

**CITY OF LANDER
REGULAR COUNCIL MEETING
COUNCIL CHAMBERS: CITY HALL
240 LINCOLN STREET
LANDER, WY 82520
August 11, 2020**

THE CITY OF LANDER IS AN EQUAL OPPORTUNITY PROVIDER

Governing Body Present: Mayor Monte Richardson, Council President Cade Maestas, Council Members Dan Hahn, Mike Kusiek, John Larsen, Missy White, Chris Hulme

Governing Body Absent:

City Staff Present: City Clerk Tami Hitshe, Assistant Mayor RaJean Strube Fossen, Public Works Director Lance Hopkin, City Treasurer Charri Lara, Chief of Police Thomas Shroyer, Building Inspector Mike Logue

Call to Order

Mayor Richardson called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance

I. Approval of Agenda

MOTION: Council John moved to approve Cade made second. Motion passed.

II. Oral Comments

a. Personal Privilege – Mayor and Council.

Council Member Larsen. Had questions for Lance about the water spicket at the city park for potable water. There is no handle on the spicket. There is no signage at the distribution center about potable water being available. Also asked if we were getting any closer to getting the card reader to work Lance said Flow point came to town yesterday and made adjustments to the machines.

Council President Maestas. Asked again about the road patch in front of Domino's Pizza. Lance mentions he has left message with the contractor. Currently we don't have a process for fining the contractors.

Council Member Hulme – Thanked everyone for being patient on the changes being made.

Council Member White – Suggested moving to community center for next meeting. Could like to see the Zoom meetings back on our agendas. Wanted the community to know that the council does discuss the comments that have been coming in. Conversations have been happening. Realized not every concern will not be addressed. There is opposing sides on every issue. We are looking at the big picture and looking into the future.

Council Member Kusiek Great to see participation. Every submission that comes in, we get linked to those documents. Want to make another push, all the boards are made up of volunteers. We have open seats on those boards. Encourage you to sign up

Council Member Hahn. Agree with all the past comments. Thank you to the street sweeping crew for doing a great job.

Mayor Richardson We are looking forward to the reconstructions of the departments. Exciting time to work through all of this. We will

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

reconfigure and be more efficient in all departments.

- b. Proclamation – September Hunger Action Month – Council Member White read the proclamation. Mayor Richardson presented it to Ashley Nickolia, Coordinator, from the Wyoming Food Bank of the Rockies. This is her 5th year for this September Hunger Action Month Proclamation. Thanked the Mayor and Council.
- c. Communication from the floor
Juanita Duncan 710 Robbie View. Asked if we have questions on specific items, can we just email you. Mayor Richardson said yes that would be fine.

Ray Charles, Baldwin Creek Road. I am not a citizen of city limits. My comment is a lot of people have put a lot of time to develop neighborhoods. I see negative impacts. Believes this is too big of a change to quickly. He is changeling us to step back and move slower and try it in one area first. Really doing massive changes that impacts everyone.

Barbara Oalkeaf, 800 Vance. This is a bad summer to try and pull off a major change. She has been online searching to find what has changed so far and could not find it. Difficult what has happened as this point.

Scott Meier, 930 S 5th Street. He has been looking at the zoning changes. His questions are, how is this going to affect parking, fire issues, water and sewer and public safety. More importantly, what kind of demand is out there that needs all these changes. His suggestion put together a task force and figure out how we do this right. There is not anything out there that can justify these changes. I am willing to help do whatever I can to get this done.

