

Thayne Town Council Meeting
July 15, 2020

FINAL

Council in attendance: Mayor Simpson, Councilman Wicks, Councilman Heward, Councilman Woolley, and Councilman Schwab

Excused: Clerk Hillstead

Welcome: Mayor Devin Simpson

Pledge of Allegiance: Councilman Heward

Approval of June 17, 2020 Council Meeting Minutes and the Adoption of July 17, 2020 Agenda with the addition of Judge Larry Lawton.

Motion- Councilman Heward

Seconded- Councilman Woolley

Opposed- Councilman Wicks

Motion Carried

Public Comments

None were given

Representative Evan Simpson

Representative Simpson stated the he has been the Town's State Representative for three years. Simpson mentioned that his term ends this year and he has decided to rerun. Representative Simpson understands that there are serious challenges ahead and he is an advocate for the Town of Thayne and Simpson would appreciate the Town's support. No questions were asked from the Town Council.

Building Permits

Steve Wicks building permit

- Councilman Wicks is adding on to his existing barn for the purpose of hay storage. Mayor Simpson asked for questions and comments from the Town Council.

Motion to approve the building permit submitted from Steve Wicks for a hay shed

Motion- Councilman Schwab

Seconded- Councilman Heward

Motion Carried

Councilman Wicks was excluded from vote.

Jeff Kilroy building permit

- Mayor Simpson presented the application from Jeff Kilroy to the Town Council and stated that there will be adequate parking and further discussed the layout of the new building and the setbacks. Mayor Simpson stated that he has looked the application over and everything seems to meet and follow the Town Code and asked for any questions from the Town Council. Councilman Heward stated

that he didn't see anything regarding the water and sewer for the building; Simpson stated that he doesn't have that answer but he is assuming that Jeff Kilroy will run a new water line. Mayor Simpson mentioned that the easement from Jeff and Robin Kilroy is now signed and complete and in exchange for that easement the Town has agreed to allow Jeff three water hookups. Simpson stated that he is assuming that Jeff will use one of those connections for the new shop.

Motion to approve the building permit submitted from Jeff Kilroy.

Motion- Councilman Woolley

Seconded- Councilman Wicks

Motion Carried

Debbie Merica

Debbie Merica asked the Town Council what the timeline was for a commercial building permit completion. Mayor Simpson stated that all building permits in the Town either residential or commercial have 18 months to be completed. Debbie then asked the Town Council if the building is allowed to be occupied before it is complete. Councilman Woolley stated that the Town doesn't have any regulations otherwise so yes it can be occupied. Debbie stated that she was just questioned the Cut n' Run beauty shop that is still unfinished.

Debbie wanted to talk to the Town Council about a meeting that was held back in September 2019 that was not held in front of the Town Council, it was held with Mayor Simpson regarding their land being rezoned to AR-2. Debbie stated that after the discussion she and her husband were under the impression that the rezoning was moving forward. The Merica's asked Mayor Simpson for a letter stating that their lots were going to be changed before the code book was completed. Simpson was advised by the Town Attorney that he could not write that letter and the Merica's were not told that they had to submit a letter to the Thayne Town Council requesting that zoning change. Debbie also stated that in September the Stoker family came to a meeting and asked about the zoning of their lots and were told in the meeting that the Town Ordinance Book was in still in the process of being rewritten but they would like to rezone those lots too; the Stoker family was under the same impression too that their lots were being zoned AR-2. Debbie Merica stated that she had an offer on one of her lots and that it was ready to go through and then it was found out that the zoning of their lots was never changed. Since then there has been two other people submit offers. Debbie mentioned that she was told that it will take three to four months to get the zone changed and she would like an explanation from the Town Council.

Mayor Simpson stated that he could give an explanation. Simpson added that in the process of redoing the entire Town Code book the Council decided that the zoning needed to be looked into as well because there are a few areas of concern. At the time there was a school that was sitting in a residential area as well as several churches and the current code did not allow that. Mayor Simpson suggested to the Town Council that they redo some of the zoning areas instead of change the ordinances and in that process the Council was going to redo the whole Town's zoning. After a meeting with the Town Attorney and Surveyor Scherbel, the Town was strongly advised against changing the zoning of the Town. The reasoning behind not changing the zoning is because with having a commercial zone around a school is what if an adult store was built directly across from the school; the Town would have a hard time rejecting that permit because it is zoned commercial and those type of stores are allowed. Surveyor Scherbel's suggestion was to change the ordinance book instead stating that the Town would allow schools and churches in a residential area. At that point zoning changes in the Town completely stopped. The Town

Ordinance Book has since been changed to allow those things. The other option that was suggested by Marlow Scherbel was to grandfather in those businesses that currently are in the wrong zone and allow them to stay there as long as that business remains the same business. That is why there are currently some businesses that are in residential areas and the Town of Thayne is aware of it. At that point the zoning changes were dropped and all focus was directed towards changing the ordinance book.

