Agenda

Town Council Meeting

April 13, 2021

Those in attendance: Mayor Rose Arndt, Council – Colby Peck, Shane Viehweg, DeMont Grandy, Theresa Lewis, Chief Kirkland, PW – Justin Pope per phone, Shane Pope, Attorney Stout, Clerk Jody Harmon

Also in attendance: Jan Moody, Elbert Harmon, Wayne Harmon, Larry Lewis, BranDee Prows, Lori Allred, Laura Pope, Gary & Carolyn Alder, Darrel Alder.

Public Hearing for Liquor Licenses

1. Call to Order by Mayor Arndt at 7:04p.m.

2. Discussion on Liquor Licenses for the Pilot Travel Center and Gold Buckle Grill.

3. Close Meeting – Motion to close the hearing by Councilwoman Lewis seconded by Councilman Peck. Motion carried

Regular Town Council Meeting

1. Call to Order by Mayor Arndt at 7:09
2. Adoption of Agenda – Motion to approve the agenda by Councilman Grandy seconded by Councilman Viehweg. Motion Carried
3. Prayer by Lori Allred
4. Pledge by Councilman Lewis
5. Consent Agenda – Motion to approve the consent agenda by Councilman Grandy seconded by Councilman Viehweg. Motion Carried.

a). Approve of March 9, 2021 Town Council Meeting minutes.

b). Approve Accounts payable and payroll for March, 2021.

c). Approve the Business Licenses for April, 2021

1. Recognitions – Mayor Arndt read a proclamation for the WY Children’s Trust Fund proclaiming that April is Child abuse prevention month. Councilman Lewis was thanked for her efforts for the Easter Egg Hunt. Councilman Lewis thanked all those that volunteered to help her and for the donations provided.

Old Business – 15 min

1. 3rd and final reading ORD 21-02 to modify Title V Chapter 14 to Title V Chapter 11. Motion by Councilman Peck seconded by Councilman Lewis.

**ORDINANCE 21-02**

**TITLE V**

**HEALTH, SAFETY, AND SANITATION**

**Chapter 11**

**Keeping of Chickens**

5-1401. PURPOSE. The keeping of chickens in the town supports a local, sustainable food system by providing an affordable, nutritious source of protein. The keeping of chickens also provides free, quality, nitrogen-rich fertilizer, and chemical-free pest and weed control. The keeping of chickens shall be for household purposes only and shall not be a commercial venture.

5-1402. DEFINITIONS.

CHICKEN: A chicken (Gallus gallus domesticus) is a domestic fowl kept for its eggs or meat.

CHICKEN RUN: A wire enclosure connected to a chicken coop for the purpose of allowing chickens to leave the chicken coop while remaining in an enclosed, predator-safe environment.

CHICKEN COOP: A structure built specifically for the sheltering of chickens.

CHICKEN TRACTOR: A mobile enclosure built specifically for the sheltering of chickens.

5-1403. NUMBER, TYPE AND LOCATION.

1. The maximum number of chickens allowed per property lot is twelve (12).
2. For purposes of this Ordinance only, a property lot includes the total square footage of the property owned or rented by a resident on which their apartment, house, shed(s) and/or garage is situated. Such property may consist of a single lot or multiple adjacent lots of the same or different zoning classifications.
3. This Ordinance applies to R1-R4 zoned lots only. Lots zoned R-A, commercial, or agricultural are excluded from this Ordinance because of existing codified animal and livestock ordinances for those zone classifications.
4. Only female chickens are allowed. Except for Cooing Hens, there are no restrictions on chicken species. Roosters are not permitted on the property.

5-1404. ENCLOSURES.

1. Chickens shall be confined within a secure outdoor enclosed area. The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop properly sized for the number of chickens.
2. The chicken coop shall be located in a property lot’s rear yard and at least ten (10) feet from any property line and dwelling. All coops, runways and surroundings shall be kept in a clean and sanitary condition so as to not attract rodents or predators, and to not create a public health nuisance.
3. A chicken coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
4. An enclosed chicken run must be provided consisting of a sturdy frame, sturdy wire fencing and is predator-safe.
5. Chicken feed shall be stored in and dispensed from rodent-proof and predator-proof containers at all times.

5-1405. PERMITS

A no-fee permit must be obtained from the Town Clerk prior to getting chickens. This permit must be renewed annually. Residents who have four (4) violations of this Ordinance or a combination of violations of this Ordinance and the Town’s Health, Safety, and Sanitation ordinances within any 12-month period will be denied a permit to have chickens for a period of three (3) years.

5-1406. NOTICES AND APPEALS.

A signed complaint by two (2) or more adjacent neighbors regarding any violation of this Ordinance shall be issued a written warning by a Zoning Officer and given three (3) calendar days from date the written warning was issued to remedy the violation. Any continued or further violation of this Ordinance shall be subject to the issuance of a citation and notice to appear by a Police Officer

5-1407. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

5-1408. PENALTY.

