

EVANSTON CITY COUNCIL
First Regular Meeting
January 7, 2014

The official record of proceedings of the first regular meeting of the Evanston City Council for the month of January was held in the Council Chambers of City Hall on the above date. These proceedings were video recorded.

Caitlin Grenfell led those in attendance in the pledge of allegiance to the Flag.

The roll was called and with a quorum being present, Mayor Joy Bell called the meeting to order at 5:35 p.m. and welcomed everyone present.

Those present from the governing body at the start of the meeting were: Mayor Bell; Councilmembers Tim Lynch, Curtis Rex, Evan Perkes, David Welling, Saundra Meyer and Wendy Schuler.

Staff members present at the start of the meeting were: City Attorney, Dennis Boal; Director of Administrative Services/City Clerk, Amy Grenfell; City Engineer, Brian Honey; City Treasurer, Kathy Defa; Director of Planning & Development, Paul Knopf; Police Chief, Jon Kirby; Director of Parks and Recreation, Dennis Poppinga; Public Works Director, Oop Hansen; Deputy City Clerk, Nancy Stevenson; and Grant Writer, Mieke Madrid. A group of interested citizens were also present.

Approve Agenda

Councilmember Schuler moved, Councilmember Welling seconded, to approve the agenda. The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Approve Minutes

The official record of proceedings for the City Council Meeting held December 17, 2013 were approved as presented.

Bills

Councilmember Rex moved, Councilmember Meyer seconded, to approve the following bills for payment:

December 18, 2013 to January 7, 2014

| VENDOR | FOR | AMOUNT |
|----------------------------------|----------------------------|---------------|
| AXA Equivest | Payroll | 1,959.64 |
| Beneficial Life Insurance | Payroll | 269.68 |
| Blue Cross Blue Shield | Payroll | 112,792.87 |
| Delta Dental | Payroll | 6,419.15 |
| Flexshare | Payroll | 3,297.00 |
| ING Life Insurance | Payroll | 29.20 |
| NCPERS | Payroll | 80.00 |
| Orchard Trust | Payroll | 593.36 |
| Parks & Recreation | Payroll | 133.41 |
| The Hartford | Payroll | 196.30 |
| Uinta County Court | Payroll | 101.91 |
| Vantage Point | Payroll | 1,366.92 |
| Vision Service Plan | Payroll | 1,086.35 |
| WEBT | Payroll | 990.00 |
| Wells Fargo | Payroll | 192.00 |
| Wyoming Child Support | Payroll | 770.05 |
| Wyoming Department of Employment | Payroll | 7,167.39 |
| Wyoming Retirement | Payroll | 42,514.54 |
| Payroll | Payroll | 106,991.39 |
| EFTPS | Payroll | 37,429.89 |
| Carollo Engineers | Services | 2,478.32 |
| Cazin's | Supplies | 214.92 |
| CD's Electric | Electrical | 62.00 |
| Communication Technologies | Supplies | 2,114.80 |
| Verizon Wireless | Cell Phones | 856.65 |
| Crum Electric | Supplies | 704.53 |
| Deru's Glass | Repairs | 368.40 |
| Ellingford's | Supplies | 111.32 |
| Executech | Maintenance/Equipment | 5,189.51 |
| Evanston Parks & Recreation | City Subsidy/Reimbursement | 118,949.79 |
| Flexshare Benefit | HRA | 1,700.00 |
| Freeway Tire | Tires | 903.16 |
| Natalie Albrecht Green | Contract | 80.00 |
| Sara Hull | Services | 280.00 |
| Hogan & Associates | Contract | 460,068.30 |

