

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 July 8, 2024, pursuant to the law.

Mayor Pro-Tem Madsen called the meeting to order at 7:00 p.m. The following were present at roll call: Councilman Madsen, Montoya, Kaufman, and Allison. Clerk/Treasurer Candy Wright and Attorney Doug Weaver were also present.

Mayor Graves entered the meeting and presented the agenda adding Diane Mitchell and Richard Lewis to Public Comment. Councilman Kaufman motioned, seconded by Councilman Montoya, to accept the agenda as amended. Motion passed 4-0.

Councilman Montoya motioned, seconded by Councilman Kaufman, to accept the consent agenda and place it on file. Motion passed 4-0.

June vouchers approved by the Council are as follows: A & M Electric, 420.00, troubleshooting electric, Alexander Construction, 10,580.23, road base, Allison, William, 150.00, Council Meeting, AlSCO, 125.52, Mat Rentals, Ardurra, 11,119.75, engineering, AT&T Mobility, 259.44, mobile internet, Black Hills Energy, 956.22, gas, Bloedorn Lumber, 120.30, supplies, Bomgaars, 2,457.18, supplies, Capital Business System Inc., 629.33, copier, Carolina Software, 200.00, software support, City of Torrington, 25,708.00, Tipping Fees, Civil Engineering Professional, Inc., 28,213.30, engineering, Connecting Point, 41,928.81, IT, Crescent Electric, 1,411.46, pvc supplies, Crystal Ice Co, 82.50, ice, Dana Kepner Co, 22,059.33, parts water tower, Dana Kepner Co, 4,283.17, water supplies, DBC Irrigation Supply, 1,388.46, bushing, DBT Transportation Services LLC, 1,485.75, AWOS, DBT Transportation Services LLC, 250.00, weather data services, Deep Rock Water, 101.91, water, Downtown Laundry, 40.00, patches, Eakes Office Solutions, 29.37, PD Office Supplies, Energy Labs Inc., 770.00, waste water/water testing, Engineering Associates, 2,514.85, engineering water/sewer, Engineering Associates, 305.81, 11th St sewer line, Enniss, Tabitha, 1,970.60, reimburse training, Fat Boys Tire & Repair, 595.09, vehicle maintenance, Ferguson Waterworks, 1,814.63, water parts, Ferguson Waterworks, 2,437.43, annual Sensus support, First Bankcard, 4,950.91, training/supplies/Google, First State Bank, 50,000.00, health claims, Galls, LLC, 241.47, uniform, Glendo FFA, 450.00, Pork Hohnholt sign, GoTo Communications, 569.15, phones, Graves, Brandon, 750.00, mayor wage, H & H Electric LLC, 6,084.00, labor and equipment, Hawkins Inc, 837.97, 150 lb. chlorine cylinders, Hoffman Custom Construction Inc, 11,800.00, concrete ramp, Hohnholt, Toby, 200.00, property cleanup, Horton Fuels LLC, 7,301.10, gas & diesel, Ideal, 98.06, coveralls and towels, Kaufman, Joshua, 150.00, Council Meeting, KYCN Radio, 400.00, advertisement, Landis + Gyr, 950.00, Monthly Fee, Laramie Peak Vet. Assoc., 103.00, Igor exam, Lawson Products, 3,016.91, city shop supplies, Local Government Liability Pool, 27,465.00, membership renewal, Long's Tree Spraying, LLC, 10,613.00, tree spraying, Madsen, Alan, 150.00, Town Council, Marks Plumbing Parts, 110.53, supplies, Martin, Walter, 400.00, property cleanup, McElmurry, Jeanie R, 325.00, Cleaning Town Hall, Meier, Preston, 1,358.85, FR/safety reimbursement, Meritain Health, 28,397.13, Health insurance premiums, Montoya, Anthony, 150.00, Council Meetings, Motorola Solutions, 2,215.00, radio warranty PD, support fees, Mountain West Technologies, 211.90, Airport telephone/internet, MVP Playgrounds, 5,422.00, tables, NORCO, INC, 4,845.95, 16th St shop welder, Novus Glass, 745.00, replace windows, Oliver, Zachariah, 1,000.00, Electrical Inspector, Oliver, Zachariah, 835.00, training reimbursement, One Call of WY, 107.25, tickets for June, One Stop Safety, 145.00, post-accident, Orr, Ryan, 500.00, property cleanup/cleaning shop, P.C. Parks and Recreation, 7,728.00, field dirt, Pipestone Equipment an Impel Company, 8,684.00, supplies, Platte County, 2,224.00, truck and driver, Premier Title Co., 150.00, opinion and title search,