Debbie asked Mayor Simpson why she wasn't notified that her lots were no longer being changed and stated that she is not asking for a commercial zone, she is asked for a zone to allow duplexes. Simpson stated that the Town "dropped the ball" but then asked why the Merica's didn't follow up and ask about the zoning. Debbie mentioned that she can't read the minutes online because there hasn't been anything posted since January 2020 and it is hard for her to make it to the scheduled Town Council Meetings and she doesn't have three to four months to wait to sell property. Simpson stated that she would have to wait for the zone change because the Town cannot legally change the zone in any shorter time. Debbie also stated that in a phone call that she had with Mayor Simpson he had said that he had spoken to another town developer and he had advised the Mayor against changing the zoning on the Merica lots. Simpson stated that there was a misunderstanding. Debbie asked for the name of the developer; Mayor Simpson stated that he had talked with Marlow Scherbel who is a developer who has helped develop several places and again stated the Debbie had misunderstood and that is not what he had meant to say. Mayor Simpson added that the Town Council has talked about several times and would like to see AR-2 on those lots. Debbie was under the impression that the zone had already been changed since she hadn't heard anything back from the Town. Councilman Wicks stated that a lot of the problem is that she is not top priority, the Town switched priorities and she got caught in the wash. Wicks added that he understands that it is not fair.

Debbie Mercia mentioned that another issue she would like to discuss is the paving of the road; she does know that it is a Town of Thayne road so she would like to know how it is going to be maintained. Mayor Simpson stated that the Town of Thayne is not going to maintain it and that the Town is not accepting it as a Town road. Debbie stated that the Town of Thayne has already accepted it as a Town road, Mayor Simpson added that the Town is going to go back and undo the accepting of the road due to the process of what is not being done so it will not be a Town road until it is brought up to town standards being paved and curb and gutter. Debbie stated that when this project first began in 2007 there was no discussion of curb and gutter. In 2007 Kevin and Echo Paul started their road for their subdivision they were given strict deadlines of what had to be done and when. All of the utilities were installed, paid all the engineering and put the road in and gave all of that to the Town which was 1.13 acres and the road had to be paved by 2010 and had to have a bond. At that time paving was \$26,000. Kevin and Echo Paul just finished their road 13 years later and the only way that the subdivision would be approved is it had to be a through road. Debbie stated that she had come to the Town Council in 2010 asking what she was to do with the paving of the road since the Paul's hadn't finished their portion. Debbie shared an estimate from Sunrise Engineering from 2010 and the paving cost went up to \$43,000 and asked the Council what they thought the paving cost would be now in 2020 and stated that that wasn't every fair to them to have everything done in a timely manner to then be stuck waiting on another developer. Councilman Wicks agreed that it is not fair. Debbie commented that she is now looking at \$100,000 + for paving. Councilman Heward asked what had happened to the bond. Debbie answered that the Town let her out of the bond because of Kevin and Echo Paul had not finished their road. Councilman Heward stated that he remembers that that Town let the Merica family out of their bond because no lots had been

