

WORK SESSION AGENDA



**Casper City Council
City Hall, Council Chambers
Tuesday, August 25, 2020, 4:30 p.m.**

COVID-19 precautions are in effect at Council meetings. All Council meetings including Work Sessions are held in Chambers. Entrance to the meetings is the east door off David Street. Upon entry you will be asked to sign-in for contact tracing purposes. Face coverings are encouraged. Seating has been gridded into six feet distances. Seating capacity for the public is fifteen seats. Media will be given priority for seating. Public input via email is encouraged: CouncilComments@casperwy.gov


Work Session Meeting Agenda		Recommendation	Allotted Time	Beginning Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Council Meeting Follow-up		5 min	4:30
2.	Junior Council (Elissa Ruckle)	Direction Requested	20 min	4:35
3.	COVID-19 Reimbursement Application	Direction Requested	20 min	4:55
4.	Public Comment Periods for Ordinances	Direction Requested	30 min	5:15
5.	Council Ethics Discussion	Direction Requested	30 min	5:45
6.	LAD Billing Process	Direction Requested	20 min	6:15
7.	Animal Care and Control Ordinance	Direction Requested	30 min	6:35
8.	National Electrical Code	Direction Requested	20 min	7:05
9.	Agenda Review		20 min	7:25
10.	Legislative Review		10 min	7:45
11.	Council Around the Table		10 min	7:55
Approximate End Time:				8:05

****Please silence cell phones during the meeting****

We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

August 10, 2020

MEMO TO: City Manager Carter Napier 
FROM: Elissa Ruckle
SUBJECT: City of Casper Youth Council

Meeting Type & Date

Work Session
August 25, 2020

Action type

Direction Requested

Recommendation

That Council review the submitted Proposal and By-Laws submitted by the Casper Youth Council and give due consideration to approving an Advisory Committee to and for the City of Casper City Council .

Summary

The City of Casper has a unique opportunity to engage our youth, to provide opportunities for them to better understand how our city operates/functions, and to create a platform that bridges the gap between our youth, city government, and community.

In 2020, Suburban Stats (suburbanstats.org) reports that there are approximately 2,400 Natrona County residents aged 15 to 19. These youth are important to the life and future of our city; they are future voters, Council members, business owners, and community leaders. According to the National League of Cities Institute for Youth, Education and Families, “One of the basics of ensuring your city is meeting the needs of its young people is to actively and authentically engage your local youth in the process.”

Through the establishment of an Advisory Committee, the Casper Youth Council, the City of Casper will proactively engage youth in the process of city governance and give them a voice in the shaping of our community.

Financial Considerations

Impact Wyoming will secure funding from the private sector and/or grants to fund the Casper Youth Council.

Oversight/Project Responsibility

Elissa Ruckle, Casper Youth Council Advisor

Attachments

Proposal
By-Laws

CASPER YOUTH COUNCIL

Elissa Ruckle, CYC Advisor
307.277.4782
elissa@elevatewyoming.com



OVERVIEW

The City of Casper strives to cultivate a dynamic, welcoming community where all citizens prosper and enjoy our quality of life. In support, this document proposes the adoption of a Casper Youth Council.

In 2020 a group of Casper area youth gathered to collectively advance the idea of authentic youth engagement in city government. From these youth lead efforts, the Casper Youth Council framework was developed. The goals of this framework reflect the National League of Cities Institute for Youth, Education and Families actions on youth engagement:

“Youth councils or youth advisory boards can provide an effective way to engage youth in city government. Youth councils provide a conduit for youth voice to city leadership, help promote civic engagement and community service, and foster an understanding of how municipal government works.”

The Casper Youth Council works to spark interest in City and County Government and provide local youth a voice in the shaping of our community. The Casper Youth Council provides youth with opportunities to better understand the various processes and departments of city government, while gaining knowledge and insight on important community issues. Most importantly, the Casper Youth Council creates an accessible channel for open communication between the Casper City Council, youth, and our community.

