

TOWN OF BASIN

Council Meeting – Regular Minutes

Thursday, September 12, 2019

Basin City Arts Center at 7:00 PM

Call to Order Regular Session

Pledge of Allegiance

A Regular Meeting of the Town of Basin Council was held in the Basin City Arts Center in Basin, Wyoming on Thursday, September 12, 2019 at 7:00 PM. The meeting was called to order at 7:02 PM.

Council Members Present: Mayor CJ Duncan, Councilmen Brent Godfrey, Carl Olson, Joseph Keele, and Stuart DesRosier.

Also present were Deputy Clerk Tracy Harper, Public Works Director Steve VanderPloeg, Water Department Head Mike Dellos, Electric Department Head Stacey Leshner, Police Chief Chris Kampbell, Town Engineer Jesse Frisbee, Town Attorney Kent Richins, Barbara Greene, Viki Davis, Karen Hinman, John & Dorothy Gibler, Travis & Aileen Schriener, Roger Follett, Carmen Olson, Jim Rannels, Tammy Keele, and John Hallcroft.

Department Head Reports:

Public Works – Steve VanderPloeg

The Town Crew fixed two water leaks, helped with a fire hydrant, and found a manhole they didn't know about when they were cleaning sewers. The manhole has been brought up to grade so it can be located and will be put on the map. The crew is about 80% done with washing sewers. Raw Water will be shut off around the 10th of October. The new mower that is being approved at tonight's meeting will be picked up on Monday. Joe Keele said that the streets looked nice and that the street sweeper is doing a good job. Carl Olson asked about the Dump Truck retrofit. Steve said that the dump truck is currently at Tommerup and will be ready "before the snow flies."

Electric – Stacey Leshner

The Electric Department had to rebuild a pump for the baseball field, trimmed a lot of trees before the snow flies, helped on water leaks and the fire hydrant issue, installed a transformer for the Police Department building, placed a new meter package for the Security State drive-up teller area, and processed shutoffs and delinquents.

Water – Mike Dellos

Completed fire hydrant testing, which was good other than a couple minor issues. Brent Godfrey asked if the hydrants at the school had been tested. Mike indicated that they were too near the new grass they had planted and would be difficult to test without washing out the new landscaping. Mike said that he would plan on testing them next year.

Administrative – Tracy Harper

The Town's Financial Audit was completed the week of council meeting last month, new computers were installed in the Town Hall, and with the new computers were able to update to the new version of Caselle. The Town office staff also worked on delinquencies and shut-offs per ordinance. Carl Olson asked how the grant work for the Industrial Subdivision was going. Tracy replied that the Initial work of developing lot sizes and platting the area needs to be done before we can begin the application process with the Wyoming Business Council.

Municipal Court – No report as Deaun Tigner is attending training in Casper this week.

Police Department – Chris Kampbell

As the Council had probably already heard, the School Resource Officer resigned effective at the end of August. They are currently going through the application process. PT tests for applicants were going to be on Monday, September 16th

and interviews on Tuesday afternoon at the School District office. The Police Department had to adjust coverage times to keep overtime down, but are still covering the town 24 hours a day. New pickup – Sheridan Motors has one available for \$28,900 - \$38,000 after it is upfitted with all of the gear needed. Garff Motors in Idaho has a lease return coming back that is also worth looking at. It is a 2016 Ford and is already upfitted except for radio and radar, which the department has and can install. The price is \$27,000 but will be able to save without having to upfit. The current mileage is 40-50,000 which Chief Kampbell is okay with. It also comes with a 2-year warranty.

CJ Duncan took the opportunity after department reports to remind department heads that leave requests for employees need to be completed for all known leave. Leave request should go through supervisors and then to the front office, and supervisors should submit their leave requests to the Council or Mayor.

