

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

October 10, 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, and Jory Delinger, Town Attorney Phil Willoughby, Town Engineer Shane Porter, Town Planner Scott Radden, Town Treasurer Lexi Erickson, Chief of Police Tom Laughrey, Fire Chief Leo Malsom, Public Works Director Dan Adcock, Town Clerk Janelle Underwood, and interested citizens.

Council Member Joseph Knop was absent.

Mayor Phil 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 September 23, 2016, were presented for approval. Motion was made by Jory Delinger and seconded by Ernie Blackford to approve the minutes as written. Motion carried.

APPROVAL OF DEPARTMENTAL MONTHLY REPORT: The Treasurer's report, Police report, Fire report, and the Public Works report were presented to the Governing Body in writing. Motion was made by Ernie Blackford and seconded by Doug White to approve the departmental monthly reports. Motion carried.

APPROVAL OF BUILDING PERMIT: Building Permit applications #4271 through #4274 were presented to the Governing Body for approval. The applications were for re-roof permits, basement finish, and a shop. Motion was made by Jory Delinger and seconded by Doug White to approve permits #4271 and #4274. Motion carried.

APPROVAL OF BUSINESS LICENSE: Business License Application for R. Lara Construction was presented to the Governing Body for approval. Motion was made by Ernie Blackford and seconded by Doug White to approve the business license application for R. Lara Construction. Motion carried.

COLORADO HOSPITALITY (SUPER 8) 30 DAY BUSINESS LICENSE RENEWAL: Fire Chief Leo Malsom advised that an inspection of the facility was completed on October 6, 2016. He stated that a lot of work has been completed with the fire suppression system. He stated that his department conducted a hydro test on the fire suppression system. He stated that the electrician still needs to comeback to move some conduit and that the off-site alarm system provider will come in and finish tying the alarm panel in. He stated that he would recommend another thirty day (30) approval of the business license.

Motion was made by Doug White and seconded by Ernie Blackford to approve the business license for 30 days for Colorado Hospitality (Super 8 Motel). Motion carried.

ORDINANCE #7-2016: An Ordinance Granting Black Hills Gas Distribution, LLC dba Black Hills Energy, a Delaware Limited Liability Company, its Lessees, Successors and Assigns, a Natural Gas Franchise and the Authority to Construct, Operate, Maintain, and Extend Natural Gas Distribution

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Plant and System, and Granting the Right to Use the Streets, Alleys, and Other Public Places within the Present or Future Corporate Limits of the Town of Evansville, Wyoming. First reading. Town Attorney Willoughby summarized Ordinance #7-2016. Motion was made by Ernie Blackford and seconded by Jory Delinger to approve Ordinance #7-2016 on first reading. Motion carried.

PUBLIC HEARING – 7:05 P.M. – VARIANCE #1-2016: A request for a variance to allow a fourteen foot chain-link fence along portions of the west and north sides of Lot 8, Refinery Addition, Town of Evansville (AKA – 4900 E. Yellowstone Hwy) within a Light Industrial (I-L) Zoning. (Applicant/Owner: Keith Schutt / Nalco Energy Services). Town Planner Scott Radden provided a staff report and advised Nalco Energy Services, the owner of Lot 8, Refinery Addition, has submitted a petition for variance asking for a variance allowance to install a fourteen foot chain-link fence for 222 feet on the west side of the lot and 80 feet on the north side of the lot. He stated that the owner is having issues with large amounts of garbage and debris blowing into the evaporative pond on the property. Town Planner Scott Radden stated that the Planning and Zoning Commission forward a “do pass” recommendation to the Town Council to allow a variance for Nalco Energy Services to install a fourteen foot chain-link fence along portions of the west and north sides of Lot 8, Refinery Addition, Town of Evansville (AKA – 4900 E. Yellowstone Hwy) subject to the following conditions:

1. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.
2. The variance, if granted, allows the applicant to utilize and develop his lot, but not result in a gain in use, service or income greater to other landowners in the vicinity.
3. The owner constructs the site in accordance with all local, state and federal rules and regulations.
4. The owner is responsible for ensuring that the higher fence does not become “unsightly” from trash and debris that may accumulate.