PURPOSE/VISION

The purpose of the Casper Youth Council is to improve youth civic engagement, community involvement, and understanding of local government.

The vision of the Casper Youth Council is to have active, on-going youth participation in city government and community-related issues; provide an opportunity for our youth to have a voice and contribute to the shaping of our community.

STRUCTURE

The Casper Youth Council seeks to be established as an Advisory Committee to the City of Casper City Council, established by ordinance.

Purpose

The purpose of the Casper Youth Council is to improve youth civic engagement, community involvement, and understanding of local government.

Composition and Qualifications

The Casper Youth Council shall consist of twelve (12) voting members, with at least two (2) members per academic grade level. Three (3) representatives from each of the three (3) primary high schools - NCHS, KWHS, and RHS, and three (3) home school/charter school representatives. Membership shall be open to any Ninth (9th) through Twelfth (12th) grade student who attends a Natrona County School District high school or lives in the Casper community with a reasonable desire and willingness to promote and foster the aims and objectives of the Council. Impact Wyoming has appointed Elissa Ruckle as a non-voting Advisor offering administrative support. No adult who has been convicted of a crime against a minor shall be permitted to serve on or with the youth commission.

Terms of Office

Voting members shall serve two (2) year terms, ensuring appropriate staggering of terms. Members may serve more than one (1) term but no more than two (2) consecutive terms upon successful re-election.

Filling an unexpired term due to vacancy shall not count toward the term limit. Any vacancy on the committee shall be filled for the unexpired term in the same manner as required for a regular appointment. Youth members who reach the age of nineteen (19) while in office shall be deemed to have resigned their position as of the date of their birthday. The appointed Casper Youth Council Advisor shall have no term limits in serving as administrative support.

STRUCTURE

Organization

The committee shall, at its first organizational meeting and at each first meeting in September of subsequent years, elect from its membership the officers it may deem necessary; to include a Chair, a Vice-Chair, and a Secretary. The Vice-Chair shall act in the absence or disability of the Chair. In case the Chair or Vice-Chair vacates their appointment, the Committee shall immediately select a replacement.

Meetings

The committee shall establish its regular meeting time and location, which shall not be less often than monthly, and shall hold additional meetings, as necessary. A meeting agenda shall be posted in accordance with current City of Casper policy and procedure.

Bylaws

The committee shall adopt bylaws and rules of procedure to govern its operation. No bylaw or rule of procedure shall be effective until approved by the Casper City Council. The bylaws and rules of procedure may be amended at any time by the committee with approval of the committee, Advisor, and City of Casper City Council.

Duties

The Casper Youth Council shall have the following nonbinding duties:

1. Advise the City of Casper City Council on matters related to youth.
2. Promote civic engagement among youth.
3. Provide of its membership at least two (2) members to attend at least one (1) monthly public City of Casper City Council meeting and serve as a liaison to relay review of information back to the Casper Youth Council.
4. Serve as a communication conduit between youth, City Council, and our community.

SELECTION PROCESS

Annually, in accordance with ensuring staggered terms, members will be selected from a pool of applicants to serve on the committee. A standard application will be established to elicit interested and qualifying individuals. The application process will remain open year-round, allowing a pooling of applications, with an annual deadline established each June 1st. Every August the pool of applicants will be reviewed by an Election Committee consisting of the Casper Youth Council Chair, Casper Youth Council Vice Chair, the Casper City Council Liaison, the Casper Youth Council Advisor (or appointed designee) and at least two (2) community members. The Election Committee shall select members based on the applicant's response to application questions, references, and in-person interview. Selection for vacant positions shall be made early August, with notification of selection announced late August, allowing for terms to begin in September annually.

RATIONALE

Youth are important to the life and future of our city. According to the National League of Cities Institute for Youth, Education and Families:

“One of the basics of ensuring your city is meeting the needs of its young people is to actively and authentically engage your local youth in the process.”

Through the establishment of the Casper Youth Council, the city of Casper will be doing just that - engaging youth in the process and giving them a voice in the shaping of our community.