Quill Corporation, 110.76, supplies, Record Times & PC Merchant, 1,439.56, advertisement, Santander, 7,965.00, lease payment police car, Simply Creative, 52.99, Sympathy Floral, Southeast Wyoming Weed Control, 10,392.98, weed control, Spot On Welding, 19,250.00, labor, Spot On Welding, 5,000.00, materials and labor, State Lands & Investments, 25,000.00, loan transfer station, State of Wyoming, 15,141.98, Utility Sales Tax, Stitches & Ink, 40.00, Embroidery, Superior Contracting LLC, 11,400.00, trash hauling, Symbiosa, 1,000.00, GIS and mapping, TDS Collection Service Inc., 6,487.80, rolloff C & D, The Pie Tin Bakery and Catering, 500.00, employee appreciation, Thomas, John, 150.00, dot physical, Thrifty Foods, 607.56, admin supplies, Town of Wheatland, 306.37, school, training, safety, Trihydro Corporation, 3,567.75, Engineering, USA Blue Book, 1,017.98, water supplies, Valli Information System INC, 1,111.57, mailing of bills, Verizon Wireless, 354.30, Cell phones, WAMCAT, 150.00, membership dues, Wheatland Ace Hardware, LLC, 731.26, streets operating supplies, Wheatland Automotive, 1,221.13, FD Unit 7 maintenance, Wheatland Fire Dept Foundation, 5,037.76, convention 2024, Wheatland R.E.A., 9,394.84, power purchased, Wyoming Assn of Municipalities, 5,047.00, membership due, Wyoming Municipal Power, 181,198.79, power bill, Wyoming Retirement System, 356.25, firemen retirement, Wyoming Workers Compensation, 770.90, workers comp, SPET- Crescent Electric, 5,610.90 Supplies, Barr Engineering, 14,208.90, Engineering, Payroll- \$178,800.89 Total Vouchers- \$896,993.66

PUBLIC COMMENTS: Diane Mitchell expressed her concerns about the fireworks. Richard Lewis and Curtis Fletcher, representing the Masonic Lodge, expressed their concern over a water valve that has been broken for over a year. A report was given by PCED.

UNFINISHED BUSINESS: Councilman Montoya motioned, seconded by Councilman Madsen, to approve Ordinance 850 on third and final reading. Motion passed 4-0.

ORDINANCE #850

AN ORDINANCE ESTABLISHING BUSINESS LICENSING FOR FOOD SERVICE ESTABLISHMENTS, MOBILE FOOD TRUCKS, MOBILE FOOD UNITS,

AND FOOD STANDS. BE IT ORDAINED BY THE TOWN OF WHEATLAND, WYOMING, ORDINANCE #850 SHALL READ AS FOLLOWS:

WMC 8.40.010 – Purpose – Authority- General Provisions

- A. The purpose of this chapter is to protect the public health, safety, and welfare of the community by licensing and regulating the operations and activities of food services and food handling practices within the town.
- B. Pursuant to the authority granted cities and towns by Wyo. Stat. Section 15-1-103(a)(v), the licensing and regulating of food services, including food service establishments, mobile food trucks, mobile food units, and food stands are governed by this chapter.
- C. The mayor or town council may suspend or revoke a license or permit when the licensee or permittee commits one or more of the following:
 1. A violation of any provision of this chapter.
 2. A violation of any Wyoming Department of Agriculture, Consumer Health Services regulation, or requirement.
 3. Securing any license or permit by fraud or misrepresentation, to specifically include false or incorrect information on the license or permit application form.
- D. Minors under the age of eighteen (18) years operating a beverage stand selling lemonade, iced tea cookies, or similar food and beverages on property owned, leased, or rented by their parents or legal guardians, farmer’s market booths, and town or school district sanctioned community events featuring homemade food items are exempt from the provisions of this chapter.