- d. Staff discussion items
Chief Shroyer. They did test for the open Positions. Still have one female in the background portion. We will re-advertise for the other position. Have received some notices ad applications for different type of parades and marched. Approached by an organization who is Supporting awareness of missing children and sex trafficking. They would like to do a March, September 17th. Walk main street from 1st to 4th on the sidewalk. Suggest they talk with WYDOT to see if they need a permit or application. Also was contacted by an organization. Celebrate life and Antiabortion. Would like to set up at centennial park on September 23rd, 6am – 6pm. Told them that this is a public park. As long as they aren't disturbing the peace, they should be ok. Received the WYDOT permit for the LVHS parade. They are planning for it but can cancel if need to. It will be the same as previous years. September 25, from 2:00 to 3:00. Baldwin Creek to 6th Street. We are starting to restructure the PD and doing some job description changes. Would like it put on a work session to go over them. Also looking into a contract for some Mental health sessions for employees. Would like to talk about it at a future work session

City Treasurer Lara explain about the two resolutions on the agenda One is for putting in for Police Overtime. The other one is for e-

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

ticketing for the police department. Grant applications are ready to be sent in if they get approved.

Public Works Director Hopkin gave some project updates. The I&I project there are some issues at the 2nd street bridge and the wall. Looking for solutions for the wall. The wall might have to be taken down. The Well Project is Moving right along. Looks like we will have the emergency supply that we were looking for. Will turn into a Level III project in September. Master plan ditches Level I studies moving forward. We have 8 consultants for each one has narrowed it down to 5. We had a pre-proposal meeting on that last week. We are 90% on FEMA drawing. Hopefully this year or next year we will see that work begin from a few years ago. We are also advertising for some new vehicles, skid loader and a Utility vehicle. Bids are due next week.

III. Consent Agenda:

- a. Regular Meeting Minutes – July 14, 2020
- b. Work Session Meeting Minutes – July 28, 2020
- c. Special Session Meeting Minutes – July 28, 2020
- d. Work Session Meeting Minutes – August 4, 2020
- e. Bills and Claims

FLEX SHARE BENEFITS", "54,500.00""KRASSIN, RILEY", "7,450.00
NATALIE", "1,920.00""CITYOFRIVERTON", "100,000.00""MUEHLER, STACIE", "300.00""PO
STMASTER", "5,000.00""OTT, NATALIE", "960.00""71 CONSTRUCTION
CO", "16,794.00""ADAM E PHILLIPS ATTORNEY AT
LAW", "4,460.00""ALSCO", "424.85""BADGER METER INC", "160.40"
"BILL JONES PLUMBING & HEAT", "190.88""BROWN COMPANY", "1,114.47""C & C
LOCK AND KEY", "121.00""CASPER FIRE EXTINGUISHER SERVICE
INC", "472.50""CENTURY LINK", "772.83""CPS DISTRIBUTORS INC", "1,248.42""DANA
KEPNER CO", "1,521.37""DORSETT TECHNOLOGIES,
INC", "112,105.35""DOWL", "7,009.77""DRUG TESTING SERVICES
LLC", "300.00""EDLUND CONSTRUCTION, LLC", "1,500.00""ENVIRONMENTAL
SYSTEMS RESEARCH INSTITUTE", "1,500.00""FAGNANT LEWIS & BRINDA,
P.C.", "3,165.00""FERGUSON ENTERPRISES INC", "4,693.30""FLEX SHARE
BENEFITS", "240.80""FREMONT BROADCASTING INC", "470.00""FREMONT CO SOLID
WASTE DISPOS", "151.80""FREMONT COUNTY TREASURER", "19,079.83""FREMONT
MOTOR COMPANY", "26,390.58""HACH COMPANY", "1,163.36""HOLTHOUSE
APPRAISAL GROUP", "8,500.00""IIMC", "170.00""LANDER MEDICAL CLINIC", "192.00"
"LOOSE, GARY R", "3,750.00""LOZIER, TERESA", "950.00""MIDLAND IMPLEMENT
CO", "128.68""NAPA AUTO PARTS", "1,473.35""PERFECT POWER INC", "4,356.90"
"PRECISION DIRT", "202.50""REED MOGHAUN SUPPLIES", "820.00"
"RESPOND FIRST AID SYSTEMS", "516.67""RIVERTON TIRE & OIL CO", "3,887.76"
"SHIELDS CLEANING", "3,345.83""SHIRTS & MORE", "285.00""SPORTIES,
INC.", "2,000.00""STATE LANDS & INVESTMENTS", "134,487.70""STOTZ
EQUIPMENT", "106.48""STRIKE CONSULTING GROUP", "13,940.00""SWEETWATER
AIRE", "8,272.72""TRIHIDRO", "5,500.00""UNEMPLOYMENT TAX DIVISION", "796.79"
"UNITED LIFE INSURANCE COMPANY", "3,438.60""WESTERN LAW
ASSOCIATES", "2,484.52""WHITING LAW PC", "550.00""WILSON BROS CONSTRUCTION
INC", "448,416.19""WINSUPPLY", "198.05""WYDOT - FINANCIAL
SERVICES", "3,493.39""WYOMING STATE FIREMEN'S ASSN.", "127.46"
"FAGNANT LEWIS & BRINDA, P.C.", "2,145.00""FLEX SHARE BENEFITS", "316.45"
"ONE STOP CARWASH", "73.77""WYDOT - FINANCIAL SERVICES", "5,293.64"
" COMMUNITY BUILDERS", "14,555.00""VISA CHARGE ACCOUNT
CB&T", "52.00""MASTERCARD", "30,857.03""CENTURY LINK", "785.19"
"SIMPLYFILE", "14.00""BLACK HILLS ENERGY", "1,021.91"

