

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

January 12, 2015

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 Philip G. Hinds at 7:00 p.m. and upon roll call the following were present: Mayor Philip G. Hinds, Council Members Doug White, Tiffany Dutton, Ernie Blackford and Joe Knop, Town Attorney Phil Willoughby, Town Engineer Shane Porter, Town Planner Scott Radden, Town Treasurer Peggy Nading, Chief of Police Tom Laughrey, Fire Chief Leo Malsom, Public Works Director Brian Boettcher, Town Clerk Janelle Underwood, and interested citizens.

Mayor Hinds led the Pledge of Allegiance.

APPROVAL OF AGENDA: Motion was made by Tiffany Dutton and seconded by Doug White to approve the agenda with the deletion of the executive session on the agenda and still discuss the Lease Site Agreement. Motion carried.

APPROVAL OF MINUTES: The minutes for the regular meeting on December 22, 2014, were presented for approval. Motion was made by Tiffany Dutton and seconded by Doug White to approve the minutes as written. Motion carried.

ADMINISTER THE OATHS OF OFFICE: Town Clerk Janelle Underwood administered the Oaths of Office to the newly elected Councilmen Ernest Blackford and Joe Knop.

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

PUBLIC HEARING - 7:05 P.M. PROPOSED TEXT AMENDMENT CHANGES AND ORDINANCE #1-2015: Town Planner Scott Radden advised that at the request of the Town of Evansville Staff to consider a text amendment to amend the text of the Town of Evansville Zoning Ordinance, Adopted August 13, 2007, and update the dated ordinance to comply better with the needs of the town. He advised that, specifically, the proposed amendments to Articles 1 through 14 of the Evansville Zoning Ordinance to change references of the Planning and Zoning Commission and Town Council to Commission and Council, to add/revise definitions, modify side setback requirements for the R-1 zoning district, update permitted and conditional uses for light and heavy industrial zoning districts, change references of garages and accessory structures to accessory buildings, revise the definition of a site plan, and revise landscaping application procedures. He advised that the Planning and Zoning Commission met on January 6, 2015, and forwarded a "Do Pass" recommendation to the Town Council and that the proposed amendments are available to review in the Town Clerk's office.

Mayor Hinds called for any Public Comments for or against the proposed text amendments.

Keith Tyler spoke in favor of the proposed changes in the Zoning Ordinance text amendment changes.

Mayor Hinds called for the Public Hearing to be closed.

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Town Clerk Janelle Underwood read Ordinance #1-2015 by title only on first reading. Motion was made by Tiffany Dutton and seconded by Ernie Blackford to approve Ordinance #1-2015 on first reading. Motion carried.

APPROVAL OF REPLAT 1-2015 AND RESOLUTION #1-2015: A vacation and replat of Lots 21 and 23, East Lathrop Addition No.2, Town of Evansville, Wyoming, to form Lot 29, East Lathrop No. 2, Town of Evansville, Wyoming. (Owner/Applicant: Butcher Properties, LLC). Town Planner Scott Radden provided a staff report stating that Mr. Bart Butcher, the owner of record for Lots 21 and 23, East Lathrop Addition No. 2, Town of Evansville, had submitted an application for a vacation and replat of the subject property to form one Lot: Lot 29, East Lathrop No. 2, Town of Evansville. He stated that the replat is necessary in order to abandon the existing 10-foot utility easement and lot line for placement of a commercial building and that the lots are somewhat limiting on construction placement because of a 50-foot power line easement that runs through both lots. He advised that the Planning and Zoning Commission met on January 6, 2015, and forwarded a "Do Pass" recommendation to the Town Council for the vacation and replat of Lots 21 and 23, East Lathrop No. 2, Town of Evansville to form Lot 29, East Lathrop No. 2, Town of Evansville.

Motion was made by Ernie Blackford and seconded by Joe Knop to approve Replat 1-2015. Motion carried.

Motion was made by Tiffany Dutton and seconded by Ernie Blackford to approve Resolution #1-2015 – A Resolution Approving Vacation and Replat of Lots 21 and 23, East Lathrop No. 2, To Form Lot 29, East Lathrop No. 2, Town Of Evansville. Motion carried.