WMC 8.40.020 – Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Food" means any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food service establishment" means a restaurant, coffee shop, or drink bar at a permanent location where food is prepared for sale or service to the public and is intended for individual portion service and includes the site at which individual portions are provided.

"Food stand" means stands, concession stand, booth, table, or pushcarts providing approved and inspected pre-packaged food items and/or those food items requiring only limited preparation (minimal cooking and seasoning) as approved by the health officer.

"Mobile food unit" means a vehicular food unit utilized solely to provide pre-packaged food in individual serving sizes which have been transported from an inspected and approved permanent food service establishment or food preparation facility which serves as the base of operation for the mobile food unit.

"Mobile food truck" means a motorized, wheeled vehicle or towed, wheeled vehicle designed and equipped to prepare and serve food.

"Community Event" means a street fair, parade, car show, trade show or any similar single day event attracting food stands, mobile food trucks or mobile food units.

WMC 8.40.030- License and permits required.

- A. It is unlawful for any person to operate a food service establishment, a food stand, pushcart, mobile food truck, or mobile food unit, without first obtaining a license or permit from the town clerk. Licenses and permits issued must be posted and displayed in a conspicuous place at the licensed or permitted premises of any food service establishment, upon the mobile food truck or mobile food unit, or be immediately available upon request at any food stand, as applicable.
 - a. Exemption: Mobile food units, or food stands servicing a community event under the provisions of a Community Event Permit.
- B. Food service business licenses or permits shall be effective for 1 year upon approval by the town clerk.
- C. Fees for a Town Food Service License or Permit shall be set by resolution of the Town Council. Fees shall be in addition to applicable Wyoming Department of Agriculture, Consumer Health Services application, or renewal fees.
 - a. The town clerk is hereby authorized to waive permit fees when the event is a town or school sanctioned event.
- D. Provision is hereby made for a 14-day non-refundable license for all food stands, mobile food trucks, or mobile food units operating on a temporary basis. Fees shall be set by resolution of the Town Council.
- E. Provision is hereby made for a 1-Day Community Event Permit for community events in the Town. The Community Event Permit shall be posted at the sponsor's representative location and shall list all food stands or mobile food units operating under the permit.

WMC 8.40.040 – Food service inspections – Authority

- A. The town clerk is authorized by the town to issue permits as required. The code official and other town representatives, as required by the town clerk, will inspect, if deemed necessary, any premises, equipment, or products to be used in the offering of food items for consumption to the general public, either through sales or gratuitously. Whenever code and safety deficiencies are noted by the official, the official shall post in a conspicuous place a list of the deficiencies noted during the inspection upon the premises of the food service establishment or upon the food stand, mobile food truck, or mobile food unit, as applicable. The list must remain posted until such time as the deficiencies are remedied. The official may charge an inspection fee for the performance of the inspection.

- B. The Building Official/Fire Code Official will inspect any food service establishment, food stand, mobile food truck, and mobile food unit. Before the issuance of any business license pursuant to the provisions of this chapter, or business license renewal, the vendor shall obtain proof of successfully completing a fire inspection and furnish said proof to the town clerk as part of the business license application, or renewal.