CONSIDERATIONS

Resources

The Casper Youth Council presents with a small resource footprint. In consideration of resources needed the following has been addressed.

Space	The City of Casper would provide an internal meeting space for monthly meetings.
Housing of Application Process	The City of Casper would provide for the publication of the application and storage of application submissions via the City website.
Marketing	The City of Casper would provide marketing support for Casper Youth Council (recruitment/applications, webpage, sharing highlights, etc.).

Financial

The Casper Youth Council does not present with a budgetary financial need.

Informational

A large part of the Casper Youth Council is the education and preparation of youth. Therefore, support is requested in working with city departments to provide speakers and information during CYC monthly meetings.

Impact on Existing

The Casper Youth Council only stands to enhance existing programs and initiatives. This committee is an opportunity for the City of Casper to fully realize the potential and value of full youth engagement.

RESOLUTION

It is fully realized by the authors of this proposal that any such resolution or ordinance will be subject to the process detailed in the City of Casper Code of Ordinances. In a full display of youth civic engagement, the following is provided as suggested resolution:

WHEREAS the City Council of the City of Casper strives to make Casper a vibrant community where all citizens prosper and enjoy our quality of life; and

WHEREAS the City Council of the City of Casper recognizes that cities benefit when youth are empowered, supported, and informed so that they can be productive members of the community; and

WHEREAS the City Council of the City of Casper seeks to treat youth as valuable partners in the work of local governments; and

WHEREAS the City Council of the City of Casper in an effort to realize its commitment to youth, by the adoption of this Ordinance establishes the City of Casper Advisory Committee, named Casper Youth Council, to and for the City of Casper City Council.

Casper YOUTH COUNCIL

PROPOSAL

KENZIE MARTINI

kenziemartini2003@gmail.com

Bryce Hebert

bryce@mwd-phd.com

Brooklyn Wistisen

bwistisen5678@gmail.com

Tanner Ewalt

ewalt389@gmail.com

Article I: NAME

The name of this committee shall be the Casper Youth Council (herein referred to as the “CYC”).

Article II: Location

The CYC is located in Casper, Natrona County, Wyoming.

Article III: Mission

The mission of the Casper Youth Council is to improve youth civic engagement, community involvement, and understanding of local government.

Article IV: Membership

Section 1: Eligibility. Membership shall be open to any person between Ninth (9th) and Twelfth (12th) grades, who attends a Natrona County School District high school, a charter school, is home schooled, or lives in Casper with a reasonable desire and willingness to promote and foster the aims and objectives put forth in Articles III and IV. Prospective members, interested and eligible, may fill out a membership application for consideration of the CYC Election Committee.

Section 2: Selection Criteria. To be elected to the CYC, applicants must demonstrate interest in the CYC’s mission conveyed in Article III, submit a completed application with references to the Election Committee, and commit to attending a minimum of two (2) meetings monthly.

Section 3: Selection Process. Annually, in accordance with ensuring staggered terms, members will be selected from a pool of applicants to serve on the committee. A standard application will be established to elicit interested and qualifying individuals. The application process will remain open year-round, allowing a pooling of applications, with an annual deadline established each June 1st. Every August the pool of applicants will be reviewed by an Election Committee consisting of the Casper Youth Council Chair, Casper Youth Council Vice Chair, the Casper City Council Liaison, CYC Advisor (or appointed designee) and at least two (2) community members. The Election Committee shall select members based on the applicant’s response to application questions, references, and in-person interview. Selection for vacant positions shall be made early August, with notification of selection announced late August, allowing for terms to begin in September annually.

Section 4: Numbers. CYC membership shall be comprised of up to twelve (12), regular members, with:

- three (3) representatives from each of the three (3) primary high schools - NCHS, KWHS, and RHS
- three (3) home school/charter school representatives

CYC shall include a Committee Chair (President), Committee Vice Chair (Vice President), Committee Secretary, and Committee Treasurer.