Committees/Commissions/Departments:

Planning & Zoning – Roger Follett discussed the August Meeting where there were setback issues with what the P&Z originally proposed. There were concerns with the proposed zero setbacks in commercial zones, especially in alleyways. Instead, they will probably need to keep the five-foot setback for the dumpsters. They will either leave the setback at five feet or create a new regulation that requires an area for dumpsters to sit if the setback is at zero. There was a meeting on the 10th of September about changing zoning to Mixed Use areas so that commercial areas can go in. It was brought up that there could be issues with financing of residences that are located in a commercial zone. The P&Z talked to some of the local bankers who did not seem to think there would be a problem, but they want to do more investigating before changing the zones. Brent Godfrey wants the P&Z to make sure that the alley setbacks don't affect any fire code regulations. Carl Olson discussed the fire codes that pertain to adjoining buildings. The Council then discussed the option of having to have a trash rack if there is a zero setback. Problems would arise because in the Town of Basin, each business does not have their own dumpster, so a business could have to build a trash rack for a dumpster that is not solely used by them. Roger Follett said there is also some discussion about making a uniform setback for both residential and commercial in Mixed Use areas. Because residences currently have a twenty-foot setback from the street, and commercial uses could potentially have a zero setback, they would like to possibly compromise in Mixed Use areas and put a ten-foot setback so that everyone is equal.

Activities Committee – Tammy Keele with Home for the Holidays presented some ideas they have come up with. They are moving the Home for the Holidays celebration from the Friday after Thanksgiving to Saturday instead, so that people can do their Black Friday shopping, and it also allows the committee more time to set up. They are also thinking of doing a live nativity, as well as having Santa. The committee wants to use the funding they have available from last year to purchase items for the celebration from the businesses that donated last year.

Public Comments:

Neighborhood of 8th Street – Viki Davis of 506 S 8th St wanted to talk about a property located at 502 S 8th Street. The house has been vacated since January. There is animal feces in the house and water leakage in the back porch area that appears to have black mold. The neighbors feel like the house has become a biohazard. Neighbors had to keep their windows shut all summer because of the odor. They want to ask the Town for any help or advice they can give on where to go from here. The house is historic and could be given historic status where grant money could be available. CJ Duncan asked Attorney Kent Richins if there is anything the Town can do about it. Kent advised the affected neighbors to investigate whether or not the property is in probate where there could be some claims on the ownership of the property. A health inspector could go and declare the house a health hazard and order it to be vacated and abated. If it is historic, they could do a partial abatement. He also suggested the neighbors research with a title company if there are any encumbrances or liens on the property. Once an owner is determined, the ownership could be turned over or the property bought. If no one takes ownership, it's possible for it to be taken over and abated. Brent Godfrey suggested that the Public Health in Greybull might be able to step up and declare it a health hazard. A request could be made by the Town, County, or residents. CJ Duncan suggested the neighbors get a petition together and request a health and safety inspection from the public health office. The health inspectors would be able to possibly come on the property and inspect. The Town's hands are tied at this point because of trespassing issues.

Travis Schriener – Would like to see a 4-way stop at corner of 9th St and Myrtle by the scoreboard. Speeding has become a problem in that area. Either a 4-way stop or put some dips in to slow people down. CJ asked Chief Kampbell to put more police presence in that area for now. Brent asked if it is possible to put up a 4-way stop. Carl said that there was some discussion at the P&Z Meeting that there could be some cheaper options for signs than to go through the State.

Raw Water for Jack Nauman – CJ Duncan stated that when the raw water system got put in, Jack Nauman was overlooked. Brent Godfrey argued that Jack had refused. CJ countered that we took his water rights from him and that don't give him water, which in his opinion was an injustice. Brent said that Jack was offered the same as everyone else. CJ replied that if that was the case then we should not have taken his water rights. Carl asked if there is any documentation or if it is just discussion. CJ replied that it's more hearsay. CJ stated that the Town upgraded Mecklam Acres water to 4" pipe. Carl said that raw water improvements in another area were paid for by landowners. CJ suggested that the Town could take off of the 2" line from where it ends at Zier's and go from there to Jack's because the Town already owns the easement. Carl stated that he would like to see more documentation on what originally happened before committing to the Town paying for the line.

Building Permits:

Juan Carlos Garay – 763 N 8th St – Garage

Motion was made by Brent Godfrey to approve the building permit for Juan Carlos Garay. Motion was seconded by Stuart DesRosier and passed unanimously.

Agenda:

CJ Duncan requested to add Billing Dates to the agenda as C.1 . under regular Conduct of Business. Motion was made by Brent Godfrey to add the item to the agenda. Joe Keele seconded, and the motion passed unanimously.

Conduct of Business:

Meeting Minutes – Motion from Stuart DesRosier to accept the Regular Meeting Minutes from August 8th. Carl Olson seconded, and the motion passed unanimously. Motion was made by Carl Olson to approve the Special Meeting Minutes from August 21st. Stuart DesRosier seconded, and the motion passed unanimously.