WMC 8.040.050 – Food service license – Application

- A. Before any license or permit will be issued, an applicant must first have applied for a state of Wyoming Food Service license or permit through the Wyoming Department of Agriculture, Consumer Health Services, and a sales tax permit through the Wyoming Department of Revenue. Any application fees, including any applicable annual renewal fee, assessed, and collected by the health department, are required prior to issuance of a town license and/or permit.
 - a. Exemption: Community Event Permit applicants. The applicant of a community event permit shall affirm that they will verify Wyoming Department of Agriculture food service licenses if the mobile food units or food stands operating under the community event permit are required to have a state food service license according to state statute.
- B. Any person wishing to conduct business as a food service establishment must submit written application for a license on forms provided by the town clerk, together with payment of the required fee, to the office of the town clerk. Applications submitted must include the following documentation:
 - a. Name, address, and contact information of the owner of the establishment
 - b. Floor plan and site plan for the proposed business, approved by the Building Official (Food service establishments existing at the time of adoption shall be exempt provided they pass the fire inspection).
 - c. Proof of inspection by the Fire Code Official
 - d. Location and capacity of the grease trap/separator.
 - e. Proof of application for food service permit filed with the Wyoming Department of Agriculture, Consumer Health Services
 - f. Proof of application for a sales tax permit through the Wyoming Department of Revenue
 - g. Written description of the type of food items, whether pre-packaged, requiring limited preparation, or for preparation. Food item types not included on the list following approval by the Wyoming Department of Agriculture, Consumer Health Services and issuance of the license may not be prepared or sold.
- C. Any person wishing to conduct business as a food stand, mobile food truck, or mobile food unit must submit written application for a license on forms provided by the town clerk, together with payment of the required fee, to the office of the town clerk. Applications submitted must include the following documentation:
 - a. Name, address, and contact information of the owner of the unit(s)
 - b. Current and valid driver's license, vehicle registration and vehicular insurance if applicable.
 - c. Proof of inspection by the Fire Code Official
 - d. Plan for disposing of wastewater, grease and garbage created by the preparation and service of food.
 - e. Proof of application for food service permit filed with the Wyoming Department of Agriculture, Consumer Health Services
 - f. Proof of application for a sales tax permit through the Wyoming Department of Revenue
 - g. Written description of the type of food items, whether pre-packaged, requiring limited preparation, or for preparation aboard a mobile food truck, proposed to be

sold from the food stand, pushcart, mobile food truck, or mobile food unit. Food item types not included on the list following approval by the health officer and issuance of the license may not be prepared or sold; and

- h. Affirmation vendor will obtain written consent of the owner of the property intended to be used as the site for conducting food stand, mobile food truck, or mobile food unit sales, if such vendor intends to set up at a location on privately-owned property.
- D. Any person or organization wanting to sponsor a community event shall submit a written application to the town clerk for a 1-day community event permit at least two weeks in advance to the event. Applications submitted must include the following:
- a. Sponsor's name, address, phone number, and a secondary emergency contact person and phone number.
 - b. Written plan including the scope and nature of the proposed event.
 - c. Location of event including requirements for street closures, and alternate traffic routes.
 - d. Affirmation to take responsibility for all trash and litter cleanup.
 - e. Affirmation that all vendors have a valid Wyoming Department of Agriculture food service license if required.

WMC 8.040.060 - Food stands, mobile food trucks, and mobile food units—Restrictions—Operation.

- A. Food stands, mobile food trucks, and mobile food units may operate:
 - a. Upon a public sidewalk or public non-right-of-way space with written consent of the immediately adjacent business owner, if any, who may be affected by the proposed sales site, and upon private property, with consent of the private property owner.
 - b. Within a town-owned recreational park, only after application and approval by the town clerk
 - c. Upon a closed street, only after approval by the town clerk and in conjunction with a special community event, activity, or celebration, if the street has been approved for closure by the police chief, or town clerk.
- B. Food stands, mobile food trucks, and mobile food units may not operate:
 - a. Upon a public sidewalk in such a manner that impedes or interferes with free movement of vehicular, bicycle, or pedestrian traffic or visually obstructs the safe movement of vehicular, bicycle, or pedestrian traffic.
 - b. In any on-street parking space in the public right-of-way, unless such street is closed pursuant to application and approval of a special community event, activity, or celebration.
- C. Food stands, mobile food trucks, and mobile food units may not operate within:
 - a. One hundred (100) feet of the primary entrance of a restaurant, measured from the center of the primary entrance(s) of the restaurant by the most direct pedestrian path, without written consent of the restaurant owner(s).
 - i. Exception: Food units, or food stands operating under a community event permit.
 - b. Two hundred (200) feet of any school property boundary containing any grades Kindergarden-12th grade, unless written permission is granted from the school district.
 - c. Fifteen (15) feet of a fire hydrant
 - d. Ten (10) feet of any crosswalk, whether at an intersection of public rights-of-way or at a mid-block crossing
 - e. Ten (10) feet of any curb loading signed area.
 - f. Ten (10) feet of any public transportation stop.
 - g. Five feet of any handicapped parking place or access ramp.
 - h. Any public alley
- D. Food stands, mobile food trucks, and mobile food units may not:

