley's decision because what Saratoga does affects them, and they want to be involved. Maybe if they (HMS) bundle it all together, maybe, they can make it work, SCWEMS is struggling and we may lose the nursing home as well. Give them a chance to see if it is financially feasible, it is not just Saratoga's decision, its everyone's.

Sonja Collamer, a member of the Platte Valley Sustainability Health Care Board, and a member of the subcommittee of the Corbett Medical Foundation. She thanked the council for the opportunity to speak and voice her concerns about the health care in the valley. Mrs. Collamer expressed her appreciation of the providers that are currently working in the clinic and in the nursing home and noted how hard Mark Pesognelli has been working to contact possible providers for the clinic. She then gave an overview of the information that is available at the monthly meetings, on the websites, on the surveys and on the question and answer flyers.

Leroy Stevenson, Mayor of Riverside, addressed the council expressing the concern of everyone in the valley. They appreciate HMS for coming in and keeping the nursing home from closing and for providing what services they can at the clinic. He appreciates the work and time that the sustainability group is putting into the project and the importance of the feasibility study. If the feasibility study comes back that the project is not feasible the valley may lose the clinic, nursing home, and pharmacy. He would encourage the council to continue to work with HMS.

Many individuals came to the podium to express their concerns and support of HMS, the need for the clinic and the fear of losing the nursing home. Others addressed their concerns of not having a doctor, supporting CCMH for their offers of assistance and their concerns of HMS's plans for a critical care hospital.

Bill Culbreath addressed the council and asked that they withdraw his name from the agenda on the JPB discussion and to consider Ordinance #855. Additionally, he asked that they not act on the ordinance on first reading.

Roger Cox, a member of the Water/Sewer JPB, requested that the council not postpone action on Ordinance #855 on first reading. The JPB held two public hearing on the rate structure of the ordinance and it will require three readings before passage.

EXECUTIVE SESSION: Councilman Wilcoxson made a motion to move into executive session at 7:58 p.m. to consider information considered confidential by law, in accordance with W. S. 16-4-405(a) (ii) and (iii).

Councilman Keel seconded and the motion carried unanimously. The Council requested LGLP Attorney Richard Rideout to join them executive session to discuss ongoing litigation.

Councilman Keel made a motion to move out of executive session at 8:46 p.m. Councilwoman Welton seconded and the motion carried unanimously.

Councilwoman Welton made a motion to approve the minutes from the executive session and to put the minutes of the executive session in a sealed envelope in accordance with State Statute 16-4-405(b). Councilman Keel seconded and the motion carried unanimously.

Mayor Zeiger reported that no action was taken.

NEW BUSINESS: Stacy Crimmins presented a Special Use Permit and Open Container Permit for the Twenty-Fourth Steinley Cup Microbrew Festival to be held on August 17<sup>th</sup> at the Veteran's Island Park.

Councilman Wilcoxson made a motion to approve the event application with permission for the Mayor to sign, Councilman Keel seconded, and the motion carried unanimously.

Councilman Nelson made a motion to approve the open container permit for the August 17<sup>th</sup> Steinley Cup with permission for the Mayor to sign, Councilman Keel seconded, and the motion carried unanimously.

#### REPORTS FROM DEPARTMENTS:

##### Town Hall:

Councilman Nelson reported that County Clerk Gwynn Bartlett had forwarded an amended resolution from SLIB authorizing the reallocation of the remaining 2013-2014 Consensus Grant funds in the amount of \$1,938 to the Town of Dixon and to reallocate Dixon's remaining funds from their countywide consensus funding to allow the funds to be used to purchase new water meters. Encampment had claimed the CWC remaining 13/14 funds at the last CCCOG meeting but graciously offered the funds to Dixon for their water meter replacement project.

Councilman Nelson made a motion to approve the amended SLIB Resolution with permission for the Mayor to sign, Councilman Keel seconded, and motion carried unanimously.

Councilman Keel read **Ordinance No. 853**, an Ordinance amending the 2018/2019 Budget on second reading.

Councilwoman Welton made a motion to approve Ordinance No. 853 on second reading, Councilman Wilcoxson seconded the motion and the motion carried unanimously.

Councilman Keel read **Ordinance No. 854**, an Ordinance to Provide Income Necessary to Finance the 2019-2020 Fiscal Budget of The Town of Saratoga on second reading.

Councilwoman Welton made a motion to approve Ordinance 854 on second reading, Councilman Keel seconded.

Councilman Nelson noted that he and Clerk Cox will be making a revision prior to the third reading. The question was called, and the motion carried unanimously.

Councilman Nelson noted that there had been several discussions about the 2017/2018 audit conducted by ACM, and they have provided a letter of engagement for the 2018/2019 audit for the council's consideration.

Councilman Nelson made a motion to not accept a letter of engagement with ACM, Councilman Wilcoxson seconded. Discussion followed and Councilman Nelson noted that he had been disappointed by some of the answers from ACM that were forthcoming during the budget workshop and he would like to have someone else review our financials and answer some of the questions that they have. The question was called, Councilman Nelson, aye, Councilman Wilcoxson, aye, Councilwoman Welton aye, Councilman Keel aye and Mayor Zeiger aye, the motion carried unanimously.