Mayor Phil Hinds called for any public comments for or against the requested variance for Nalco Energy Services. There were no public comments for or against the requested variance. The Public Hearing was closed.

Town Clerk Janelle Underwood read Resolution #8-2016 – A Resolution for a Variance to Allow a Fourteen Foot Chain-Link Fence Along Portions of the West and North Sides of Lot 8, Refinery Addition, Town of Evansville by title only. Motion was made by Doug White and seconded by Ernie Blackford to approve Resolution #8-2016. Motion carried.

ORDINANCE #8-2016: An Ordinance Establishing a License Tax on Energy Providers Operating in the Town of Evansville. First reading. Town Attorney Willoughby advised the Governing Body that the ordinance sets out the percentage amount of gross receipts for which the Town will receive.

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He stated that the proposed ordinance also sets out how the Town will collect the franchise tax. He stated that the ordinance sets out the percentage amount of the tax which is at three percent (3%) and that it was his understanding that the percentage rate is supposed to be set at five percent (5%). He recommended that Ordinance #8-2016 be passed but with the exception that the franchise tax be set at five percent (5%) rather than three percent (3%).

Motion was made by Ernie Blackford and seconded by Doug White to approve Ordinance #8-2016 on first reading and that the franchise tax be set at five percent (5%). Motion carried.

ENGINEER'S REPORT: Town Engineer Shane Porter stated that he had draw down request number two (2) to the Wyoming Business Council for the Booster Pump and Sewer Main Replacement Project in the amount of ten thousand two hundred eighty dollars (\$10,280.00). He stated that this grant covers the Town's expenses at eighty percent (80%). Motion was made by Ernie Blackford and seconded by Jory Delinger authorizing the Mayor to execute the Wyoming Business Council drawn down request number two (2) in the amount of ten thousand two hundred eighty dollars (\$10,280.00). Motion carried.

Engineer Shane Porter advised that he had draw down request number two (2) to the Wyoming Water Development Commission for the Emergency Connection Project in the amount of three thousand eighteen dollars and thirty-seven cents (\$3,018.37). Engineer Porter stated that this grant covers sixty-seven percent (67%) of this project. Motion was made by Doug White and seconded by Ernie Blackford authorizing the Mayor to execute draw down request number two (2) in the amount of three thousand eighteen dollars and thirty-seven cents (\$3,018.37). Motion carried.

Engineer Porter stated that both the Emergency Connection Project and the Booster Pump and Sewer Main Replacement Project are both being reviewed by the Wyoming Department of Environmental Quality.

Motion was made by Ernie Blackford and seconded by Jory Delinger to approve the Engineer's report. Motion carried.

BILLS FOR APPROVAL: Bills were presented to the Governing Body for approval. Motion was made by Jory Delinger and seconded by Ernie Blackford to pay all bills and draw treasury upon the same. Motion carried.

PUBLIC COMMENTS: During public comments, Jayme Carey asked the Governing Body if the Town has learned anything new concerning the water problems on Whipsaw Street.

Mayor Hinds stated that the Town is supposed to have a meeting with the Wyoming Department of Environmental Quality on October 28, 2016. He stated that hopefully the Town will be able to allow Stonecrest Construction to move forward re-routing the ground water to the back of the properties.

Jayme Carey asked Engineer Porter if the projects he had spoke of earlier had anything to do with the groundwater issues that she is dealing with.

Engineer Porter stated that they did not. He stated that the projects he was speaking of are projects for the water distribution system.

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ADJOURNMENT: There being no further business, motion was made by Ernie Blackford and seconded by Doug White to adjourn at 7:17 p.m. Motion carried.

APPROVED: Philip G. Hinds
Philip G. Hinds, Mayor

ATTESTED: Janelle Underwood
Janelle Underwood, Town Clerk