Section 5: Membership. 2-year term of membership, unless a senior in high school, then a 1-year term; members can serve up to 2 terms upon successful re-election. Youth members who reach the age of nineteen (19) while in office shall be deemed to have resigned their position as of the date of their (19th) birthday.



Section 6: Organization. The committee shall, at its first organizational meeting and at each first meeting in September of subsequent years, elect from its membership the officers it may deem necessary; to include a Chair, a Vice-Chair, and a Secretary. The Vice-Chair shall act in the absence or disability of the Chair. In case the Chair or Vice-Chair vacates their appointment, the Committee shall immediately select a replacement.

Section 7: Officer Positions. Members appointed to officer positions will serve a term of 2 years. To hold an Officer Position (Chair, Vice Chair, Secretary, and Treasurer) members must be appointed by a majority of the CYC members.

Section 8: Honorary Members. A designated City Council Liaison, City Manager of Casper or his/her designee, and an Impact Wyoming designated CYC Advisor (CYC Advisor) shall be honorary members of the CYC, without voting privileges.

Section 9: Non-Political Involvement. CYC cannot and will not make any endorsements of a candidate for an elected office and no member can represent themselves as representing the CYC in a partisan or contested electoral political campaign.

Section 10: Compensation: No Member of the CYC shall at any time receive compensation for their work as a member of the CYC.

Section 11: Attendance: CYC members are required to attend one (1) Casper City Council meeting monthly and one (1) CYC meeting monthly. Any CYC member who submits a valid reason, through official means, prior to the prospective meeting or within forty-eight (48) hours of a missed meeting shall have such absence excused.

- a. "Official means" is defined as notifying the CYC Advisor, the CYC Chair or CYC Vice Chair via e-mail, text, or phone call
- b. A member who has two unexcused absences will be alerted that by missing another meeting the member is in jeopardy of removal from CYC by a majority or 2/3 vote of the CYC membership, not counting the member who is the subject of the vote.

Article V: Membership Duties

Section 1: Duties of All Members: All members may vote at CYC meetings unless a member has a conflict of interest. Members must maintain a good reputation in the community at large and act to further the purpose and mission of the CYC.

Section 2: Subcommittees: The Committee Chair may create a subcommittee at any time made up of CYC members to address a specific item or issue.

Section 3: Communication: All group communication, whether in person or online, will always be respectful and professional.



Article VI: Officers

Section 1: Officer Duties: Officers shall have the power to conduct, manage and control the affairs of the CYC. Officer terms may last for one (1) year, beginning in October.

Section 2: Composition: The elected officers shall consist of the Chair, Vice Chair, Secretary, and Treasurer.

Section 3: Chair: The Chair, or the officer next in line (see Section 3, point b), shall preside at all meetings of the CYC. The Chair, and only the Chair, shall sign as Chair of the Casper Youth Council all certificates of membership, all contracts, and all other instruments. The Chair will lead CYC meetings and will set the agenda for said meetings. Chair shall designate subcommittees for individual projects or issues and appoint a chair, co-chair, and members.

If the Chair is unable to attend a meeting, his or her duties will fall, in order, to

- a. Vice Chair
- b. Secretary
- c. Treasurer

Section 4: Vice Chair: The Vice Chair, or the officer next in line (see Section 3, point b), shall assume the responsibilities of the Chair in his/her absence. The Vice Chair shall also be responsible for CYC recruitment and the CYC election process.

Section 5: Secretary: The Secretary shall keep minutes of all CYC meetings, keep the membership book showing the name of each member and contact information, and sign, where required, all committee papers in conjunction with the Chair. The Secretary shall be responsible for communications within the membership, external communications from CYC, and CYC social media presence.

Section 6: Treasurer: The Treasurer shall be the custodian of all funds of the CYC. The Treasurer must account for and disperse such funds with the guidance and approval of CYC Officers, the CYC Advisor, and City Council Liaison.

Section 7: Secretary-Treasurer: When decided by the committee, the responsibilities of both Secretary and Treasurer can be taken on by a single member of the committee, to be referred to as the Secretary-Treasurer.