Councilman Nelson made a motion to solicit a proposal from MHP for the 2019/2020 audit, Councilman Keel seconded, and the motion carried unanimously.

Fire Department: No report

##### Police Department:

Chief Lehr asked the council to review the service agreement offered by Motorola Solutions for network maintenance, technical support, dispatch support, and replacement of defective units through the Motorola support service. The agreement will be for one year at a cost of \$1,333.20 per month for five radios.

Attorney Tom Thompson suggested that the council table approval of the contract and allow Chief Lehr to contact Motorola Solutions and go on a monthly basis without binding the town to a lengthy contract but allowing Chief Lehr to have the valuable services that the contract will provide until counsel has an opportunity to review the agreement.

Councilman Wilcoxson made a motion to allow Chief Lehr to contact Motorola Solutions to work on a month to month basis until the council has had an opportunity to review the contract, Councilman Keel seconded, and the motion carried unanimously.

Because no solution has been found to the 911 system issue Councilman Nelson made a motion to have the town attorney write a letter to the communications providers and demand that they show up at the

town hall to discuss what is going on with their system. Councilman Wilcoxson seconded and the motion carried unanimously.

Councilman Nelson reported that he had been approached by a County Commissioner and was asked to meet with John Rutherford and Scott Hannum to discuss a Regional 911 dispatch system. Under the circumstances and considering the issues with our 911 system he will be sitting in on that conversation.

#### Recreation Department/Commission Report:

Director Lisa Burton reported that the swimming pool is open, and the next meeting of the Recreation Commission will be December 10<sup>th</sup> at 5:00 p.m.

#### Saratoga Airport:

Councilman Nelson read a letter of interest from Lance Grubb requesting appointment to the airport advisory board.

Councilman Nelson made a motion to appoint Lance Grubb to the airport advisory board as chairman, Councilman Wilcoxson seconded, and the motion carried unanimously.

The council discussed the remaining two letters of interest and there was a concern because both individuals may be hanger owners and there would need to be clarification on the letter submitted by Ladd Sanger.

Councilman Nelson made a motion to appoint Arlen Hughes to the airport advisory board, Councilman Wilcoxson seconded, and the motion carried unanimously.

The bid opening for the terminal demolition project has been postponed and the first meeting of the airport advisory board will be held on June 12<sup>th</sup> at 1:00 pm

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

##### Streets:

- Patching potholes
- Installed two new pedestrian crossing signs on Pic Pike Road
- Cleaned storm drains and ditches

##### Water/Sewer:

- 2018 CCR water quality report notice has been published, it is available at the town hall for review and a notice was included on the current utility bills
- Received preliminary approval of the grant for backup generators-grant. The grants are to be awarded in September

##### Weed/Pest

- Requested permission to advertise for foggers for this summer

Councilman Nelson made a motion to allow Mr. Winter to advertise for summer mosquito foggers, Councilwoman Welton seconded and the motion carried unanimously

##### Parks:

- Councilwoman Welton noted that the Bridge Street Flowers are ready to be placed and they are looking at June 14<sup>th</sup> to have them brought in. Councilwoman Welton has contacted business owners and she is asking them if they will assist with watering the flowers on Bridge Street. She has also asked if the baskets can be lowered to make watering easier. If she can get the business owners to help with watering, it will not be an additional cost to the town.

##### Lake:

- Working on the RFP for water and sewer to the Saratoga Lake

#### **REPORTS FROM BOARDS AND COMMISSIONS:**

##### Community Center Joint Powers Board: Joe Elder reported the following:

- PVCC Board will be having their budget meeting on June 10<sup>th</sup> along with their regular meeting.
  - Rocky Fiedor had taken the seat held by Linda Butler.
  - The flower basket for the community Center were picked up and will be planted and returned
- Councilwoman Welton noted that the next meeting will be held on Monday, June 10, 2019 at 4:30 p.m.

##### Water and Sewer Joint Powers Board:

Councilman Wilcoxson read a letter addressed to the Mayor and Council from Jason Armbruster, District Ranger for the Brush Creek/Hayden Ranger District, in a response to a letter sent to the Forest Service by DPW Director Jon Winter on January 18, 2019. The letter addressed a number of contractor's noncompliance issues on the water and sanitary sewer connections at the Forest Service. The letter indicated that the Forest Service appreciated the town's oversight of the project and will ensure that the contractor will be closely observed to safeguard contract compliance.

Councilman Nelson asked Jon Winter to conduct periodic inspections and to maintain a record that the contractors have gone back and corrected the installation issues.

Mayor Zeiger presented Ordinance No. 855, an Ordinance to amend Chapter 13.16 Section 13.16.030 & 13.16.045 to address the water rate structure on first reading.

Councilman Nelson noted that Bill Culbreath of OBC requested the ordinance be tabled, however, the JPB has been working on these changes for several months and Mr. Culbreath was present for at least one of the public hearings. At the urging of multiple JPB members, he would suggest that the council proceed with first

reading, there are two remaining readings and an opportunity to discuss the ordinance at the JPB meeting on June 12<sup>th</sup>.

