

## RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

October 28, 2013

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 Pro Tem Doug White at 7:00 p.m. and upon roll call the following were present: Mayor Pro Tem Doug White, Council Members Tiffany Rayner, Ernie Blackford, and Jennifer Fowler, Town Treasurer Peggy Nading, Fire Chief Leo Malsom, Public Works Representative Brian Boettcher, Town Clerk Janelle Underwood, and interested citizens.

Mayor Phil Hinds, Town Attorney Phil Willoughby, Town Engineer Shane Porter, Chief of Police Zack Gentile and Public Works Representative Dale Brown asked to be excused.

Mayor Pro Tem Doug White led the Pledge of Allegiance.

APPROVAL OF AGENDA: Motion was made by Tiffany Rayner and seconded by Jennifer Fowler to approve the agenda. Motion carried.

APPROVAL OF MINUTES: The minutes for the regular meeting on October 14, 2013, were presented for approval. Motion was made by Tiffany Rayner and seconded by Jennifer Fowler to approve the minutes as written. Motion carried.

ORDINANCE #7-2013: An Ordinance Modifying the Zoning Regulations. Second reading. Town Clerk Janelle Underwood read Ordinance #7-2013 by title only. Motion was made by Jennifer Fowler and seconded Tiffany Rayner to approve Ordinance #7-2013 on second reading. Motion carried.

ORDINANCE #8-2013: An Ordinance Amending Various Sections of Chapter 4 of the Town Code of the Town of Evansville. Second reading. Town Clerk Janelle Underwood advised that Town Attorney Phil Willoughby asked that Ordinance #8-2013 be tabled. Motion was made by Ernie Blackford and seconded by Tiffany Rayner to table Ordinance #8-2013 on second reading. Motion carried.

ORDINANCE #9-2013: An Ordinance Establishing Demerit Point Values for Alcohol Beverage Violations and Procedures for Administering. Second reading. Town Clerk Janelle Underwood advised that Town Attorney Phil Willoughby asked that Ordinance #9-2013 be tabled. Motion was made by Tiffany Rayner and seconded by Jennifer Fowler to table Ordinance #9-2013 on second reading. Motion carried.

APPROVAL OF BUSINESS LICENSES: Business License applications for Cowboy Custom Pro-Property, Mandy George – Mountain Man Nuts and Fruits, Scenic Construction, and Tri Mountain Construction were presented to the Governing Body for approval. After review of the applications, motion was made by Tiffany Rayner and seconded by Ernie Blackford to approve the business license applications for Cowboy Custom Pro-Property, Mandy George – Mountain Man Nuts and Fruits, Scenic Construction, and Tri Mountain Construction. Motion carried.

APPROVAL OF BUILDING PERMITS: Building Permit applications #4012 through #4014 were presented to the Governing Body for approval. The applications were for re-roof permit, new construction, and a trailer. After review of the applications, motion was made by Ernie Blackford and seconded by Jennifer Fowler to approve permits #4012 through #4014. Motion carried.

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PUBLIC COMMENTS: During public comments, John Lewis spoke to the Governing Body concerning the proposed ordinance for demerit points to the liquor establishments for various violations. He stated that he feels that the current law is enough and that it has worked. Mr. Lewis stated that he feels the proposed ordinance is a bit of overkill and that it is his understanding that the City of Casper has backed off a little over the same proposed ordinance because of potential lawsuits. He stated that he feels like the way the proposed point system is set up is treating licensee holders like second-class citizens. He also stated that he thinks that the police departments should work with the licensees. Mr. Lewis stated that if an establishment receives enough demerit points that it closes the establishment for seven (7) days, that establishment might as well close down its business because even getting shut down a day would be detrimental.

Mayor Pro-Tem Doug White stated that it was his understanding that there were some questions concerning the demerit point values and that is why the ordinances were tabled until further discussion can take place.

Travis Taylor, Taylor's Sports Bar and Lounge, stated that there was a catastrophe that happened this last year at Taylor's. He stated that there are a lot of stories and he thinks that there are times when the Evansville Governing Body may not have all of the information or may be misled, which can reflect badly on the establishment without knowing the entire story. He stated that he is going to work harder to attend the Council meetings to get to know the Governing Body so that they know who he is too. He stated that he has not had a problem with the demerit point system at all, but what he is asking is that the demerit system is truly fair. He stated that he is concerned that with the proposed ordinance, they are being triple hit for one violation. He stated that if an establishment gets shut down for seven (7) days, that his could be really devastating to that business. Mr. Taylor stated this is why the licenses are reviewed and renewed each year. He stated that if an establishment is really bad, perhaps the license should not be renewed. Mr. Taylor stated that the establishments work really hard to bring business to the Town and to work with the Police Department. He stated that if you close an establishment down, customers are forced to go to other establishments, which risks those customers never coming back and in turn, affects the Town. He stated that he and Chief Gentile have their ups and downs but that they have also been able to talk. He stated that he is willing to help out whenever he is needed. He stated that the liquor establishments want to work really hard for the Town to be proud of them and the business that the establishments bring.

Doug Nichol, HQ Southern Barbeque stated that ninety percent (90%) of his business is in food sales, but that doesn't mean that alcohol sales are not at the top of his list every day. He stated that the proposed demerit ordinance is intimidating. He stated that he feels that the current system works. He stated that he is concerned that if the proposed ordinance is put in place and he received enough points that it shut him down for one week; it would devastate his business and possibly shut him down forever. He stated that he is proud to be in Evansville and that he feels that the business environment is a positive one. He stated that if a business is shut down due to demerit points, it gets into everybody's pockets.

Town Clerk Janelle Underwood stated that due to the Veterans' Day Holiday, the next Council Meeting has been moved to November 12, 2013.

It was discussed about the licensees meeting with the Council Members to discuss the proposed ordinance.

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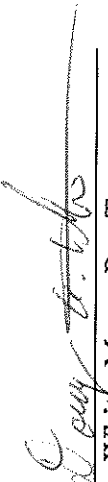
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Travis Taylor stated that instead of demerit points and shutting down a business how about citing the employee that sells to the minor, the establishment has zero tolerance for selling to the minor and is fired and the liquor establishments are cited a fine as well. Mr. Taylor also stated that if demerit points are issued against an establishment, it puts the licensees in a bad position because they feel like they have to defend their employee in hopes that the establishment does not receive the demerit points.


John Schmidt, Butch's Happy Days Liquor, spoke to the Governing Body about the proposed demerit ordinance. He stated that he feels the same as the other licensees have stated and hopes that the Town of Evansville does not adopt it. He stated that he likes the idea of the licensees meeting with the Governing Body to come to a resolution and that he appreciated the Governing Body's time.

ADJOURNMENT: There being no further business, motion was made by Tiffany Rayner and seconded by Jennifer Fowler to adjourn at 7:43 p.m. Motion carried.

APPROVED:

  
Doug White, Mayor Pro-Tem

ATTESTED:

  
Janelle Underwood, Town Clerk