

## RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

November 14, 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 Ernie Blackford, Joseph Knop, and Jory Delinger, Town Attorney Phil Willoughby, Town Planner Scott Radden, Chief of Police Tom Laughrey, Fire Chief Leo Malsom, Public Works Director Dan Adcock, Town Clerk Janelle Underwood, and interested citizens.

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

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.

Mayor Phil Hinds stated that Council Member Doug White had resigned from the Town Council. He stated that Mr. White had acquired some property outside of the Town limits, had moved, and had resigned his position.

APPROVAL OF MINUTES: The minutes for the regular meeting on October 24, 2016, were presented for approval. Motion was made by Joseph Knop and seconded by Jory Delinger to approve the minutes as written. Motion carried.

THE BUS TRANSIT UPDATE: Steve Kurtz, Volunteer Project Manager for the Metropolitan Planning Organization (MPO) on the Transit Route Study, spoke to the Governing Body. Mr. Kurtz introduced Marge Cole, Director for the Casper Area Transportation Coalition, and Constance Lake, City of Casper representative for the MPO. He stated that about a year ago, it was decided that there needed to be a route study to make The Bus more cost effective and efficient, especially since the economy started to decline. He stated that some adjustments were made with the Evansville route which lowered expenses to help off-set the budget deficit. He stated there are some proposed changes that are going to be considered that would allow citizens from Evansville to pick up other Bus routes to travel in Casper in order to go to Eastridge Mall or Wal-Mart. He stated that it is estimated the The Bus spends approximately thirty-five percent (35%) of its time in Casper but that Evansville does not pay for that. Mr. Kurtz stated that if ridership increased, it would lower the cost to operate, which is a goal that the MPO is striving for. He stated that the MPO appreciates the Town of Evansville being committed to maintaining The Bus and its services.

APPROVAL OF DEPARTMENTAL MONTHLY REPORT: The 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 Joseph Knop to approve the departmental monthly reports.

Mayor Hinds announced that the Town's revenues have been monitored closely and that it appears that the deficit in the sales tax revenues seems to be at a manageable level. He stated that a Certificate of Deposit expiring at the end of November was only receiving less than one half of one percent interest and that the monies will be transferred to the General Fund. He stated that as of November 30, 2016, the mandatory furloughs and decreases in pay will be lifted.

Motion carried.

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CANCELLATION OF THE DECEMBER 26, 2016 COUNCIL MEETING: Due to the Christmas Holiday, motion was made by Joseph Knop and seconded by Jory Delinger to cancel the December 26, 2016, Council Meeting. 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 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. Third and final reading. Town Attorney Willoughby summarized Ordinance #7-2016. Motion was made by Joseph Knop and seconded by Jory Delinger to approve Ordinance #7-2016 on third and final reading. Motion carried.

ORDINANCE #8-2016: An Ordinance Establishing a License Tax with Black Hills Energy in the Town of Evansville. Third and final reading. Town Attorney Willoughby summarized the ordinance and advised that the ordinance sets out the amount of revenue that the Town collects for the franchise fees. Motion was made by Joseph Knop and seconded by Jory Delinger to approve Ordinance #8-2016 on third and final reading. Motion carried.

ORDINANCE #9-2016: An Ordinance Vacating a Portion of Public Alley Being 20 Feet in Width and Lying Immediately Adjacent to the Easterly Line of the North 40 Feet of Lot 1, Block 36, Evansville Addition No. 3, Town of Evansville, Wyoming and Being 20 Feet in Width and 40 Feet in Length. First reading.

Town Planner Scott Radden advised that there was a request to vacate a public right-of-way on a 20 foot wide alley lying immediately adjacent to the easterly line of the north 40 feet of Lot 1, Block 36, Evansville Addition No. 3 to the Town of Evansville, Wyoming and being 20 feet in width and 40 feet in length. He advised that Mr. Trevor Evans, the owner of the North 20', Lot 7, North 40' Lot 1 and a 20' x 100' strip of vacated alleyway north of Lot 7, and the Trevor J. Evans Tract, all in Block 36, Evansville Addition No. 3, Town of Evansville was trying to sell the property and that the title company found that the 20 foot wide alley lying immediately adjacent to the easterly line of the north 40 feet of Lot 1, Block 36, Evansville Addition No. 2 was still owned by the Town of Evansville as a public Right-of-Way and that the owner's house crosses and encroaches into the right-of-way. Town Planner Scott Radden was advised by Mr. Evans that the original home was built in the late 1800's, that an addition was built on in 1928, and that the plat for Evansville Addition No. 3 was completed in 1948. Mr. Radden stated that Evansville Addition No. 3 originally showed the 20' alley starting at the southern portion of Block 36 continuing north then turning 90 degrees east, just north of Lot 7 and that the current alley was built on the S. 20', Lot 1 from King Street, easterly to Evans Street, just north of Lot 8. He stated that it appears that the original plat for Evansville Addition No. 3 was incorrect, that the alley was moved to the south to correct the error, but that the 20' x 40' strip of north/south alleyway was not legally vacated or abandoned and decided to the Evans family.