Vouchers – Motion from Brent Godfrey to accept the vouchers presented. Carl Olson seconded, and motion passed unanimously.

Delinquent/Aging – Down a little this month from last month due to timing. \$20,000 on 60+ days isn't an accurate figure for what is collectible. The Council would like to start looking at writing off some balances or pursuing collection processing.

Billing Dates – CJ Duncan started the discussion by stating that the Town currently bills from the 15th to the 15th and asked if it would be better to bill from the 1st to the 1st. The issue has to do with the pro-rating of utilities, which is an Ordinance up for first reading. Most people who rent usually rent from the 1st to the end of the month. Can't find the logic behind why the Town had originally started billing on the 15th and wants the Council to start looking into possibly changing from the 1st to the 1st. The Town would either have to do a short bill of half a month or a long bill of a month and a half. It was brought up that there could be problems with the number of ordinances that would need to be changed that have wording that reflects the date. The dates would also need to coincide with meter reading, and that could change depending on whether or not the Town is going to the electronic meters. A request was made for Kent Richins to do some research on how we could amend the ordinances in order to adjust the dates. Tracy Harper brought up that there would also need to be adjustments made to the delinquency and shutoff dates.

Budget amendment – Amendment to adjust the budget to allow for the purchase of the lawn mower. Motion was made by Brent Godfrey to accept the proposed Budget Amendment. Stuart DesRosier seconded the motion, and it passed unanimously.

Rec Board Bylaws – The Rec Board wants more community involvement, so has proposed a change to how their board is made up. They would like to go to three members from the School, three from the Town, and three at-large from the

community. The other change to the by-laws is that if the Rec District is ever dissolved, the Town will now get the assets, which used to be the School. Since the Town does all of the payroll, deposits, etc, the Town feels that they should receive the assets if the District should be dissolved. The current assets are a small CD of \$20-25,000 and whatever money is in the checkbook. The School Board approved the by-law changes already, but the Town has to accept them as well before the Rec District can adopt them. Motion was made by Stuart DesRosier to accept the Rec District by-law changes. Joe Keele seconded, and the motion passed unanimously.

Electronic Meter Reading – CJ Duncan started off by stating that in business, you get bids and compare prices. In the electronic meter that the Town Council has been discussing, they failed to look at other possibilities and would like to have another provider of electronic meters do a presentation at the 26th. The Big Horn REA also has a system for meter readings that the Town would like to get information from so that they are better educated before making a decision. They don't want to derail the current work that the Council has been doing, but want to compare. The cost of electronic meter reading will not save the Town in dollars, but will save them in man-hours that can be used elsewhere. The Council appreciates what Border States did in their presentation, and don't want to throw it out, but want to look at other options. The Town will invite the other parties to provide some comparable prices. If the Town is going to be doing meter readings electronically, the meters can be read at any date.

Eagles – The Eagles demolition is in environmental review. There was a question in the environmental review that Heath Overfield is checking on. There is some wording that he wasn't aware of and he is going to investigate further. Brent Godfrey asked for a timeframe for the building coming down. CJ Duncan said that a rough estimate is Spring. Because of the common wall with the Comfort Zone, they don't want to open it in the winter. Timeframe they are shooting for now is April or May.

Haul Water – This is a continuing discussion from the prior month. There are only a few current customers left who use the haul water system. Currently the charge is \$39.02 per month and \$1.29 per 1,000 gallons of usage. In the past, they should have been charged \$39.02 per month whether they were using the haul water cards or not and that did not happen. CJ Duncan state that he would like to get rid of the monthly minimum and raise the per usage charge to cover the costs. Stuart DesRosier asked if the \$39.02 was originally there to put the infrastructure in. CJ Duncan said that it is a minimum fee similar to the base rate on water. It has been billed on and off periodically, but not on a regular basis. Currently only about 2 - 3,000 gallons of haul water are used per month. Most haul water is not being used for residential use. CJ Duncan proposed a per 1000 gallon fee as \$10 to make up for the monthly minimum fee. Carl Olson had concerns that if a construction company needs to come in and get water, it could increase construction costs if the charge is \$10 per 1000. \$6 or \$7 per 1000 might be more what they would want to look at. Haul water is included in the Water Rate ordinance and could be adjusted on the 2nd reading of the Water Rate ordinance. No changes were made.

Meeting went into temporary recess at 8:13 PM and reconvened at 8:20 PM.

