

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

January 11, 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 Engineer Shane Porter, Town Planner Scott Radder, Assistant to 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.

Town Treasurer Peggy Nading asked to be excused.

Mayor Phil Hinds led the Pledge of Allegiance.

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

APPROVAL OF MINUTES: The minutes for the regular meeting on December 14, 2015, were presented for approval. Motion was made by Ernie Blackford and seconded by Doug White 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 Joseph Knop to approve the departmental monthly reports. Motion carried.

METROPOLITAN PLANNING ORGANIZATION TRANSIT PLAN UPDATE: Dave Hough with KLJ stated that his firm has been working with the Metropolitan Planning Organization (MPO) conducting a plan update. He turned the presentation over to Thomas McMurtry with KLJ.

Thomas McMurtry presented a summary of The Bus survey results and ridership data that were collected last summer. He stated that the findings in the survey included ridership data, possible route changes, operations, bus stop locations, and suggested improvements. He stated that the data collected from our transit system was also compared to other transit systems in the region. Mr. McMurtry stated that the next steps will be to finalize the Transit Development Plan Update with some additional studies focusing on routes and marketing.

PUBLIC HEARING—7:10 P.M. — LIQUOR LICENSE RENEWALS: Approval for Liquor License Renewals for Outback Steakhouse, Texas Roadhouse, Taylor's Sports Bar, Applebee's, Happy Days Liquor, Hooch's, and HQ Southern BBQ. All Liquor License representatives were present for the renewal hearing. Mayor Hinds opened the Public Hearing and asked if anyone wished to speak for or against the renewal of the liquor licenses.

Town Attorney Phil Willoughby advised that the Police Department conducted two different compliance checks this last year. He stated all establishments passed their compliance check except Texas Roadhouse. He stated that Texas Roadhouse failed the compliance checks both times. He advised that he sent a letter to the corporate officers after Texas Roadhouse failed the second compliance check and that he received a phone call from Texas Roadhouse's legal counsel. Attorney Willoughby stated that after having discussions with the Texas Roadhouse legal counsel, the Town is instituting a policy so that in the future, if an establishment fails a compliance check, a

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letter will be sent to the ownership of that establishment advising of the failed compliance check. He stated that in this instance, because the owners of Texas Roadhouse were not aware of the two failed compliance checks, hopefully this issue will be resolved with the new policy in place.

Mayor Hinds called for any public comments. There were no public comments for or against. Mayor Hinds declared the Public Hearing closed.

Mayor Hinds asked Chief of Police Tom Laughrey if he had anything to report concerning the renewal of the liquor licenses.

Police Chief Laughrey stated to the Governing Body that the call volume, and nature of calls have been low for the liquor establishments.

Motion was made by Doug White and seconded by Jory Delinger to approve the renewal of the liquor licenses for Outback Steakhouse, Texas Roadhouse, Taylor's Sports Bar, Applebee's, Happy Days Liquor, Hooch's, and HQ Southern BBQ. Motion carried.

CASPER LODGE 30 DAY BUSINESS LICENSE RENEWAL: Fire Chief Leo Malsom advised the Governing Body that the plans for the fire suppression system for the Casper Lodge have been reviewed and approved with a few changes. He advised that Mountain West Fire Protection has started the installation process of the fire suppression system and that the only issue at this point is who is going to apply for the Wyoming Department of Environmental Quality permit to tie into the water distribution system.

Town Attorney Phil Willoughby advised that Town Clerk Janelle Underwood received a phone call from the Natrona County Health Department with concerns that the Casper Lodge was preparing to serve breakfast without adequate sinks being installed to meet code. He stated that it is his understanding that a work crew came up from Colorado and that they were doing work without permits or inspections. Attorney Willoughby stated that this is not the first time that this issue has arisen. He stated that his suggestion is that the Governing Body approves the business license for 30 days only. He stated that after the Casper Lodge was advised by the Town that no permits had been pulled, a plumbing permit was pulled by a licensed contractor and that it has since passed inspection. Attorney Willoughby stated that the owner is a businessman who owns other motels in Colorado and that Mr. Rahmani knows that permits have to be pulled and that once again it is a blatant disregard as to what is required.

Mr. Rahmani stated that they have applied for a Super 8 franchise and with that is a list of requirements that they must meet for the franchise. He stated that the only work that has been by his staff is things like replacing carpet and tile. He stated that all the electrical work was done by a local electrician. He stated that the kitchen has been closed permanently and that the only thing that will be served is a continental breakfast. He stated that he is complying with the requirements from the Fire Department and that he is trying to make the motel profitable.

