

COUNCIL PROCEEDINGS

The Thermopolis Town Council met in regular session on April 2, 2024, at 7 pm at Town Hall. Present were Mayor Adam Estenson, Council members Bill Malloy, John Dorman Sr., Rachel Hughes and Dusty Lewis. Also present were Mayor/Codes Administrative Assistant Jim Jeunehomme, Clerk/Treasurer Tracey Van Heule, Police Chief Pat Cornwell, Animal Control Officer Grace Wagstaff, Town Engineer Anthony Barnett and Town Attorney Marshall Keller.

AGENDA: Following the pledge of allegiance, Malloy made a motion, seconded by Hughes and carried to approve the agenda with the addition of an executive session under Mayor and Council.

MINUTES: Malloy made a motion, seconded by Hughes and carried to approve the Council meeting minutes from March 5, and 19, 2024.

BILLS: Malloy made a motion, seconded by Dorman and carried to approve the General, Enterprise and Special Fund bills for March 2024.

CITIZEN PARTICIPATION: JEB SCHENCK: BIG HORN BASIN NATURE & DISCOVERY CENTER: Schenck noted the group is applying for a \$500,000 tap grant, sponsored by Hot Springs County. Following a request by Schenck, Malloy made a motion, seconded by Dorman and carried to authorize the mayor to sign a letter of support for the project.

PUBLIC HEARING: REQUEST TO APPEAL A DECLARATION OF A NUISANCE PROPERTY AT 117 FREMONT: Estenson noted the property at 117 Fremont had been declared a nuisance property by the Codes Administrator and Town Attorney. A written request was received by the property owner, Alan Weber, for a hearing. Alan Weber was not present for the hearing and thereby waived his right to a public hearing. The mayor noted the council will be asked to confirm or deny that the property is a nuisance. Town Attorney Keller noted he would present information about why the property was declared a nuisance based on the rubbish and junk in the yard and at least three citizen complaints. Keller noted tenant Paul Mathewson was found guilty of having nuisance vehicles.

Keller called Police Chief Pat Cornwell, Codes Officer Grace Wagstaff and Codes Administrative Assistant Jim Jeunehomme to present evidence, after each were sworn in. It was noted that Paul Mathewson dropped off a letter requesting a hearing at the town clerk's office. Jeunehomme noted a certified letter, about the hearing was attempted to be delivered by the post office. After three attempts, the letter was returned by the post office. Another letter was served to Alan Weber by the Natrona County Sheriff's office. During testimony it was noted that there had been numerous complaints and notifications to the tenant and property owner about nuisance issues.

Per Chief Cornwell, between 2022 and 2024 there was not any improvement on the property. (Items were moved from one pile to another.) Seventeen photographs of the property were presented. The dates of the photographs ranged from 2023 to 2024 and included overhead drone photographs. In the photographs there were piles of wood, scrap metals, cardboard, piles of parts, tires, lawnmowers, swamp coolers, miscellaneous broken metal and equipment items, sheds and vehicles.

Concerns were expressed about fire hazards (leaking fluids from vehicles) and safety hazards due to feral cats, snakes and vermin. Wagstaff noted there are multiple barrels on the property, but she has been unable to get close enough to determine what is in them.

Ms. Debra Davenport, a neighbor was sworn in. She noted that a loan assessor decreased her property value by \$10,000, due to the property condition of 117 Fremont. She was concerned about leaking fluids from the 22 lawnmowers next to her fence, multiple pieces of equipment, and the asbestos shingles from a shed that are stored in the red dump truck.

Two other neighbors, Susan Steinmetz and Lisa Brown were also sworn in. Ms. Steinmetz, 145 Fremont, expressed concern about the number of vehicles, the skunk smell and the accumulation of junk has increased in the last four years. Ms. Brown, 132 ½ Clark, expressed concern about the garbage, noise and noted there is more and more junk.

Jeunehomme noted that 117 Fremont is not licensed as a salvage or junk yard. The zoning is medium or general residential and no commercial activity is allowed in that zone.

In closing, Keller read through the definition of nuisance, town code section 11-805. He also noted the conditions have existed for more than a year, both the tenant and the property owner have been notified and have had opportunities to take care of the complaints. Discussion ensued on abandoned vehicles. Officer Wagstaff noted if a vehicle is parked in the street and has not moved in 5 days and is not registered, the vehicle can be towed. Questions were asked about disabilities, (none known), and whether the property owner had responded. Jeunehomme noted he had spoken to the property owner about another situation and advised him about the certified letter. The property owner never accepted the letter. He also noted there was no response from the property owner after he was served by the Natrona County Sheriff.

The mayor and council were asked to determine if the property at 117 Fremont was a nuisance. A check list was provided, if any of the items on the checklist are found to be present, then a nuisance exists. The check list included: 1. Are there more than two vehicles on the property which are inoperable or stripped and have been there for more than 30 days? 2. Is there scrap wood, rags, oil or other rubbish on the property which causes a hazard? 3. Are there appliances on the property which have accumulated for more than 30 days? 4. Is there stripped parts or stripped personal property which has been there more than 30 days? 5. Does the condition of the property in question reduce the neighbors value or promote blight? 6. Does the condition cause the harbor of rodents, insects or other animals? 7. Does the condition on the property cause a health or safety hazard to the public? Mayor Estenson and council members Malloy and Dorman voted yes on all seven items. Council member Hughes voted yes on item 1-5 and no on items 6 and 7. Council member Lewis voted yes on all items, except item 3. Lewis made a motion, seconded by Malloy and carried to set April 15, 2024, as the abatement action date. Discussion ensued on assessing attorney fees and cleanup fees to the property owner. Keller noted the council can determine the fees, based on costs incurred. Dorman made a motion, seconded by Malloy and carried to assess fees on the abatement of 117 Fremont.