Employee Handbook – a draft copy was given to the council to review and check for any clarifications or changes at a later meeting.

Liquor License Clarification – The 2017 State of Wyoming law changes that were adopted by the Town created a need for some adjustments to current Town Code. There are currently no provisions in the Town ordinances for a Bar and Grill license, even though the Town has had people with one in the past. Towns under 7500 population are allowed two Bar and Grill Licenses in addition to the Retail Liquor Licenses allowed by population. The Restaurant Liquor License fee also needs clarified as the current ordinance says \$1000, but that is not what has been being charged in the past. Currently the Town has one restaurant liquor license and there are meeting minutes indicating that the fee is \$500, but it was never changed in ordinance. Temporary permits have a new maximum limit of \$50 set by the State effective July 1st, which the Town is over at our current fee of \$75. Since the Town needs to operate within what the State requires the license to be, we need to adjust those. The Town also needs to decide if they want to offer a Bar and Grill license. CJ Duncan stated that if we are going to offer a refundable fee (damage deposit) on Catering and Malt Beverage permits, then it should only be if the permits are on the Town property. He would also like to see a deposit of \$100 rather than the current \$25, but only if it is on Town property. Stuart DesRosier asked how many restaurant licenses are allowed, which is an unlimited number. Tracy Harper explained the limitations for both the Restaurant and Bar and Grill licenses with 60% of sales required to be from food sales. She also explained the difference between a Restaurant license and a

Bar and Grill license, which has to do with where the alcohol can be dispensed. Bar and Grill licenses are more expensive with a minimum of \$1,500 annual fee. CJ Duncan asked who was required to check on which type of license was appropriate for a business who is requesting a license. Tracy explained that it is the Town's responsibility at the time of application for license. CJ Duncan asked about the ability to add wording in the ordinance to make the fee schedule for liquor licenses adjustable each year as long as they are within the range that the State of Wyoming sets. Kent Richins advised that as long as they are all treated the same that it is possible, but an Ordinance with three readings for a license fee change would be more advisable. Brent Godfrey asked for clarification about Open Container Permits, which are permits allowed and charged for by the Town. Brent Godfrey made a motion to do minimum fees for licenses and Joe Keele seconded, but after some discussion the motion was amended to leave all license fees the same except the two that are over the State of Wyoming limit and should be lowered to the maximum. The amended motion passed unanimously. Brent made a motion to add a Bar and Grill license as a possible license type with the minimum of \$1,500 annual fee. Carl Olson seconded, and the motion passed unanimously.

WAM Regional Meeting – The WAM Regional meeting will be on October 3rd at 4:00 PM in Meeteetse if anyone would like to go. CJ Duncan indicated that he would be going, and Carl Olson stated he would try to go also.

Special Event Permit – There is a Special Event "Catering" permit application by the All School Class Reunion for September 20 – 22 at the Big Horn County Fairgrounds. Motion was made by Stuart DesRosier to issue the permit and seconded by Brent Godfrey. Motion passed unanimously.

Ordinance 672: Weeds, 3rd Reading. Motion was made by Carl Olson and seconded by Joe Keele to accept the ordinance on the 3rd reading. Motion passed unanimously.

Ordinance 673: Water Utility, 2nd Reading. Motion was made by Brent Godfrey and seconded by Carl Olson to accept the ordinance on the 2nd reading. Motion passed unanimously.

Ordinance 674: Raw Water Proration, 2nd Reading. Motion was made by Joe Keele and seconded by Carl Olson to accept the ordinance on the 2nd reading. Motion passed unanimously.

Ordinance 675: Prorating or Utilities, 1st Reading. Due to deciding to entertain additional bids for electronic meter readings, there was some discussion about waiting to see what the Town was going to do with the electronic meters. Motion was made by Carl Olson and seconded by Brent Godfrey to table the ordinance. Motion passed unanimously.

Upon a motion from Carl Olson and seconded by Brent Godfrey, the Town Council voted unanimously to adjourn to Executive Session to discuss potential litigation at 8:50 PM.

At 8:58 PM Stuart DesRosier motioned to adjourn the Executive Session. Carl Olson seconded, and the motion passed unanimously.

At 8:59 PM Joe Keele motioned to adjourn the Regular Meeting. Brent Godfrey seconded, and the motion passed unanimously.

CJ Duncan - Mayor

Deaun Tigner - Clerk/Treasurer