| | | |
|-------------------------------|---------------|-----------|
| Home Decor | Supplies | 508.41 |
| Nicholas Earl Horton | Contract | 80.00 |
| Kallas Automotive | Parts | 1,050.39 |
| Kellerstrass Oil | Supplies | 3,758.24 |
| MJB Animal Clinic | Services | 120.00 |
| Modern Cleaners | Laundry | 720.00 |
| Morcon Industrial | Supplies | 809.97 |
| Mtn West Business Solutions | Contract | 1,024.75 |
| Myers/Anderson Architects | Services | 10,687.20 |
| North American Salt Co | Salt | 4,968.08 |
| OT Excavation | Services | 5,035.00 |
| Parnell's Glass & Bodyworks | Repairs | 2,066.74 |
| Pitney Bowes | Equipment | 2,430.06 |
| Porter Muirhead Cornia Howard | Audit | 3,500.00 |
| Preston Sheets | Reimbursement | 439.83 |
| Safety Supply & Sign | Supplies | 366.51 |
| Scott Sargent Law Office | Services | 370.00 |
| Schweizer Emblem Company | Supplies | 712.50 |
| Six States | Parts | 440.21 |
| Skaggs | Supplies | 720.78 |
| Smith's Food & Drug | Supplies | 172.84 |
| Tom's HVAC | Repairs | 357.11 |
| Two Guys Flooring | Repairs | 95.00 |
| Union Pacific RR | Lease | 3,445.00 |
| Century Link | Utilities | 1,391.40 |
| Rocky Mountain Power | Utilities | 9,267.21 |
| WalMart | Supplies | 810.72 |
| Westar Printing | Printing | 869.00 |
| Taylor Welling | Contract | 15.00 |
| WETCO | Services | 437.00 |
| White Mountain Lumber | Supplies | 155.50 |
| W.W.Q. & P.C.A. | Dues | 150.00 |
| One-Call of Wyoming | Services | 51.75 |
| Yamaha Motor Corp | Contract | 3,281.75 |
| Prestige Flags | Flags | 732.68 |
| WARWS | Dues | 375.00 |
| Utah/Yamaha Controls | Services | 312.50 |
| Dana Kepner | Parts | 115.20 |
| Trudy Lym | Reimbursement | 530.64 |
| Microflex | Supplies | 216.10 |
| Darrel Layton | Services | 40.00 |
| Golden Rule | Supplies | 215.56 |
| Kenneth West | Reimbursement | 1,149.10 |
| Utility Bill Solutions | Services | 953.19 |
| WCDA | Refund | 294.39 |
| Donnell or Lupe Jones | Refund | 100.00 |
| Heather Adams | Refund | 450.00 |
| Shipping Plus | Shipping | 26.28 |
| Joe Archuleta | Services | 50.00 |
| Cate Equipment | Parts | 1,483.54 |

The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Council Comments

Mayor Bell and the City Councilmembers all commented on the New Year's Eve Celebration and thanked all those involved in making this years celebration such a great event. They also wished everyone a Happy New Year.

Appointment of Department Heads/Attorneys/Municipal Judges

Councilmember Lynch moved, Councilmember Welling seconded, to confirm the Mayor's appointment of the following Department Heads, Attorneys and Municipal Judges:

Chief of Police - Jon Kirby
Director of Planning and Development - Paul Knopf
City Engineer - Brian Honey
City Treasurer - Kathy Defa
Director of Administrative Services/City Clerk - Amy Grenfell
City Attorney - Dennis Boal
City Prosecutor - Paul Skog
Municipal Court Judge - Mark Harris
Alternate Municipal Court Judge - Ammon Francom

The motion passed unanimously with 6 yes votes: Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Appointment to Boards

Mayor Bell made appointments to the following boards and committees. Councilmember Meyer moved, Councilmember Welling seconded, to confirm the following appointments:

Human Services Joint Powers Board

Evan Perkes - February 2017
Brian Honey - February 2017

Lodging Tax Board

Val Cook - January 2017
Sandra Lowe - January 2017
Lynn Pahl - January 2017
Kathy Defa - January 2017

Planning and Zoning Commission/Board of Adjustments

Michael Sellers - January 2017
Deborah Demander - January 2016
Andy Bailey - January 2017
Phil Petersen - January 2017

Preservation Commission

Gary Cazin - January 2017
Becky Crum - January 2017

Tree Board

Tim Gill - January 2017
Leann Hutchinson - January 2017

Urban Renewal Board

Joy Walton - January 2019

The motion passed unanimously with 6 yes votes: Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Public Hearing/CDBG/ Youth Service Building

City Attorney, Dennis Boal conducted a public hearing to receive public comment regarding a proposed Economic Development Planning/Community Development Block Grant (CDBG) Application with the Wyoming Business Council for the proposed construction of a new addition to the Youth Services Building for Preschool Education. Grant Writer, Mieke Madrid present a broad overview of the project and the reason for the grant application. Evanston Child Development Center/Boys and Girls Club Executive Director, Kendra West spoke in favor of the grant. No one else addressed the issue and Mr. Boal closed the hearing.