Mayor Hinds asked who would be applying for the permit with the Wyoming Department of Environmental Quality.

James Benson with Mountain West Fire Protection advised that it will be his company that will be applying for the permit from the Wyoming Department of Environmental Quality.

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Motion was made by Ernie Blackford and seconded by Joe Knop to approve the business license for 30 days for the Casper Lodge.

PLATTE VALLEY BANK – RON WRIGHT: Ron Wright with Platte Valley Bank and their legal counsel Mike Lansing advised the Governing Body that they wanted to make known some concerns that they have with the proposed 49,000 square foot hotel.

Mike Lansing stated that there is some concern as to Luker Lane, which is not a public roadway, that Parcel A consisting of fifteen foot right-of-way (15') is owned by Platte Valley Bank, and that all parties involved need to come to an agreement as to whom is going to repair and maintain Luker Lane. He stated that if a new hotel is approved, there is going to be an increase in traffic and more wear and tear on the roadway. Mr. Lansing advised that Platte Valley Bank is more than willing to work with the applicant in coming up with some program. Mr. Lansing stated that Platte Valley Bank would like to see a study conducted as to the impact of the roadway as part of the approval of the proposed hotel and that one of the things that has been discussed is what it would take to bring the roadway up to Town standard and then turned over to the Town.

Town Planner Scott Radden advised that it appears that in the thirty foot right-of-way (30'), Platte Valley Bank owns the fifteen feet (15') to the north and Mr. Rahmani owns the fifteen feet (15') to the south. He stated that the Planning and Zoning Commission was interested in the roadway being brought up to Town standards and then turned over to the Town.

Town Engineer Shane Porter stated that he estimates the cost of a thirty foot (30') roadway and curb and gutter with a sidewalk on one side built to Evansville standards is roughly two hundred ninety-one thousand dollars (\$291,000.00). He stated that this would consist of two twelve foot (12') lanes and a sidewalk and that it would be a narrow roadway.

Mr. Lansing also wanted to make the Governing Body aware that the applicant, Casper Hospitality, for the Site Plan of the proposed 49,000 square foot hotel is in delinquent status with the Wyoming Secretary of State's Office and wondered if one of the requirements before the site plan is approved should be that they be brought back up to good standing with the Wyoming Secretary of State.

SITE PLAN 06-2015 – REVIEW FOR 49,000 SQUARE FOOT HOTEL: A Site Plan Application Review for a 49,000 square foot hotel on Lot 4, L & L Addition No. 3, Town of Evansville (Owner/Applicant: Colorado Hospitality Services, Inc./ Bruce Rahmani). Town Planner Scott Radden advised that Colorado Hospitality Services, Inc., is the owner of Lot 4 and Tract "A", L & L Addition No. 3. He stated that they have applied for approval for a three-story, 49,000 square foot, 75 room hotel and associated parking lot on the property. The property is zoned Commercial (C-1), surrounded by other C-1 Zoning. The C-1 Zoning District allows a hotel as a permitted use. He stated that the one thing that the Town is waiting on is a traffic study to determine impacts from traffic generated by this project to adjacent streets and intersections, which could be a deal breaker. Mr. Radden stated that the Planning and Zoning Commission met on January 5, 2016, and forwarded a "do pass" recommendation to the Town Council to approve Site Plan 06-2015, to construct a 49,000 square foot hotel on Lot 4, L & L Addition No. 3, Town of Evansville, subject to the following conditions:

1. Revisions on the Site Plan and required documents requested by Evansville staff shall be completed prior to signing the Site Plan Agreement between the Owner and the Town.

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2. That prior to obtaining building permits to construct, the Owner signs a Site Plan Agreement which will be recorded with the Natrona County Clerk's office stating construction will comply with all design provisions as shown on the Site Plan including parking, lighting, landscaping, replanting, water and sanitary services, drainage and other improvements required by the Town of Evansville.
3. The Owner obtains all required building permits and complies with all Evansville Code and inspection requirements and State and Federal regulations.
4. That prior to the issuance of certificates of occupancy, all requirements shall be completed to the satisfaction of the Town Planner, Town Engineer, Public Works Director, Fire Inspector and Building Inspector.
5. Platte Valley Bank is the recognized owner of Tract A/ Luker Lane (per Title Company). An agreement between Platte Valley Bank and Colorado Hospitality Services, Inc. concerning maintenance and upgrading shall be agreed upon before the Site Plan Agreement is signed by the Town and Colorado Hospitality Services, Inc.