sold, it had nothing to do with Kevin and Echo Paul. Debbie stated that they were willing to pave the road but at that point there was a huge drop off at the other end of the road. Heward agreed but stated that it still has to be paved before it can become a Town road. Debbie added that the Town of Thayne has already accepted the road. Councilman Heward stated that the way he remembered it is that there were no lots sold but when one sells the road would be paved. In 2010 the Merica's approached the Town and asked if they could get the bond back because no lots have been sold and they didn't want to pave the road yet; it will be paved when lots are sold. Heward added that he does understand that asphalt and paving prices have gone sky high and lot prices have not kept up but if anything the Town messed up by giving the bond back; the road should still be bonded to be paved and the Town is requiring it to be paved before the Town accepts it. Debbie asked that if it is not a Town road if they can then make it a private road for themselves and to possibly buyers of lots. Councilman Wicks and Councilman Heward answered yes. Debbie then asked about the infrastructure-water and sewer, if it stays and whose responsibility that is. Councilman Woolley commented that it would be the Town of Thayne's responsibility with the utilities. Mayor Simpson added that if those utilities are in and the Town accepted those then it is the Town's responsibility to upkeep that. Simpson asked if there are meters in the pits – there are no meters until someone connects to the system. Debbie asked if she takes back the road as a private road if the Town will change the zoning to AR-2, Mayor Simpson stated that that has no bearing on what the zoning will be changed to, a request to change the zone needs to be submitted and the Council will go through the process. The Town has to notify the public with a notice in the paper and then there will be a public hearing for anyone who wants to come discuss it and the Town has to send a letter to the surrounding properties and then the Council will start the process of rezoning. Mayor Simpson added that he strongly thinks that AR-2 needs to be there and that he has talked to Kevin Paul about his strip on the north side and possibly making that AR-2 as well. Debbie asked Mayor Simpson if the Town could give a letter stating that it is no longer a town road, Mayor Simpson answered yes. Councilman Woolley added that he believes that Jimmy Stoker has a letter from the Town Attorney stating that he can do whatever with that road because it is not a town road. Debbie stated that she has a document from the Town Attorney stating that it is a town road. Simpson added that The Town Attorney was misinformed and not fully informed when that letter was written so he needs to rewrite the letter. Debbie stated that the Town allowed the Titensors on Long Horn Lane to put their new home on a well and septic tank; they were not required to put in utilities and connect to Town water and sewer and that is what the Merica family asked for in 2007. The Mayor at the time stated that he would not allow a private road in this town and the only way that the subdivision could be done is if it was a through road. Debbie stated that she put the road in, and installed the infrastructure and hydrants and gave it all to the Town of Thayne along with 1.13 acres; Simpson commented that as a developer all of that would have to be put in regardless according to Town Ordinances. Simpson also commented that there are exceptions to the rule but this development will not be an exception because there will be no problem with sewer flow at all and there won't be a water pressure issue. Part of the reason that the Merritt's were granted the variance was because they would have very low water pressure and they would have a hard time getting the sewer back up to the main. Variances are issued on a case by case basis but they are very rare.

Sunrise Engineering

Crack and Chip Seal

- Robert informed the Council that the bid opening was held last Wednesday for the crack and chip seal project that includes one block of Wright, one block

Osmond and Petersen. Robert supplied each Councilman with the bid tab. Robert stated that the low bid of \$62,931 from HK is within the Town's budget. All of the documentation has been checked and the Town is free to award the project to the lowest responsible bidder. Mayor Simpson asked for questions and thoughts from the Town Council.

Motion to approve the contract with HK for the chip seal project for the amount of \$62,931.00.

Motion- Councilman Woolley

Seconded- Councilman Heward

Motion Carried

Robert stated with the other three projects- Pathway Lighting, Sidewalk and the Community Center Parking the plans are at 80% so the goal is to have those TAP projects to WYDOT next week for approval and then bid

Judge Larry Lawton

- Lawton informed the Town Council that he is required to submit a report every month and if he doesn't within 25 days the Municipal Judge position is vacant. Judge Lawton submitted a report to the Town Council and wanted to bring to the attention of the Council that the State requires the Municipal Judge to be bonded and the Town Council gets to decide the amount of the bond. Mayor Simpson informed Larry and the Council that it is in the process and asked for a recommendation for an amount; Lawton did not have a recommendation.

Councilman Heward

- Water Report
 - The Town is currently in the process of doing lead samples. One was rejected due to the collector not waiting the full six hours that the water should be off to sample. Once the new collection equipment is received that sample will be retaken.
- Parks and Rec Report
 - Heward stated that the lawns are looking good. The summer help is planning on painting some of the outbuildings. Councilman Heward stated that if anyone has any suggestions on what needs to be taken care of to let him know.
 - Councilman Heward stated that he has hauled some buckets of sand down and tried to break up the arena. Cliff got two buckets of sample sand from Kilroy's to look at for possible baseball sand or arena sand; \$8.00 a ton and a whole truck load is about \$160.00. The sand is available for anyone to look at.
 - Heward is trying to make the decision whether or not to have football. Governor Gordon has extended orders until July 31st. Currently looking like volleyball will be the first sport that the Town can do.
- Community Center Report
 - When the building is rented those renting are made aware that they are responsible to maintain the 6ft between persons and it seems that the Center is staying busy
 - Heward mentioned to the Council that he is still working on taking care of the beaver that is in the canal

Councilman Wicks

- EMT Report
 - No Report
- Fire Department Report
 - No Report

Councilman Schwab

- Sewer Report
 - Councilman Schwab stated that he has met with Cliff and he is going to check on costs for the pumps. Schwab stated that he doesn't see why the Town needs to replace the big pumps until a subdivision requires it. Cliff had a problem with the screen electronics and there is a person coming to check into that.