Councilman Wilcoxson made a motion to approve Ordinance No. 855, an Ordinance to amend Chapter 13.16 Section 13.16.030 & 13.16.045 to address the water rate structure on first reading, Councilman Nelson seconded, and the motion carried. Councilwoman Welton declared a conflict and abstained.

The next meeting will be on June 12<sup>th</sup> at 6:00 p.m.

#### Landfill Board:

The Landfill Agreement was included in the council packets for council review.

Councilman Nelson made a motion to table the UPRSWDD agreement until the June 18<sup>th</sup> council meeting, Councilwoman Welton seconded and the motion carried unanimously.

The next Landfill Board meeting will be held at 7:00 p.m. on July 3<sup>rd</sup> in Encampment.

#### Medical:

Mark Pesognelli reported that he and Karl Rudd have entered into contract negotiations with Dr. Pat Bromley, an Osteopath, who has agreed to be available for 2 or 3 days of telemedicine. That training will begin on the 11<sup>th</sup> and as soon as they receive her credentials she will be coming on board. So once again they are beginning to ramp up their abilities at the clinic.

There was one call last week for an ambulance and there was not an ALS available, but because of the critical needs of the patient the clinic allowed one of their staff, Heidi Sifford, to respond with the ambulance for four hours, even though the clinic does not have an agreement with SCWEMS. So, they continue to provide services to the community, and they continue to reach forward even when they are not getting paid.

The current providers work very hard and are very dedicated.

Mr. Pesognelli stated he had entered into a conversation with Chief Lehr to see if there was a way that the dispatchers could do additional coverage for the clinic after hours. Chief Lehr stated that because of the liability the town is not interested in doing any triage at all for the clinic. They only want to do the EMD which is basically call the ambulance, go to the hospital. Mr. Pesognelli will continue to try to work on that issue.

#### Clinic Contract (Lease) Negotiations

Mr. Karl Rudd addressed the council and noted that he had given Mr. Wilcoxson a coarsely edited version of the contract (lease agreement) with negotiated points hoping to find terms that can be negotiated.

The council had not had a chance to review the suggested terms and therefore a discussion followed, and concerns were addressed:

- Addressed the goals that they (HMS) see as important
  - Continue to provide services (HMS)
  - Allow latitude
  - Trying to find 3<sup>rd</sup> party providers
  - Fundamental need to turn the clinic into something rather than a clinic
  - The critical access hospital is the solution they are going for
- Councilman Wilcoxson noted that it would be important for the council to review the suggested changes since they only received it tonight. Additional comments followed;
- Is it necessary to do anything at this time?
  - Is there an advantage to do nothing?
  - Do we (Council) want to have contracts that are not enforceable?
  - Develop something enforceable and achievable
  - The Town does not want to get in the habit of having contracts that are not enforceable, but this contract was negotiated by people not more than a few months ago and at that time these were goals were expected to be achievable
  - If we are all trying to achieve these goals, then it might be best to work together to continue to do everything possible to reach these goals
  - Legal opinion; the discussion between everyone about terminating this lease, if it were brought to the table tonight, it could not occur – there are certain terms under the lease agreement that must be followed:
    - Need to give notice
    - Give time to cure the default
    - The council does not have the right to give notice and immediately the lease is terminated
    - It doesn't make sense to have standards that are contractual that you expect performance out of both parties and then redefine them as goals. If you are going to have a lease agreement and require both parties to perform then there should be criteria within the lease that Lessee can meet, and that Lessor is obligated to enforce
  - The changes to be made by HMS has goals that do not hold timeline
  - It's open ended
  - The lease states that the town *may, not shall*, terminate this lease for cause; if the council should decide to terminate the lease, they (the town) are not in defaulting on the lease
    - The Lessee came forward and stated that they cannot meet the base obligations of the lease that are set forth in paragraph 4, and that is where this all started. Is the Lessee in violation of the base obligations? And, they clearly are. If there is language in the lease that says the Lessee *shall*, and the Lessor takes no action although they are not meeting any of those obligations, what is the explanation from the Council's perspective that they don't go back and give notice of those

breaches, or somehow modify the lease agreement. It makes no sense to have this in place if these aren't the standards that the lessee is engaged in with the Town of Saratoga

- If modifications to the lease are made is the town obligated to sign it? No  
Mr. Rudd noted that he had never before had to discuss a contract in public and he added, he will never discuss a contract in public again.

The discussion continued with no action being taken

Planning Commission:

The next Planning Commission meeting will be held at 5:30 p.m. on Tuesday, June 11, 2019.

SCWEMS Board: No report

Adjournment: Being no additional business to come before the meeting, Councilman Nelson made a motion to adjourn, Councilman Wilcoxson seconded, and the meeting was adjourned at 10:16 p.m.

The next regular meeting of the Saratoga Town Council will be held on June 18, 2019 at 6:00 p.m. in the Council Chambers of the Saratoga Town Hall.

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John Zeiger, Mayor

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Suzie Cox, Clerk