Mayor Hinds stated that he has a problem approving the site plan until there is some sort of a written agreement between Colorado Hospitality, Bruce Rahmani, and Platte Valley Bank.

Council Member Doug White agreed with Mayor Hinds.

Council Member Jory Delinger stated that he agreed and that he wants all parties involved to know that he wants to see an agreement between the Colorado Hospitality, Bruce Rahmani and Platte Valley Bank before an approval of the site plan.

Town Attorney Phil Willoughby stated that the applicant is not in good standing with the Wyoming Secretary of State and that on one of the reports, Bruce Rahmani is listed as the registered agent located at 739 Luker Lane. He stated that this information is not correct because Mr. Rahmani resides in Colorado. He stated that registered agents have to reside in the state.

Mayor Hinds asked Council for a motion to deny the site plan until a written agreement is in place between Colorado Hospitality, Bruce Rahmani, and Platte Valley Bank and until Colorado Hospitality is in good standing with Wyoming Secretary of State.

Motion was made by Doug White and seconded by Jory Delinger to deny the approval of Site Plan 06-2015 until a written agreement is in place between Colorado Hospitality, Bruce Rahmani, and Platte Valley Bank and until Colorado Hospitality is in good standing with the Wyoming Secretary of State.

Town Planner Scott Radden asked if it was denied or tabled.

Mayor Hinds stated that it was denied.

Attorney Willoughby stated that if it is denied, the process has to start over again.

Motion was made by Doug White and seconded by Jory Delinger to table the approval of Site Plan 06-2015 until a written agreement is in place between Colorado Hospitality, Bruce Rahmani, and Platte Valley Bank and until Colorado Hospitality is in good standing with the Wyoming Secretary of State. Motion carried.

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RESOLUTION #1-2016: A Resolution Authorizing the Town of Evansville, State of Wyoming, to Lease, with an Option to Purchase, Certain Equipment from Platte Valley Bank of Casper, Wyoming. Town Clerk Janelle Underwood stated that the Town was in the process of purchasing a new sanitation truck. She stated that the total purchase price is two hundred forty-four thousand three hundred forty-six dollars (\$244,346.00) and that the purpose of the lease purchase agreement is to spread the cost of the sanitation truck over a two year fiscal period of time.

Motion was made by Ernie Blackford and seconded by Jory Delinger to approve Resolution #1-2016. Motion carried.

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

APPROVAL OF BUILDING PERMITS: Building Permit applications #4221 and #4222 were presented to the Governing Body for approval. The applications were for a remodel and new construction. Motion was made by Doug White and seconded by Jory Delinger to approve permits #4221 and #4222. Motion carried.

ENGINEER'S REPORT: Nothing to report.

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

PUBLIC COMMENTS: During public comments, Leonard Carner stated that he lives on Whipsaw Street and wondered if it would be possible for the Town to run the snow plow down Whipsaw Street. He stated that the street is a sheet of ice. He also wanted to know if it would be possible to place a "Dead End" sign on Whipsaw. He stated that people come flying down Whipsaw Street thinking that they can access the park and that there are a lot of kids on that street. Mr. Carner stated that he was also sorry to say that the Evansville Police Department does the same thing.

Chief of Police Tom Laughrey asked Mr. Carner to get a unit number and call him when he sees this happen. He stated that he will address this issue with his department.

Mr. Carner also stated that he does not feel that the River Park is patrolled enough and that he has an issue with the people driving too fast through there. He stated that he also gets flashed by the police officers when he is down there walking his dog.

Mayor Hinds stated that he does see the officers patrolling the River Park but that he has also seen people driving fast through there. Mayor Hinds asked Chief Laughrey to have his officers do extra patrols at the River Park.

Town Attorney Phil Willoughby stated that he has prosecuted a few tickets for violations at the River Park. He also stated that the park is closed from dark to dusk.

Chief Laughrey stated that he will have his officers patrol the park more.

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ADJOURNMENT: There being no further business, motion was made by Ernie Blackford and seconded by Joseph Knop to adjourn at 8:04 p.m. Motion carried.

APPROVED:



Philip G. Hinds, Mayor

ATTESTED:



Janelle Underwood, Town Clerk