APPROVAL OF SITE PLAN 1-2015: Site Plan Review of a 10,000 square foot Commercial Building on Lot 29, East Lathrop Addition No. 2, Evansville, WY (aka 252 Blackmore Rd) (Owner /Applicant: Butcher Properties, LLC/ Bart Butcher). Town Planner Scott Radden provided a staff report stating that Butcher Properties, LLC, is the owner of Lot 29, East Lathrop Addition No.2, and stated that they have submitted a Site Plan Application to construct a 10,000 square foot commercial building. The Lot is zoned Commercial (C-1) and surrounded by other C-1 lots. A Declaration of Covenants, Restrictions Governing Land Use and Development of East Lathrop No. 1 was approved for this addition in January, 2006. Builder's Supply Yard is a permitted use under these covenants and best describes what the owner plans for this site. He advised that the Planning and Zoning Commission met on January 6, 2015 and forwarded a "Do Pass" recommendation to the Town Council to construct a 10,000 square foot industrial building on Lot 29, East Lathrop Addition No. 2, subject to the following conditions:

1. 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.
2. The Owner obtains all required building permits, and complies with all Evansville Code and inspection requirements, and State and Federal regulations.

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3. 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.

Motion was made by Ernie Blackford and seconded by Doug White to approve of Site Plan 1-2015. Motion carried.

PUBLIC HEARING – 7:10 P.M. – LIQUOR LICENSE RENEWALS: Approve to Renew Liquor Licenses for Outback Steakhouse, Texas Roadhouse, Taylor's Sports Bar, Applebee's, Happy Days Liquor, Hooch's, La Hacienda Mexican Restaurant, 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. 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 he was pleased to advise that the alcohol checks that have been conducted in the last year by his department have been successful with none of the liquor establishments selling alcohol to a minor.

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

Town Attorney Phil Willoughby stated that the establishments have all done a good job. He stated that he thinks the Police Department doing regular compliance checks helps in this matter.

ORDINANCE #2-2015: An Ordinance Repealing Ordinance #6-2011 Providing for the Appointment of Individuals of Other Departments to Become Sworn Officers of the Evansville Police Department. First reading. Town Attorney Phil Willoughby summarized Ordinance #2-2015.

Motion was made by Doug White and seconded by Tiffany Dutton to approve Ordinance #2-2015 on first reading. Motion carried.

AWARD OF AMBULANCE BID: Assistant Fire Chief Matt Gacke advised the Governing Body that they had received one bid from Max Fire for the purchase of a new ambulance in the amount of one hundred sixty-nine thousand eight hundred dollars (\$169,800.00). He stated that the reason for this purchase is because the Evansville Emergency Services has seen an increase in the emergency calls by twenty-four percent (24%) and that they see the trend of call volume increase to continue. He stated that there are days Evansville Emergency Services is making multiple responses into the Casper Metropolitan area and that the calls for patient transfers have increased.

Motion was made by Tiffany Dutton and seconded by Ernie Blackford to award the bid to Max Fire in the amount of one hundred sixty-nine thousand eight hundred dollars (\$169,800.00) for the purchase of a new ambulance.

APPROVAL OF BUSINESS LICENSES: Business License application for Budget Plumbing and Rooter was presented to the Governing Body for approval. Also presented to the Governing Body for approval was the 30-day renewal of the Business License for Colorado Hospitality Services, Inc.

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Fire Chief Leo Malsom stated that he, Assistant Chief Gacke, and Casper Fire Department Inspector Justin Smith conducted an inspection of the Colorado Hospitality Services, Inc., premises on Friday, January 9, 2015. He stated that the manager of the motel provided them with a list of items that have been addressed and corrected in the last thirty days (30). He stated that the list is attached to the application for review. Chief Malsom stated that bids have been received for the arc fault system, fire alarm system upgrade, and a fire suppression system. He stated that these upgrades are very expensive but that it is something that Colorado Hospitality is working on and that it will take some time.

Mayor Hinds asked if Chief Malsom wanted to extend the inspection and license renewal out longer than thirty (30) days.

Chief Malsom stated that he did not have a problem extending the license approval longer than thirty (30) days but that he would not recommend longer than sixty (60) days.

Town Attorney Phil Willoughby stated that it appears that Colorado Hospitality has really made an effort to make improvements to the establishment and that he had to no objections to either a sixty (60) or ninety (90) day renewal.

Motion was made by Tiffany Dutton and seconded by Doug White to approve the Business License for Budget Plumbing and Rooter. Motion carried.