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

MOTION: Council Member Hahn moved to approve. Council Member Hulme made second. Motion passed

IV. Resolutions

- (a) RESOLUTION 1185 - Submission of a coronavirus relief grant application to SLIB for purpose of unbudgeted payroll overtime costs incurred due to the COVID outbreak

MOTION: Council Member Kusiek moved to approve. Council Member White made second. Motion passed

- (b) RESOLUTION 1186 - Submission of a coronavirus relief grant application to SLIB for purpose of Technology Renovation costs incurred due to the COVID outbreak

Chief Shroyer explained how the e-ticketing would work. This would make it more efficient and savings in his department. Would help with human errors

MOTION: Council President Maestas moved to approve. Council Member Kusiek made second. Motion passed

V. Ordinances

Second Reading

- a. Ordinance 1236 - Amending Title 4 - Zoning of the City Code Book

Steve Bauman. Planning department. Two amendments that were proposed to the zoning. Trying to come up with some method to have a public approval process for ADU's in an R1 and the second one was for the fire code.

At the work session, City attorney said it would be difficult from a statutory standpoint. Following up from the work session meeting, the working group from the city, the planning commission and the contractor how to handle some questions that were brought up. It was a determined from the group after the first amendment to simple eliminate R1 from the proposed zoning change. Prohibit ADU's is an R1 zone. Second item was in R2 zone to only allow one ADU per lot and there would be some parking changes associated with that in an R2 zone for an ADU is one off street parking. Replaced the residential parking requirements that were in place and put it in a form of a table so it would be easier to read. Revised the on-street parking credits only to be applicable to the side of the street of the entrance that the dwelling was. All the other parking requirements remained the same. We looked at all comments and tried to look at all of those concerns that were addressed. Steve also talked about compliance enforcement. Substantial discussion on compliance. That is not a part of the zoning code. We suggest that there are methods that can be put in place to provide a certain level of enforcement to the current code that we could enforce in the future. In R1 zone, those existing ADUs would get addressed. Steve explained what that process could be.

There was a discussion on what the plan would be to attempt to inspect an ADU that already exists to make sure they are up to code. Mayor Richardson said those should have been built to the City building codes if they were not, then they should be enforced to bring them up to code. Lance Hopkin said that would be more of a code enforcement instead of zoning codes. He suggested this to be discussed at a later date.

