

## RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

October 24, 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 Dillinger, Town Attorney Phil Willoughby, Chief of Police Tom Laughery, Fire Chief Leo Malsom, Public Works Director Dan Adcock, Town Clerk Janelle Underwood, and interested citizens.

Town Engineer Shane Porter and Town Treasurer Lexi Erickson were excused.

Mayor Hinds led the Pledge of Allegiance.

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

APPROVAL OF MINUTES: The minutes for the regular meeting on October 10, 2016, were presented for approval. Motion was made by Jory Delinger and seconded by Doug White to approve the minutes as written. Motion carried.

RESOLUTION #9-2016: A Resolution Concerning New Home Building Permits in Reshaw Subdivision and Reshaw Building Permit Moratorium. Town Attorney Phil Willoughby summarized the resolution and stated that this resolution repeals the resolution that was put in place that did not allow the issuance of building permits in the Reshaw Subdivision for new construction. Attorney Willoughby stated that this resolution also sets out stricter guidelines for the issuance of building permits for the Reshaw Subdivision. He stated that some of the guidelines that will be required are consideration of the 100 year floodplain, a survey of the property indicating the Lowest Floor Elevation (LFE), and an additional LFE once the foundation is in. He stated that the foundation will have to be above the LFE or the contractor will not be able to continue with the construction of the building. Attorney Willoughby stated that this is not going to be any guarantee that there will not be any issues with water.

Motion was made by Ernie Blackford and seconded by Jory Delinger to approve Resolution #9-2016. Mayor Hinds called for all in favor. Council Member Ernie Blackford – aye, Council Member Jory Delinger – aye, Mayor Hinds – aye, Council Member Doug White – nay. Motion carried approving Resolution #9-2016.

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 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. Second reading. Town Attorney Willoughby summarized Ordinance #7-2016. Motion was made by Jory Delinger and seconded by Doug White to approve Ordinance #7-2016 on second reading. Motion carried.

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ORDINANCE #8-2016: An Ordinance Establishing a License Tax on Energy Providers Operating in the Town of Evansville. Second reading. Town Attorney Willoughby advised the Governing Body that the ordinance sets the percentage amount of gross receipts for which the Town will receive. He stated that the proposed ordinance also sets how the Town will collect the franchise tax. He stated that the ordinance sets the percentage amount of the tax which is at five percent (5%). Motion was made by Ernie Blackford and seconded by Doug White to approve Ordinance #8-2016 on second reading. Motion carried.

APPROVAL OF BUILDING PERMITS: Building Permit applications #4275 through #4282 were presented to the Governing Body for approval. The applications were for fences, a shed, re-roofs, and an egress window. Motion was made by Jory Delinger and seconded by Ernie Blackford to approve permits #4275 through #4282. Motion carried.

APPROVAL OF BUSINESS LICENSE: Business License Applications for Green Vista Roofing, Leanne's Hair Studio, and Pampered Puppies, LLC, 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 Green Vista Roofing, Leanne's Hair Studio, and Pampered Puppies, LLC. Motion carried.

PUBLIC COMMENTS: During public comments, Jayme Carey asked the Governing Body why they were lifting the moratorium on issuing building permits in the Reshaw Subdivision when she had been told that there would be no permits issued until the problems were resolved. She stated that her problem is not being resolved.

Mayor Hinds stated that the process has been restructured so that each individual lot will be looked at. Mayor Hinds stated that Mrs. Carey's issues are in the process of being addressed. He stated that the Town is waiting on the Wyoming Department of Environmental Quality to give their approval and that the meeting with DEQ is Friday, October 28, 2016.

Jayme Carey asked what the harm would be if the Town waited one more week before issuing permits. She stated that it appears that there is a house being constructed right now.

Town Clerk Janelle Underwood stated that no permits have been issued for the Reshaw Subdivision. She advised that an application was brought in for a permit but that until the moratorium has been lifted and signed off by the Town Planner and Town Engineer, it will not be presented for approval.

Town Attorney Phil Willoughby stated that if construction has started taking place without any permits, he will have the Chief of Police issue a citation for construction without a permit and that he will prosecute it. Town Attorney Phil Willoughby advised that he does not think that the Town of Evansville can hold up the contractors from building homes on other lots in order for work to be completed on another home. He stated that it is coercion and that he is concerned that the Town of Evansville is going to have a claim made against them. He also stated that holding up permits being issued for other home constructions is not going to solve Mrs. Carey's water issues.

Mrs. Carey stated that the Town of Evansville should never have issued the building permit for her house. She stated that the Town could have done something about it and that now she is sitting with a house that they paid over a quarter of a million dollars (\$250,000.00) for she can't even sell.

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Forrest Tobin stated that the Town Council needs to hold themselves accountable. He stated that the Town said that no building permits would be issued until the Town got to the bottom of the problem.

Mayor Hinds stated that the Town is to the bottom of the problems and that he thought the process that has been put in place for issuing building permits is far enough along that the moratorium could be lifted. Mayor Hinds stated that there will be a meeting with the Wyoming DEQ and that the Town of Evansville can then find out where the ground water from the existing homes can be discharged to.

Mr. Tobin asked how many building permits that were approved earlier are for houses in the Reshaw Subdivision.

Mayor Hinds stated none.

Mr. Tobin stated that Mayor Hinds had better be very sure what he is saying. He stated that he was at the city earlier that day and that he spoke to two of the three contractors who have built homes in the Reshaw Subdivision and that they said they were getting ready to submit drawings and plans for new houses.

Town Clerk Janelle Underwood stated that there was an application that was brought in around October 5<sup>th</sup> but that it has not been processed to date. She stated that the moratorium had to be lifted and that the Town Planner and Town Engineer had to sign off on the applications, but that those things had not taken place yet. Town Clerk Janelle Underwood read off the addresses for the permits that were approved earlier and the type of work that was being completed for each one.

Mr. Tobin stated that he is surprised that the Town hasn't been served papers by the person in charge of that subdivision for not allowing any building permits issued. He stated to the Governing Body that they obviously do not live in the Reshaw Subdivision because they think it is a big chuckle that the residents are going through this based on of the comment that Council Member Doug White made of "hallelujah" with the resolution lifting the building moratorium.

Council Member Doug White stated that he stated "nay" as in he voted against the lifting of the moratorium because he does not think there should be houses built down there.

Forrest Tobin asked where their backbones were as far as standing up to people on the other side.

Attorney Willoughby stated that he is not afraid of Lisa Burrige and that he has gone up against her in the past. He stated that he has been threatened and that in the past he has shut down the continuance of permits being issued because of things that needed to be completed or fixed. He stated that he cannot coerce Lisa Burrige into fixing something that is a problem that she and the buyers have in the Town of Evansville. Attorney Willoughby stated that there are some things that he can't disclose at this point.

Forrest Tobin stated that he applauds Attorney Willoughby for standing up to Lisa Burrige. He asked that if there is more going on than what can be disclosed why the Town is lifting the moratorium.

Attorney Willoughby stated that the moratorium has been lifted because there are a lot of lots in the Reshaw Subdivision that can be built on that are not within the floodplain.

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Forest Tobin stated that there are houses that have been built outside of the floodplain that are having issues with water in their basements. He stated that the water in the basements is from ground water and that he doesn't understand why the Town is lifting the moratorium.

ADJOURNMENT: There being no further business, motion was made by Ernie Blackford and seconded by Jory Delinger to adjourn at 7:21 p.m. Motion carried.

APPROVED: Phil Hinds  
Phil Hinds, Mayor

ATTESTED: Janelle Underwood  
Janelle Underwood, Town Clerk