Financial Disclosure Statements

Councilmember Rex moved, Councilmember Schuler seconded, to accept Financial Disclosure Statements from the Mayor, Council, City Clerk and the City Treasurer. The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Resolution 14-01

Councilmember Meyer introduced Resolution 14-01. Councilmember Meyer moved, Councilmember Perkes seconded, to adopt Resolution 14-01.

Resolution 14-01: A RESOLUTION OF THE CITY OF EVANSTON, WYOMING AUTHORIZING AN APPLICATION TO OBTAIN FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE CONSTRUCTION OF A NEW ADDITION TO THE YOUTH SERVICES BUILDING FOR EARLY CHILDHOOD EDUCATION.

WHEREAS, the governing body recognizes that there is a need to provide suitable facilities for the provision of a preschool education for the children in the community; and

WHEREAS, the Community Development Block Grant Program is designed to assist communities in providing such facilities; and

WHEREAS, the City of Evanston proposes to use CDBG grant funds to construct an addition to the Youth Services Building to provide space for early childhood education; and

WHEREAS, a public hearing was held on January 7, 2014, by the governing body to explain the proposal and the rules and regulations applicable to the CDBG program, and to receive public input:

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Evanston, Wyoming as follows:

Section 1. The City of Evanston hereby authorizes an application to obtain funds under the Community Development Block Grant Program of the State of Wyoming to construct an addition to the Youth Services Building to provide space for early childhood education.

Section 2. The Mayor and City Clerk are authorized to sign and attest all documents which are necessary to submit and apply for the grant.

PASSED, APPROVED AND ADOPTED the 7th day of January, 2014.

Joy Bell, Mayor

ATTEST:

Amy L. Grenfell, City Clerk

The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Resolution 14-02

Councilmember Schuler introduced Resolution 14-02. Councilmember Schuler moved, Councilmember Lynch seconded, to adopt Resolution 14-02.

Resolution 14-02: A RESOLUTION AUTHORIZING THE CITY OF EVANSTON, WYOMING, TO LEASE, WITH AN OPTION TO PURCHASE, CERTAIN EQUIPMENT FROM UNTA BANK, EVANSTON, WYOMING.

WHEREAS, the governing body (the "Governing Body") of the City of Evanston, Wyoming (the "Lessee") has determined that the needs of Lessee include certain equipment listed on EXHIBIT D of that certain Lease and Option to Purchase Agreement (the "Agreement") and made a part hereof by this reference (the "Equipment"); and

WHEREAS, pursuant to this resolution (the "Authorizing Resolution"), Lessee intends to enter into the Agreement with Uinta Bank, Evanston, Wyoming (the "Lessor"), to which this Authorizing Resolution constitutes EXHIBIT A, to provide for the payment of the costs of acquisition of the Equipment; and

WHEREAS, the Lessee is an incorporated municipality duly organized and validly existing under the constitution and laws of the State of Wyoming; and

WHEREAS, the Lessee has the requisite power and authority to execute and deliver the Agreement and to incur and perform the obligations of Lessee as set forth in the Agreement; and

WHEREAS, the Agreement will be duly authorized and executed by Lessee and will be a valid and binding agreement of Lessee enforceable in accordance with its terms, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, insolvency, moratorium, reorganization or other laws or equitable principles of general application or of application to Wyoming municipalities or public entities such as Lessee affecting remedies or creditors' rights; and

WHEREAS, the authorization and execution of the Agreement and all other proceedings of Lessee relating to the transactions contemplated thereby, including without limitation the acquisition and operation of the Equipment, will be performed in accordance with all open meeting laws, public bidding laws and all other applicable laws; and

WHEREAS, the Lessee will obtain all necessary licenses, permits and approvals, if any, required by all governing bodies or agencies having jurisdiction over the acquisition and operation of the Equipment; and

WHEREAS, the Equipment to be leased pursuant to the Agreement constitutes personal property and when subjected to use by Lessee will not be or become a fixture under applicable law; and

WHEREAS, to the best of the Lessee's knowledge, there is no proceeding pending or threatened against or affecting Lessee in any court or before any governmental authority or arbitration board or tribunal that, if adversely determined would adversely affect the validity or enforceability of the Agreement, the ability of Lessee to perform its obligations under the Agreement the transactions contemplated by the Agreement or the security interest of Lessor or its assigns in the Equipment; and

WHEREAS, the Governing Body of Lessee desires to authorize certain officers of the Lessee and members of the Governing Body of Lessee to proceed to finalize the form of the Agreement and all other documents necessary to effect the financing and to negotiate the necessary terms and provisions thereof

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:

Section 1. All action heretofore taken (not inconsistent with the provisions of this Authorizing Resolution) by the Governing Body of Lessee or officers of Lessee, directed toward the financing of the Equipment, are hereby ratified, approved and confirmed by the Mayor or designee of the Governing Body (the "Designee").