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

Council President Maestas wanted to explain that even in an R1 zone, anyone who bought a house in that zone, they could apply for a variance to put an ADU and that would notify their neighbors what their intentions would be. He explained why we are treating the zones different. We design these zones, to have certain density ability and then put in the restrictions to make it impossible to meet those requirements. R1 is designs for single family residents. Obviously ADU's don't fit in that. Allowing one ADU in an R2 fits with the two-family residential definition. R3 and R5 were intended to be more dense, smaller lots, smaller units. Multi Family residential. Four plex's, Apartment complexes. That's why they were designed that way, that's what the definitions is. Part of the zoning restrictions have prevented that from happening in a logical manner. That is why the citizen committee got together last year and have been working on this for 12 months to help ease some of these restrictions that we have found in our community that prevented them from building in areas that was designed. We are not trying to make Lander a big metropolis where we live on top of each other. We know everyone respects the value of property. Trying to help the people that have to drive from Riverton to come to work because they can't afford the housing. There are lots of comments. We are trying to find a balance. We have been listening to everyone. Seems like only the Anti ones show up. We also have lots of positive feedbacks. We still have another month for final approval.

Council Member Kusiek explained that this has been a very long process. There is a need for ADU's. There are already ADU's being rented out as VRBO's. Could be your friends or neighbors. We want to make it right. People are making due and we are trying to fix this. Keep the emails and calls coming. I appreciate everyone that has been engaged.

Council Member Hahn said we have had to make tough decisions. We try to accommodate people that want to build different things. Certain projects have come before the council and these projects were built and nothing bad came from it. You would never build anything if every time someone came and complained about it. Appreciate all the feed backs. Lots of pressure.

Council Member White explained that this started with the 2012 City Master Plan. Housing was already becoming an issue. Housing prices are increasing much higher than wages. We heard from people that wanted to offer them a job to people, but they couldn't afford housing in Lander. Heard from a lot of different scenarios with housing situations. A lot of people who work in town that live in Riverton, Pavilion and beyond. We are becoming a small Jackson with the housing issues.

The building inspector Mike Logue explained that the fire sprinklers are in the building codes and should not be in the Zoning codes. The setbacks are explained in the building codes. We have that part covered. If you want changes anything, come January, we can adopt the new building codes. That is where this should be addressed. And not in the zoning codes. Council Member Hulmes, said the reason he mentioned the fire sprinklers, because he is not feeling comfortable approving this Ordinance and allowing construction to happen until the exemption of fire sprinklers is lifted from the building codes. Mike Logue said if it is new construction, they will be built by our building codes. If you want to make our codes more restrictive, then this is where you do. Chris asked about the fire sprinkler exemption. Mike said if we remove that exemption, every new house would be required to have them. Anything over a duplex requires a fire sprinkler system. Chris said Cottage clusters can have individual homes which no longer makes it a multi-family dwelling. That is what my concern is. I would also like to include ADU considering it is in a back yard. The location of the power lines, fire trucks have a hard time getting to them. The exemption would take care of all of my concerns.

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

Council President Maestas asked Chris, the motions from the amendment that you made earlier was to increase the setback of cottage clusters from 6 feet to 8 feet to 10 feet unless they have fire suppression. That is what is not reference at all. Currently on the chart as amended it is a 10 feet easement. Cade asked Mike Logue what the requirement for fire suppression for standard house is. All Residential is 10 or 12 feet off the property line so it would be 20 feet. Council Member Hulme said I feel like we are living in a time that keeping the house from burning down is more important than fire walls. His overall goal is to have fire sprinklers installed in everything. Chris said he was okay with taking out his amendment if that would make it easier. I just ask if the council if they agree that we repeal the exempt now and not wait until January.

Assistant Mayor Fossen said there are two ways to accomplish this. First one would be to bring it up at the third reading of this Ordinance, the change in the building code adoption or to have a date when the new ordinance passes be effective when the new building code gets adopted.

Council President Maestas said you really don't have issues with cottage clusters, it is with the sprinklers systems as a whole. We have an ordinance with suggested changes as a whole. Council Member Kusiek agrees with Rajeon with bringing up the building code changes when the third reading is brought up. Council President Maestas feels that they are separate issues between the zoning changes and the fire sprinklers.

There was a lot of discussion on what the standard separations are on houses is between eaves. Council Member Hulme said the original amendment was for cottage clusters to change the setbacks from 6 feet to 10 feet.

More discussion on fire sprinkler systems and making them required in cottage clusters. Public Works Director said we could talk more about this at another work session.