Motion was made by Tiffany Dutton and seconded by Doug White to renew the Business License for Colorado Hospitality for sixty (60) days. Motion carried.

APPROVAL OF BUILDING PERMITS: Building Permit applications #4124 and #4125 were presented to the Governing Body for approval. The applications were for a sign and new construction. After review of the applications, motion was made by Tiffany Dutton and seconded by Ernie Blackford to approve permits #4124 and #4125. Motion carried.

ENGINEER'S REPORT: Town Engineer Shane Porter stated that he had an invoice for twenty thousand dollars (\$20,000.00) from KLJ for the Secondary Access Study that they recently conducted. He stated that the study was funded by a grant that the Town received for fifteen thousand dollars (\$15,000.00) from the Wyoming Business Council. He stated that he needed authorization for the Mayor to execute the grant draw down request to the Wyoming Business Council for fifteen thousand dollars (\$15,000.00).

Motion was made by Tiffany Dutton and seconded by Ernie Blackford authorizing the Mayor to execute the grant draw down request for fifteen thousand dollars (\$15,000.00) to the Wyoming Business Council for the Secondary Access Study. Motion carried.

Motion was made by Tiffany Dutton and seconded by Doug White to approve the Engineer's report. Motion carried.

BILLS FOR APPROVAL: Bills were presented to the Governing Body for approval. Motion was made by Tiffany Dutton and seconded by Doug White to pay all bills and draw treasury upon the same. Motion carried.

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LEASE SITE AGREEMENT: Town Attorney Phil Willoughby stated that the Town has had a lease agreement with A T & T for the cell tower site located on the Town's property located behind Home Depot. He stated that A T & T had poured a concrete pad for the installation of a generator without the Town's knowledge about a year ago. He stated that in the course of reviewing the site lease agreement, it was discovered that A T & T had not been increasing the monthly lease fee annually to the Town as per the lease agreement. He stated that the total came to about eight thousand dollars (\$8,000.00) that was owed to the Town. He stated that A T & T paid the Town immediately. Town Attorney Phil Willoughby stated that in the process of reviewing the lease agreement, it was discovered that the lease site had never been surveyed and marked. He stated that he looked further into it and that most cell tower and bill board leases automatically renew for another two years. He stated that after consultation, he gave notice on behalf of the Town that the Town is terminating the lease in order to stop the automatic renewal from occurring. He stated that the Town is now within about twenty days (20) from the lease expiring. Town Attorney Phil Willoughby stated that Crown Castle now negotiates and manages the leases for A T & T so that from time to time he may refer to Crown Castle as well as A T & T. He stated that currently, the Town receives nine hundred seventy four dollars (\$974.00) per month for the site lease and that he has learned that in some metropolitan areas such as Denver, these site leases are running around five to six thousand dollars (\$5,000.00 - \$6,000.00) per month. He stated that he has also learned that there are different sites and facilities and that this particular site is what he would call a deluxe tower site. He stated and that it has what is referred to as an array cell tower which is probably the most advanced in technology. He stated that what he can't confirm from A T & T/Crown Castle is if they are sub-leasing this site. Attorney Willoughby stated that often times, a site can be sub-leased to other carriers and charge more money off the site than what they are paying the lessor. He stated that at the direction of the Mayor and subject to Town Council approval, he made an offer of A T & T/Crown Castle to renew the lease site among other terms for eight thousand dollars (\$8,000.00) per month. He stated that he has now received a response from Crown Castle stating that the Town needs to look at some of the lease fees around Casper which are running around one thousand dollars (\$1,000.00) per month. He stated that he does not doubt that but that after speaking with the City of Casper Attorney's office, it is believed that the lease fees could have been set higher than what they are especially when you consider the site location and the call volume that goes through a tower. He stated that he has not yet received a counter offer, but that he is also going to pursue how many people are sub-leasing the tower, if any, an acceptable lease fee along with the terms of the lease, and get a better definition on what A T & T/Crown Castle is able to do within their site lease location. Attorney Willoughby stated that he will do all he can do to get the best lease fees for the Town that he can.

PUBLIC COMMENTS: There were no public comments

ADJOURNMENT: There being no further business, motion was made by Tiffany Dutton and seconded by Doug White to adjourn at 7:42 p.m. Motion carried.

APPROVED:



Phil Hinds, Mayor

ATTESTED: 

Janelle Underwood, Town Clerk