Violation of the Ordinance can be punished by a fine of up to $250.00. Each day of violation constitutes an additional offence.

5-1409. REMOVAL OF CHICKENS.

In addition to the penalty, any violation of the provisions of this Ordinance or shall be grounds for an order from the Court to remove the chickens and the chicken-related structures.

First Reading: Passed on \_ Feb 9, 2021 \_\_\_\_

Second Reading: Passed on \_\_ March 9 2021\_\_\_\_

Third Reading: Passed on \_\_April 13, 2021\_\_\_

1. 1st Reading of ORD 21-03 – Backflow – Motion by Councilman Grandy to approve seconded by Councilman Viehweg

ORDINANCE 21-03

TITLE VIII

PUBLIC UTILITIES

CHAPTER 1

WATERWORKS

8-101. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

1. BACK PRESSURE: The flow of water or other liquids, mixtures or substance under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.
2. BACK SIPHANAGE: The flow of water or other liquids, mixtures or substances into the distribution pipes of potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.
3. BACKFLOW: The reversal of the normal flow of water caused by either back pressure or back siphonage.
4. CROSS CONNECTION: Any physical connection or arrangement of piping or fixtures which may allow nonpotable water or industrial fluids or other material or questionable quality to come into contact with potable water inside a distribution system. This phrase includes any temporary connections, including swing connection, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tubes, or other similar plumbing arrangements.

8-138. WATER SUPPLY PROTECTONS. No water service connection to any premises shall be installed or maintained by the town, or any other water utility, unless the water supplying the premises is protected as required by town laws and regulations.

8-139. DUTY TO INSPECT ~~ANNUALLY.~~ It shall be the responsibility of the water consumer to purchase, install, test and maintain backflow prevention devices/assembly where necessary and to control cross connections. Certified inspections and operational tests shall be made at least once a year ~~Where the town deems the hazard to be great the consumer may be required to have such inspections and tests at a more frequent interval as prescribed by the town.~~ **for commercial properties. Residential properties with secondary irrigation water system hookup will require an inspection when installed and again if any changes to the backflow systems or repairs are made.**

8-140. NEW CONSTRUCTION. The town engineer will review all plans for new construction to ensure that unprotected cross connections are not an integral part of the consumer’s water system. If a cross connection cannot be eliminated, protection will be required by installation of an air gap or other approved backflow prevention device/assembly. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical backflow prevention assembly.

8-141. INSTALLATION REQUIRED. Whenever the town deems a service connection’s water usage contributes a sufficient hazard to the water supply, **as defined by the American Plumbing Water Association (APWA) 2017 code,** installation of an approved backflow prevention assembly shall be required on a lateral service line of the consumer’s water system, at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral service line in any event. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross connection (whether direct or indirect), so as to comply with local requirements. The town shall ~~test~~ **inspect** all backflow prevention assemblies within ten (10) working days after their initial installation in order to determine their adequacy.

8-142 EXISTING EQUIPMENT. All backflow prevention assemblies existing at the time of adoption hereof but which do not meet the requirements hereof shall nonetheless be excluded from the requirements of this chapter, provided they were approved for the purposes described herein at the time of installation and have been properly maintained so as to function in the manner originally intended. Such previously existing assemblies nonetheless shall be subject to the periodic inspection and testing. Whenever an existing assembly is moved to another location, or requires more than minimum maintenance, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this chapter.

8-143 REPAIR AND MAINTENANCE OF EQUIPMENT. The maintenance, including necessary repairs, for all backflow prevention assemblies and cross connection control devices required by this chapter shall be the responsibility of the consumer, and failure to adequately maintain any required equipment shall be violation hereof. All installations and repairs of such equipment shall be affected by a certified journeyman plumber or other agent of the owner.

8-144 ACCESS FOR INSPECTION. A consumer’s system shall be open for inspection at all reasonable times to authorized representatives of the town water department in order to determine whether cross connections or other structural or sanitary hazards, including violations of this chapter, exist. In order to determine that no backflow prevention assemble is installed in such manner as to create a safety hazard, the inspection shall include access to above ceiling areas, pits, paneled interior areas, or other locations where cross connections might exist.

8-145 CERTIFIED BACKFLOW TECHNICION. All tests of mechanical devices/assemblies shall be conducted by a certified backflow technician who will be responsible for the competence and accuracy of all tests and reports. Such technician shall be responsible for the following:

1. Assure that acceptable testing equipment and procedures are used for testing, repairing or overhauling of backflow prevention assemblies.

1. Make reports of such testing and/or repair to the consumer and the town.
2. Include in all reports a list of any materials or replacement parts used.
3. Assure that replacements parts are equal in quality to original parts and that any testing, repair or replacement does not change the design or operational characteristics of the assembly.
4. Maintain his license in current condition and his testing equipment in proper operation condition.
5. Be equipped with, and competent to use, all necessary tools gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.
6. Tag each double check valve, pressure vacuum break, reduce pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by who, including the technician’s license number.

