

## RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

July 25, 2016

The regular meeting of the Evansville Town Council of the Town of Evansville, County of Natrona, State of Wyoming, was held at 7:00 p.m. in the Council Chambers of the Town Hall.

The meeting was called to order by Mayor Phil Hinds at 7:00 p.m. and upon roll call the following were present: Mayor Phil Hinds, Council Members Doug White, Ernie Blackford, Joseph Knop and Jory Delinger, Town Attorney Phil Willoughby, Town Engineer Shane Porter, Town Treasurer Alexi Erickson, Chief of Police Tom Laughrey, Fire Chief Leo Malsom, Public Works Director Dan Adcock, Town Clerk Janelle Underwood, and interested citizens.

Mayor Hinds led the Pledge of Allegiance.

APPROVAL OF AGENDA: Motion was made by Ernie Blackford and seconded by Jory Delinger to approve the agenda. Motion carried.

APPROVAL OF MINUTES: The minutes for the regular meeting on July 11, 2016, were presented for approval. Motion was made by Jory Delinger and seconded by Doug White to approve the minutes as written. Motion carried.

ORDINANCE #5-2016: An Ordinance Repealing Chapter 13 of the Town of Evansville Code and Adopting an Updated Chapter 13. Third and final reading. Town Clerk Janelle Underwood read Ordinance #5-2016 by title only. Motion was made by Doug White and seconded by Joseph Knop to approve Ordinance #5-2016 on third and final reading. During the call for discussion, Town Attorney Phil Willoughby advised the Governing Body that he received positive comments from the police officers concerning the update of the proposed ordinance.

Chief of Police Tom Laughrey advised that he apologized for his timing but that the Exhibition of Speed Violation falls under Chapter 24 of the Highway Section of the Wyoming State Statutes rather than Chapter 31 of the Wyoming State Statutes.

Town Attorney Willoughby stated that perhaps the approval of the ordinance on third and final reading should be tabled, the necessary changes made, and then brought before the Town Council at the next meeting for amendment and approval.

Motion was made by Jory Delinger and seconded by Doug White to table Ordinance #5-2016 based on the addition that needed to be made to the ordinance. Motion carried.

APPROVAL OF BUSINESS LICENSE: Business License Applications for Bay's Electric, Rogue Mechanical, and S & M Electric were presented to the Governing Body for approval. Motion was made by Ernie Blackford and seconded by Jory Delinger to approve the business license applications for Bay's Electric, Rogue Mechanical, and S & M Electric. Motion carried.

APPROVAL OF BUILDING PERMITS: Building Permit applications #4257 through #4259 were presented to the Governing Body for approval. The applications were for propane dispenser, remodel, and new construction. Motion was made by Joseph Knop and seconded by Jory Delinger to approve permits #4257 through #4259. Motion carried.

ENGINEER'S REPORT: No report.

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PUBLIC COMMENTS: During public comments, Jennifer Sorenson, 741 Camp Davis Circle, spoke to the Governing Body concerning the water issues on Whipsaw and the sump pumps that run twenty-four hours a day, seven days a week. She stated that the top of the basement of one of the houses basically is level with the river and that she was wondering if the Town has come to a conclusion of how to alleviate the problem. She asked if punching wells would help lower the water table. She stated that these are brand new homes, that water sitting around these homes will bring down the value, and that these homes will not be worth anything in thirty (30) years. Ms. Sorenson wanted to know if the Town was going to take any action since these homes were built where there is a flood zone and high water table.

Town Attorney Phil Willoughby advised that the Town has been contacted by an attorney and that the Town has to limit what can be said because of potential litigation. He stated that having water in a basement or crawl space is difficult to deal with and that the Town is sorry for that. He stated that Wyoming law specifically states that a municipality is not liable unless the Town was negligent in the actions that it took. He stated that in looking into this, the Town did not build these homes or install the infrastructure. He stated that the Town did issue the building permits and that the building permits did have a statement on them that stated that there may be a risk of flooding of basements in this area. He stated that a warning was given on the permits for these lots. He stated that the Town cannot make decisions on how a house is built or how deep it will be. He stated that after looking at the Wyoming Statutes, the Town does not have any liability or responsibility. He also stated that the Town is not allowed to try to benefit individuals when an issue arises. He stated that legally, the Town cannot assist individuals in situations like this.

Jennifer Sorenson stated that this is an issue that affects more than one home and that the Town can't just turn a blind eye to the problem. She asked whose responsibility it is.

Attorney Willoughby stated that the responsibility lies on the developer and contractor. He stated that he is going to contact Keith Tyler, who is one of the co-developers, and talk to him about this issue.

Jennifer Sorenson asked about the issues with the sewer lift station the Town is responsible for and that because of the ground water, an additional pump was brought in to remove the sewage.

Public Works Director Dan Adcock stated that at a point in time in the last month, an additional pump was brought in to remove the waste water from the lift station because the pumps for the sewer lift station were not pumping at their full capacity. He stated that he has been working with the pump manufacturers in determining what needs to be done in order to improve the pump performance, as well as clean the forced sewer main. He stated that the pumps are now working at a much more acceptable level and that has allowed them to remove the by-pass pump.

Attorney Willoughby advised that the Town is looking at a different way to handle the ground water discharge instead of it either being pumped to the sanitary sewer or out to the curb. He stated that the Town has to pay for the sanitary sewer and that it is metered and has to be treated.

Mayor Hinds stated that no final decision has been made.

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The other issue that Jennifer Sorenson brought up is the weeds around town that the Town is not addressing. She stated that everyone in the Reshaw Subdivision pays a Home Owners Association fee and that they have complained to Lisa Burridge. Ms. Sorenson stated that Ms. Burridge puts it back on the Town of Evansville and that Ms. Burridge stated there are codes that address that issue.

Chief of Police Tom Laughrey advised that if there is an issue with weeds, residents can call the Police Department and that they will address the issue when they can. He stated that he does not have a code enforcement officer so it gets addressed when they can get to it.

Town Attorney Phil Willoughby stated that if it is a violation and a ticket is issued, he will prosecute the individual.

Jennifer Sorenson stated that she still has an issue with the furloughs and the budgets and does not feel that the Police Department should have to furlough or the Fire Department take a pay cut. She stated that the Town needs to bring a code enforcement officer on board even if it is part-time.

A question was raised as to why the Town allowed basements to be built when the recommendation was no basements.

Town Attorney Willoughby stated that the Town made the recommendation and that a recommendation was made to Lisa Burridge by the engineers to not allow basements.

A resident stated that at the time of the closing on their property, the recommendation for no basements was not provided to them. She stated that they plan to hold a peaceful protest during the "Open Houses". She also stated that the other issue is the problem with the weeds and thistles including inside the water treatment plant.

Public Works Director Dan Adcock stated that Natrona County Weed and Pest has been contacted and that the weeds were sprayed. He stated that Public Works will go in and mow them down.

ADJOURNMENT: There being no further business, motion was made by Jory Delinger and seconded by Joseph Knop to adjourn at 7:26 p.m. Motion carried.

APPROVED: \_\_\_\_\_

Phil Hinds, Mayor

ATTESTED: Janelle Underwood  
Janelle Underwood, Town Clerk