Town Attorney Phil Willoughby advised that he had been working with Town Planner Scott Radden on this matter. He stated that the Town cannot just vacate property in favor of an individual without first doing so by the passage of an ordinance without the approval of the majority of the people in a three hundred foot (300') radius of said property, if there is no significant present value to the Town of Evansville, or if the Town is compensated. He stated that in this case, the piece of alleyway really

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is of no value to the Town and has been mistaken as part of the Evan's property for many years. He stated that it does state that there should be some type of value assessed. He stated that he thought the sum of ten dollars (\$10.00) was fair in a situation like this and that this small piece of property can't be used. Town Attorney Phil Willoughby read Ordinance #9-2016 by title.

Motion was made by Jory Delinger and seconded by Ernie Blackford to approve Ordinance #9-2016 on first reading. Motion carried.

RESOLUTION #10-2016: A Resolution Setting Fees for Document Copying, Research and/or Retrieval. Town Attorney Phil Willoughby advised the Governing Body that in the last couple of months, the Town has received requests for a substantial amount of information and documents. He stated that the Town does have to produce the requested documents unless it is confidential or pertains to employees. He stated that the Town did not have anything in place that set the fees and that in determining how to set fees, he referred to the Wyoming Statutes which require a resolution be passed setting those fees. Attorney Willoughby stated that there currently is a request in place that came in prior to the presentation of this resolution and that the Town will not be able to charge for that request.

Motion was made by Joseph Knop and seconded by Jory Delinger to approve Resolution #10-2016. Motion carried.

APPROVAL OF BUSINESS LICENSE: Business License Applications for Granite Peak Fabrication, Granite Peak Fuel Services, Granite Peak Transportation, Romo Construction, Triple T Remodeling and Repair, Weather Guard Roofing, and Wyoming Longhorn Landscaping were presented to the Governing Body for approval.

Town Attorney Phil Willoughby advised that the Town had a little bit of a dispute over property taxes on a piece of property that Granite Peak owned during the taxable year that they did not pay nor would they pay. He stated that Granite Peak has applied for the business licenses and that the Town required that the property taxes be paid prior to issuance of any licenses or permits. He stated that Granite Peak did pay the Town for the unpaid property taxes.

Motion was made by Ernie Blackford and seconded by Jory Delinger to approve the business license applications for Granite Peak Fabrication, Granite Peak Fuel Services, Granite Peak Transportation, Romo Construction, Triple T Remodeling and Repair, Weather Guard Roofing, and Wyoming Longhorn Landscaping. Motion carried.

COLORADO HOSPITALITY (SUPER 8) 30 DAY BUSINESS LICENSE RENEWAL: Fire Chief Leo Malsom advised that an inspection of the facility was completed earlier that day. He stated that the fire suppression system is almost near completion. He stated that what is left is the acceptance test and that he is anticipating it to finally be completed by the end of the week. He stated that he would recommend another thirty day (30) approval of the business license.

Motion was made by Jory Delinger and seconded by Ernie Blackford to approve the license for an additional thirty days (30). Motion carried.

APPROVAL OF BUILDING PERMIT: Building Permit applications #4283 through #4288 were presented to the Governing Body for approval. The applications were for re-roof permits, and

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remodeling. Motion was made by Jory Delinger and seconded by Joseph Knop to approve permits #4283 through #4288. Motion carried.

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

PUBLIC COMMENTS: There were no public comments.

ADJOURNNMENT: There being no further business, motion was made by Ernie Blackford and seconded by Joseph Knop to adjourn at 7:31 p.m. Motion carried.

APPROVED:



Philip G. Hirds, Mayor

ATTESTED:



Janelle Underwood, Town Clerk