8-146 NOTIFICATION OF PUBLIC. Although failure of consumer to be aware of this chapter shall be no defense to violation hereof, the town shall use reasonable means to notify consumers of the hazards of cross connection and the need to ~~annua~~l **inspect**~~ion~~ ~~of~~ backflow prevention assemblies.

8-147 RECORDS. The Cokeville Town Water Department shall keep reasonable records of cross connection hazards and the condition of backflow assemblies.

8-148 VIOLATIONS. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the town after written notice of the violation and appropriate time suspended for voluntary compliance, and the due process entitlements otherwise extended by the town before termination of water service. A violation exists if:

1. A backflow prevention assembly required by this chapter for control of cross connections is not installed, tested or maintained.
2. It is found that a backflow prevention assembly has been removed or bypassed.
3. An unprotected cross connection exists on the premises.
4. The periodic system inspection has not been conducted.

Where written notification of deficiency is provided by the town, in the event of a failure by the consumer to take the required corrective action within ten (10) days to restore all such conditions, or defects a monetary penalty shall be enacted along with the termination of water service.

In addition to any penalty, violation of this chapter shall be a class B misdemeanor.

 1st Reading April 13, 2021 Fail

 2nd Reading Fail

 3rd Reading Fail

New Business

1. Motion to approve liquor licenses for the Pilot Travel Center and Gold Buckle by Councilman Peck seconded by Councilman Lewis.
2. Lori Allred and Jan Moody addressed the Council about having their Snow Shack again this summer in the same location by the park as last year. Motion by Councilman Grandy, seconded by Councilman Viehweg. Motion carried

Departments

Councilman Viehweg reviewed the meeting from the Planning and Zoning Committee. The variance for Evan Pope addition to their home was approved by the committee with the stipulation that an acknowledgment from Barbara and Jerry Huntington be obtained in writing.

A zoning change for Gary and Darrel Alder on Lots 3 & 4 from RA to Agriculture.

Motion to approve TOC 21-04 1st reading for Lot 4 from RA to Agriculture by Councilman Lewis seconded by Councilman Viehweg. Motion carried

Motion to approve TOC 21-05 1st reading for Lot 3 from RA to Agriculture by Councilman Lewis seconded by Councilman Peck. Motion carried

Discussion on the GIS system for the water and sewer piping. Shane Pope will follow up with the county and Todd Hurd.

Councilman Grandy informed the council of a water hauler enlargement permit through the state for the town. This permit will replace the individual permits used in years past. Councilman Grandy will contact Todd Hurd to fill the application out and send in. He also mentioned that the Town needs to do another sanitation survey. The 2018 & 2019 CCR reports have been completed. The CCR report for 2020 will be completed by the end of April.

The lead and copper samples need to be done for the year of 2021.

Shane had information on the impact fees, Jody will make a copy of the information for each of the council members.

Shane Pope thanked the Council for the I pads and I phones, they are working on getting them set up with the SCADA system. The Mayor recognized Shane on completing his Level 1 and CDL.

Council approved the purchase of Stair tread for the Town Hall and flowers for the streets and baskets.

Councilman Grandy reported the hole in the asphalt by the corner of Canyon Rd and the Highway 30 intersection. Public works will report it to the state.

Councilman Lewis reported of a problem as where to have soccer. It was suggested to look at the park, rodeo grounds. Councilman Lewis can apply for a grant for Soccer shirts. Councilman Lewis asked about considering hiring summer help. Councilman Lewis has talked with WAM about having a training with the Council members and Mayor. The training would be for one day.

Chief Kirkland updated the council, he is working both dogs and keeping up the certifications.

Mayor Arndt updated the public on Covid 19 tests. There are no more swab lines in Kemmerer or Afton, both hospitals are still providing tests.

Motion to approve the FY 20-21 budget on the 1st Reading for the general fund for $523195 by Councilman Lewis seconded by Councilman Peck. Motion carried.

Motion to approve the FY 20-21 budget on the 1st Reading for the water/sewer for $320000 by Councilman Grandy seconded by Councilman Lewis. Motion carried

Jody will forward budget file to Council members.

Motion by Councilman Peck seconded by Councilwoman Lewis to hold all changes to PTO and Wages until it is reviewed by the Council. Motion carried with a unanimous vote

Motion by Councilman Peck seconded Councilman Lewis to hold all job descriptions until Council can review them. Motion carried with unanimous vote

Motion by Councilman Peck to have the employees that hold the water and sewer licenses be responsible to take the water and sewer samples in for testing, seconded by Councilman Lewis. Motion carried with a unanimous vote.

Motion to adjourn at 11:20p.m. by Councilman Grandy.

Mayor Rose Arndt Clerk Jody Harmon