Council President Maestas made motion to amend to 4-11-14.1 under setbacks, striking minimum separations between eaves of individual buildings and replacing it with minimum separation between exterior walls of individual buildings and change it from 6 feet to 10 feet. Council Member White made second. Motion passed. Council discussed in length the parking credits. Talked about on and off-street parking in different zones. Council President Maestas wants to change credit for on-street parking.

Council President Maestas made motion to amend 4-11-10 (e) (i) to include "and for single family dwellings". Council Member White made second. Motion passed.

There was another discussion on ADU off street parking. Talked about maybe allowing parking in alleys or back yard parking. Talked about parking lot sizes. Talked about what defines a parking spot.

There was discussion on waiting for the parking issue to happen and then resolve it at that time. Let us see if we will have an issue and then we can deal with it. Also, there was a discussion on who will be enforcing this issue. Its hard to enforce this.

Council Member Hulme made a motion to Amend Section 4-11-15 (d)(iii) to require one off street parking for each ADU in all zones. Council President Maestas made second. Motion failed with Council Members Hahn, Kusiek, White and Maestas and Mayor Richardson voting no.

Commercial zoning Permitted uses was discussed. There should have been an

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

amendment to Section 14-12-7(b) to include ADU's and Cottage Clusters as permitted uses in commercial districts.

Council Member Hulme made a motion to amend 14-12-7(b) permitted uses to add accessory buildings and cottage clusters in Commercial District. Council President Maestas made second. Motion passed.

MOTION: Council Member Kusiek moved to approve Ordinance 1236 as amended. Council Hulme made second. Motion passed

- b. Ordinance 1238 – An ordinance rezoning 28.7 acres located in the NE1/4 of TWP 33N, RNG 99 W, Section 20 South of Smith Creek Road from R-5 Multifamily Residential to A – Agricultural

There was a discussion on the tax revenue for this property if it gets changed to agricultural. Steve Bauman explained how the agricultural status works. Council Member Maestas explained how the process is for the zoning change.

Princess Killabrew. Explained that the person we bought it from Larry Sims. Had the zoning put in place to subdivide the property years ago. Nothing was ever started. We have never had any intentions to subdivide this property. We don't plan to have any cattle or horses there. My granddaughter would like to have chickens. My granddaughter will build a house. The main reason for wanting to do this is by being in the city and having the residential zoning, we have to put in curbs, gutters, and fire hydrant to do anything on the ground. The City isn't providing that and the need for it is kind of ridiculous on a dirt road. Having the Agricultural designation makes a whole lot more sense for us.

Public Works Director Hopkin said the property is still within city limits. This was planned for a whole different development that never came about. There are issues with infrastructure, roads and other issues from the people that had bought this originally. They were talking about trying to stay within city limits and work on some of these issues.

There was further discussion on if they built a single-family dwelling, they would not need the curb and gutters. It was to stay an R5 it would. If it changes to agricultural, it would not.

MOTION: Council President moved to approve. Council Member Larsen made second. Motion passed with Council Member Hulme voting no

VI. New Business

- (a) Approve Mayor to sign agreement with the City of Riverton

MOTION: Council President moved to approve. Council Member Larsen made second. Motion passed

- (b) Authorize Mayor to sign Grant CRF-002 Reimbursement Agreement

MOTION: Council Member Hahn moved to approve. Council President Maestas made second. Motion passed

- (c) Authorize Mayor to sign City Hangar Lease Agreement with

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future

Joe Kenney

MOTION: Council Member Larsen moved to approve. Council President made second. Motion passed

- (d) Approve Change Order 1 from Wilson Bros Construction for HPWL Phase II

MOTION: Council President Maestas moved to approve. Council Member Larsen made second. Motion passed

VII. Adjournment

Being no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

The City of Lander

ATTEST:

By: _____
Monte Richardson, Mayor

Tami Hitsheew, City Clerk

CITY OF LANDER MISSION STATEMENT
*To provide a safe, stable and responsive environment that promotes
And supports a traditional yet progressive community
Resulting in a high quality of life.*

VISION
Preserving the past while providing for the future