DEPARTMENT REPORTS: The Police report, the Streets and Alleys, Water, Wastewater, Sanitation and Landfill reports and Engineering reports were available for review. Barnett noted changes will be required to fluoridation, either eliminating the addition of fluoride or changing

the process. He also noted the EPA will be requiring changes on the filter to backwash piping system at the water plant, with designs to be submitted next March for funding and completion in late 2025.

MAYOR & COUNCIL: Councilman Lewis noted the BLM and Wyoming Pathways are exploring a bike loop or hiking trail from the landfill to town. It was also noted that the concrete work at 8th street boat ramp is completed. At 8:35 pm, Dorman made a motion and Malloy and carried, to enter executive session, as allowed under state statute 16-4-405 (a)(vii). At 8:50 pm the executive session ended. Malloy made a motion, seconded by Hughes and carried to immediately adjourn. The next Council meeting is April 16, 2024, at 7pm.

BILLS: A&I, Oil, \$1,823.41; AFLAC , Insurance, \$363.10; Ambiente, Pump, \$61,598.00; American Welding & Gas, Acetylene, \$111.42; Axon, Taser Contract, \$25,112.14; BCN, Phone, \$94.31; Big Horn Water, Rental, Annual Maintenance, \$799.25; Biolyneus, Probiotic, \$7,680.82; BSNF, Lease, \$110.15; Hannah Brooks, Mileage, Uniforms, \$292.36; Carquest, Supplies \$2,317.72; Caselle, Support, Software \$2,373.00; ComTech, Software, \$58,667.33; Dana Kepner, Parts, \$732.28; Discover Thermopolis, Postage, \$46.50; Energy Labs, Service, \$398.00; Engineering Assoc., Service, \$14,197.64; Ferguson Waterworks, Meter, \$711.59; Gall's, Supplies, \$2,528.77; Grainger, Strobe Light, \$304.26; Great West Trust, Retirement, \$840.00; Hach, Chemicals, \$1,206.59; Hawkins, Rental, \$20.00; High Plains Power, Service, \$343.96; Hot Springs County, PD Phone, \$46.42; HSC Fire Dept., Snow Removal, \$1,237.50; HSC Vet Clinic, Contract, \$955.00; HSCSD#1, Fuel, \$5,031.44; HSC Treasurer, Fees, \$13.89; Idexx, Supplies, \$309.33; IR, Legal Ads, \$1,391.60; Indoff, Supplies, \$23.77; Inland Truck, Parts, \$91.22; Insurance Trust, Premiums, \$33,564.00; Jadeco, Service, \$3,954.81; JRA, Service, \$17.50; Ron Jurovich, Service, \$900.00; Keller Law, Service, \$4,400.00; Lacal Equip., Parts, \$428.00; Laird Sanitation, Service, \$100.00; Legion Golf Club, Contract, \$15,000.00; Napa, Supplies, \$1,975.10; Nartec, Supplies, \$188.51; Natrona County Sheriff's Office, Fee, \$55.00; NCPERS, Life Ins., \$192.00; O'Reilly, Supplies, \$389.71; Kelly Owen, Service, \$200.00; Pace Analytical, Service, \$520.00; Peterbilt, Parts, \$47.58; Postmaster, Postage, \$608.27; R.S. Hughes, Gloves, \$123.95; Range, Service, \$556.94; Riverton Tire, Tires, \$720.00; Mel Robinson, Boots, \$100.00; Rocky Mt. Power, Service, \$16,097.13; Southwest Equip., Parts, \$683.92; Staples, Supplies, \$139.16; Rob Stehlin, Equipment, \$5,300.00; Radar Shop, Service, \$967.00; Thermopolis Hardware, Supplies, \$42.18; Thermopolis PD, Petty Cash, \$20.00; Tommerup, Service, \$4,845.84; Tony's LLC, Contract, \$9,000.00; ToT General, Labor, \$2,775.00; TOT, Depreciation & Utilities, \$71,382.75; Tractor & Equip., Parts, \$26,791.34; TCI, Computers, \$3,966.95; Unum, Insurance, \$224.66; USA Bluebook, Supplies, \$580.18; Verizon, Phone, \$470.25; Visa, Supplies, \$782.62; VSP, Insurance, \$310.34; Chase Workman, Physical, \$65.00; WY Sec of State, Notaries, \$120.00; Workforce Services, Workers Comp, \$2,415.54; WY Gas, Service, \$3,256.60; WY Retirement, Retirement, \$23,163.18; WY Rural Water, Registration, \$395.00; WY.Com, Service, \$45.00; Payroll, \$94,039.59; Payroll Taxes, \$30,390.77.

ATTEST:

Tracey Van Heule, Clerk/Treasurer

Adam Estenson, Mayor