- a. Operate, store, leave unattended, or park such unit upon the public right-of-way after 12:00 A.M. and before 5:00 A.M., except as otherwise permitted by the town clerk and chief of police or as necessary for the owner of such vehicle to park within the right-of-way outside his or her residence or principal office during non-operational hours.
 - b. Leave any such unit unattended in the public right-of-way during operations.
 - c. Sell or distribute directly to any person situated in a motor vehicle if such sale or distribution may impede or interfere with free movement of vehicular, bicycle, or pedestrian traffic.
 - d. Operate in any street side or diagonal parking spaces, unless such street is closed pursuant to application and approval of a special community event, activity, or celebration.
 - e. Operate within or upon any area or lot zoned pursuant to the Town's Development Code as A (Airport District), AE (Airport Enterprise District), AO (Aviation Overlay District), C (Conservancy District), LDSR (Low Density Suburban Residential District), MHP (Mobile Home Park), MHS (Mobile Home Subdivision), PUD (Planned Unit Development), RH (Residential High Density District), or R (Residential District), that is used as a residential lot, except if operated upon private property strictly in service of a private, special event and not in service of the general public.
- E. Mobile food trucks and mobile food units must abide with the stopping, standing, and parking requirements as set forth in Title 10 of the Town Code.
- F. Mobile food trucks or mobile food units may not park upon any public right-of-way for the purpose of selling food in such a manner or under such conditions as to impede or interfere with free movement of vehicular, bicycle, or pedestrian traffic or visually obstruct the safe movement of vehicular, bicycle, or pedestrian traffic.
- G. Food stands, mobile food trucks and mobile food units must be self-contained and not connected to Town of Wheatland water or electricity.
- a. Food stands, mobile food trucks and mobile food units may take power from a private property outlet with permission from the owner. Connections and cords must be properly sized for the intended use. Cabling and other devices or equipment must be properly secured and marked across pedestrian ways to avoid tripping and other hazards to the public.
 - b. Mobile food trucks, and food units shall not utilize the Town RV dump station to dispose of grease, wastewater, or to refill their fresh water supply.
- H. Any temporary signage must comply with the restrictions of WMC 18.90 and must be removed when activity ends.

WMC 8.040.070 - Responsibility of food stands, mobile food trucks, and mobile food units for vendor-generated refuse.

- A. All persons conducting food sales or providing complimentary distribution of food items shall clean the sidewalk, street, or premises adjacent to and within a twenty-five (25) feet radius of any point of sale or distribution from any food stand, mobile food truck, mobile food unit, or complimentary distribution area. Such cleaning shall consist of picking up and disposing of any paper, cardboard, wood, plastic, or other types of containers, wrappers, or any litter resulting from the vendor's operations. Rubbish, refuse and/or liquid waste must be disposed of in a proper manner.
- B. The licensee shall provide a suitable container for the placement of such litter by customers.
- C. The licensee shall provide for the sanitary disposal of all wastewater and grease produced by the preparation of food.

WMC 8.040.080 – Violations- Penalty.