Section 2. The Agreement, including the Exhibits, in substantially the same form as presented at this meeting, with such additions, omissions and changes as may be requested by the Lessee or its legal counsel and persons executing the same, their execution being conclusive evidence of their approval of any such additions, omissions, and changes, is hereby approved and the Mayor or Designee, where appropriate, are authorized and directed to affix his, her or their signatures and the official corporate seal of Lessee thereto.

Section 3. No provision of this Authorizing Resolution or the Agreement shall be construed as creating or constituting a general obligation or other indebtedness of Lessee or a mandatory payment obligation of Lessee in any ensuing Fiscal Year beyond the current Fiscal Year.

Section 4. The Governing Body of Lessee hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by Lessee does not exceed \$10,000,000 for the 2014 calendar year and hereby designates the Agreement to be a "qualified tax-exempt obligation" pursuant to Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 5. If any section, paragraph, clause or provision of this Authorizing Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Authorizing Resolution.

Section 6. All resolutions, or parts thereof, inconsistent with this Authorizing Resolution or with any of the documents hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any resolution or part thereof.

Section 7. This Authorizing Resolution shall be in full force and effect upon its passage and adoption.

PASSED, APPROVED AND ADOPTED the 7th day of January, 2014.

Joy Bell, Mayor

ATTEST:

Amy L. Grenfell, City Clerk

The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Resolution 14-03

Councilmember Perkes introduced Resolution 14-03. Councilmember Perkes moved, Councilmember Welling seconded, to adopt Resolution 14-03.

Resolution 14-03: RESOLUTION OF THE CITY OF EVANSTON, WYOMING, AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM DRYCAKE VANDERBEKEN ENTERPRISES Ltd. TO PROVIDE A CUSTOM DGC GRIT CLASSIFIER FOR THE WASTEWATER TREATMENT PLANT.

WHEREAS, the City of Evanston has a need to replace the existing grit classifier on the wastewater treatment plant; and

WHEREAS, DRYCAKE Vanderbeken Enterprises Ltd. has submitted the best proposal to replace said equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:

Section 1: The City of Evanston, Wyoming hereby accepts and agrees to the attached proposal submitted by DRYCAKE Vanderbeken Enterprises Ltd., which is attached hereto, to provide the City with a new DGC grit classifier on the wastewater treatment plant.

PASSED, APPROVED AND ADOPTED the 7th day of January, 2014.

Joy Bell, Mayor

ATTEST:

Amy L. Grenfell, City Clerk

The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Resolution 14-04

Councilmember Lynch introduced Resolution 14-04. Councilmember Lynch moved, Councilmember Rex seconded, to adopt Resolution 14-04.

Resolution 14-04: A RESOLUTION OF THE CITY OF EVANSTON, WYOMING AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FORSGREN ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE WATER STORAGE TANK REPLACEMENT PROJECT.

WHEREAS, the City of Evanston and Forsgren Associates, Inc. have negotiated an agreement whereby Forsgren Associates, Inc., will perform the services set forth in the Agreement for the Water Storage Tank Replacement Project; and

WHEREAS, the City of Evanston and Forsgren Associates, Inc., have set their agreement in writing, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:

Section 1: The Mayor is hereby authorized to execute, and the City Clerk attest, on behalf of the City of Evanston, the Agreement between the City of Evanston and Forsgren Associates, Inc., a copy of which is attached hereto, for services necessary for the Water Storage Tank Replacement Project.

PASSED, APPROVED AND ADOPTED the 7th day of January, 2014.

Joy Bell, Mayor

ATTEST:

Amy L. Grenfell, City Clerk

The motion passed unanimously with 7 yes votes: Bell, Lynch, Rex, Perkes, Welling, Meyer, Schuler.

Comments/Remarks

The Department Heads all thanked the Mayor and Councilmembers for reappointing them for another year.

Adjournment

With no further business to be conducted at this time Mayor Bell adjourned the meeting at 6:43 p.m.

Joy Bell, Mayor

Amy L. Grenfell, City Clerk