Councilman Woolley

- Streets Report
 - Councilman Schwab stated that Robert gave a good report regarding the streets. Woolley has been in contact with Cliff about the repairs to curbs and gutters and working on the storm drain on the street between the post office and Wright Street. WYDOT is not taking responsibility for the sidewalks along 89 so the Town will get to fix the bad spot in front of Wagon Wheel Café; verbal estimate is about \$1,000 and the Town will have to complete the demolition and take out what is bad
- Emergency Management Report
 - There will not be an emergency management report or person. Pat has stopped reporting.
- Councilman Woolley stated that Bob King and the Luthi's have approached him regarding the proposal on the sewer property. Mayor Simpson stated that the Council rejected the proposal last month due to the Town paying \$37,000 for the property and that the portion that Bob King wanted to purchase was larger than the Luthi portion yet he wanted to pay less. Councilman Woolley suggested that the Town let both parties know.

Mayor Simpson

- Town Updates
 - Mayor Simpson mentioned to the Council that he is currently working on redoing the Employee Policy and Procedure Manual and he hopes to have that complete next month.
 - Simpson stated that he has asked Fred to start looking for a new police vehicle because ours is getting old and in the last year we have spent almost \$2,000 in repairs and maintenance. The Town of Lovell sent out a mass email and they have two police cars that are available for purchase. One is a 2015 for \$13,000 and has 51,000 miles and the other a 2014 for \$12,000 and has 67,000 miles. 2015 needs some repairs done for roughly \$3,000. Either they will reduce the cost by that much or they will get the repairs done and the cost will remain at \$13,000. Both cars will come fully equipped with everything that a police car should have. Mayor Simpson stated that he thinks that it is in the Town's best interest to invest in a new car. Simpson asked for questions and or comments. Councilman Heward stated that the last time that we got the police car the Town did it through a police grant. If the Town rehired the cop the grant will buy

the car and pay for two years of the cops wages as long at the Town keeps a law enforcement officer. Heward added even if the Town purchases the car it is worth looking into. Simpson asked for any other comments concerns in regard to purchasing the car and added that he would recommend in purchasing the 2015 for \$1,000 more and with less miles. Councilman Wicks stated that \$2,000 in maintenance is not much and asked what the repairs were. Mayor Simpson answered that there were mechanical problems. Councilman Woolley asked if it was possible to get a print out of all of the maintenance and repairs that have been completed the entire time the Town has owned the car. Heward added that there is the possibility that if Fred arrests someone, he has to take them all the way to Kemmerer and he needs a reliable car. Mayor Simpson stated that there is \$10,000 set aside in the police fund for things like this. The Town will look into the grant for the car and wages

Motion to try to purchase the 2015 from Lovell with the option to use a grant and if not purchase it and continue looking into the grant

Motion- Councilman Heward

Seconded- Councilman Schwab

Opposed- Councilman Wicks

Motion Carried

- Mayor Simpson stated that the July 4th parade was a success, there were over 8,000 views online for the parade
- Mayor Simpson asked the Town Council if they would like to renew their Star Valley Chamber of Commerce Membership for \$1,500. Councilman Woolley stated that as a business person he has benefited from what the Chamber does. Simpson asked for any other comments. Heward stated that he is in favor of supporting.

Motion to renew the Town of Thayne's membership with the Star Valley Chamber of Commerce.

Motion- Councilman Woolley

Seconded- Councilman Heward

Motion Carried

- Mayor Simpson gave a WyoStar II update

Motion to go into Executive Session at 7:07 pm

Motion- Councilman Woolley

Seconded- Councilman Heward

Motion Carried

Motion to go return to regular meeting at 7:08 pm

Motion- Councilman Heward

Seconded- Councilman Wicks

Motion Carried

Motion to issue checks to be ratified at the next council meeting

Motion- Councilman Woolley

Seconded- Councilman Schwab
Motion Carried

Motion to pay bills

Motion- Councilman Heward
Seconded- Councilman Schwab
Motion Carried

Motion to adjourn meeting

Motion- Councilman Woolley
Seconded- Councilman Heward
Motion Carried

Meeting Adjourned at 7:30 P.M.