- A. Any person who violates the provisions of this chapter and/or who fails to obtain a license or permit or required inspections under the provisions of this chapter is guilty of a misdemeanor, punishable as provided by the general penalty provision of town code. Each day a violation continues shall be deemed a separate offense.
- B. Any holder of a valid license or permit who violates the provisions of this chapter is subject to suspension or revocation proceedings against the operating license or permit before the Town Council.

This ordinance shall become effective on the 1st day of January 2025.

Passed and approved this 13th day of May 2024, on first reading. Passed and approved this 10th day of June 2024, on second reading. Passed and approved this 8th day of July 2024, on third and final reading.

S/N: Mayor Brandon Graves Attest: S/N: Clerk Candy Wright

PUBLIC HEARING: At 7:30 pm Mayor Graves adjourned into a public hearing. Mayor Graves asked for public comment on the application for a restaurant liquor license for Brooklyn's Tavern. Brian Slattery spoke in favor of the application. Councilman Montoya motioned, seconded by Councilman Madsen, to approve the application for a restaurant liquor license for Brooklyn's Tavern. Motion passed 4-0. The public hearing was adjourned, and the regular meeting reconvened at 7:35pm.

Councilman Kaufman motioned, seconded by Councilman Montoya, to approve Ordinance 851 on second reading. Motion passed 4-0. Ordinance #851 is an Ordinance Amending Ordinance # 741 Pertaining to Water Rates and Fees for Residential and Commercial Users in The Town of Wheatland.

Councilman Allison motioned, seconded by Councilman Madsen, to approve Ordinance 852 on second reading. Motion passed 4-0. Ordinance #852 is an Ordinance Amending Appendix B of Ordinance # 733 For the Establishment of Each User's Wastewater Service Charge.

NEW BUSINESS:

Councilman Kaufman motioned, seconded by Councilman Montoya, to approve Civil Engineering Professionals recommendations of award to Alexander Construction Company for the Black Mountain Water Tank Demolition Project. Motion passed 4-0.

Councilman Kaufman motioned, seconded by Councilman Madsen, to approve the Standard Agreement with Alexander Construction Company for the Black Mountain Water Tank Demolition Project. Motion passed 4-0.

Councilman Kaufman motioned, seconded by Councilman Madsen, to approve amendment one to project agreement Wheatland Tank Replacement with Wyoming Water Development Commission. Motion passed 4-0.

Councilman Kaufman motioned, seconded by Councilman Madsen, to approve Resolution #8-2024 with suggested changes and effective January 1, 2025. Motion passed 3-1 with Councilman Allison voting against the suggested changes. A Resolution of the Town of Wheatland Adopting the Food Service License and Permit Fee Schedule for Calendar Year 2025.

Councilman Madsen motioned, seconded by Councilman Allison, to approve Resolution 9-2024. Motion passed 4-0. Resolution # 09-2024 is a Resolution Authorizing the Submission of an Application for Federal Funding Through the Transportation Alternative Program Administered by the Wyoming Department of Transportation for the Town of Wheatland for the Purpose of the Design of Two Segments of the Wheatland Pathway Project.

Councilman Kaufman motioned, seconded by Councilman Madsen to approve resolution #10-2024 with suggested changes. Motion passed 4-0. Resolution #10-2024 A Resolution Appointing a Special

Municipal Officer to Issue Citations for the Limited Purpose of Enforcing Municipal Codes and Regulations.

Councilman Kaufman motioned, seconded by Councilman Allison, to approve Symbiosa Agreement for the professional services of mapping the water and wastewater system. Motion passed 4-0.

Councilman Allison motioned, seconded by Councilman Kaufman, to approve an engineering proposal with Engineering Associates for the Settling Basins Overflow Piping Project. Motion passed 4-0.

Councilman Kaufman motioned, seconded by Councilman Montoya, to approve Engineering Associates engineering proposal for Wheatland Well #3 Replacement Project. Motion passed 4-0.

With nothing further to come before the Council the meeting was adjourned at 8:20 p.m.

Brandon Graves, Mayor

Attest: _____
Candy Wright, Clerk/Treasurer