Article VII: Meetings

Section 1: Regular Meetings: Regular meetings will be held.

Section 2: Special Meetings: Special meetings of members may be called at any time, by the vote of three-fourths majority of the Officers or upon petition to the Secretary approved by one-fifth of the members. At special meetings of the members, only such business as stated in the call for such meeting shall be transacted.

Section 3: Quorum: At least 8 members of the CYC must be present to conduct business.



Article VIII: Amendments:

These bylaws may be altered or amended at any meeting called by for that purpose, by an affirmative vote of 2/3 of the members present at the meeting duly called. The Bylaws shall be reviewed and revised at least once a year, in October.

Article IX: Dissolution:

The issue to dissolve the CYC must be presented to the CYC membership, Officers, CYC Advisor, and City Council Liaison in a regular meeting. The decision to dissolve will be determined by a majority vote of membership. Upon dissolution, all records of business transactions related to the CYC will become the property of Impact Wyoming.

ADOPTED AND APPROVED by the Casper Youth Advisory Council, Casper, Wyoming this ___ day of _____, 2020.

Chair

Vice Chair


ATTEST:

City Council Liaison

Casper Youth Council Advisor



August 11, 2020

MEMO TO: J. Carter Napier, City Manager 

FROM: Tim Cortez, Director of Parks and Recreation
Zulima Lopez, Risk Manager
Pete Myers, Assistant Financial Services Director
Jason Speiser, Deputy Fire Chief
Rich Brown, Lieutenant Casper Police

SUBJECT: COVID-19 CARES Grant Reimbursement

Meeting Type & Date

Council Work Session
August 25, 2020

Action type

Approval Requested

Recommendation

That Council approve, by resolution, an authorization to submit a reimbursement application to the State Loan and Investment Board for an allocation of Coronavirus Aid, Relief, and Economic Security Act (CARES) monies from the federal government.

Summary

The federal government has allocated monies to states for the purposes of preventing the spread of COVID-19. The State Legislature has further allocated these funds in a manner where a large portion of Wyoming's CARES monies are available to local governments within the state for expenses already incurred to prevent the spread of COVID-19. Furthermore, the reimbursement grant may be used to pay for anticipated expenses.

The grant covers expenses from March 1, 2020 to December 30, 2020. There are three remaining SLIB meetings this year where grant applications are considered. The City of Casper can submit an application for any of these meetings and may submit more than once.

The current application covers all past expenses as well as what is anticipated between now and the end of the year. The State Attorney General's office will audit the application and determine what expenses meet the CARES act criteria. The approved expenses will then be submitted to SLIB for approval.

City staff wishes to submit this application for the next SLIB meeting on October 1, 2020. A resolution from the City is required for the application.

Financial Considerations

Expenses already incurred for FY20:

PPE/Operational Supplies	\$59,594
Technology	\$13,061
Contracted Work (Cleaning and other services)	\$17,030
Staff Labor Hours (Fully Loaded)	<u>\$284,403</u>
Total COVID related expenses as of June 30	\$374,088

Oversight/Project Responsibility

Tim Cortez, Director of Parks and Recreation

Zulima Lopez, Risk Manager

Pete Myers, Assistant Financial Services Director

Jason Speiser, Deputy Fire Chief

Rich Brown, Lieutenant Casper Police

Attachments

Draft Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING SUBMISSION OF A CORONAVIRUS RELIEF GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE CITY OF CASPER FOR THE PURPOSE OF PREVENTING THE SPREAD OF COVID-19

WHEREAS, the Governing Body for the City of Casper desires to participate in the CORONAVIRUS RELIEF GRANT program to assist in financing this request; and

WHEREAS, the Governing Body for the City of Casper recognizes the need for the request; and

WHEREAS, the Coronavirus Relief Grant program requires that certain criteria be met, as described in the State Loan and Investment Board's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and

WHEREAS, if any of the disbursed grant funds are later deemed to not comply with the SLIB criteria or the criteria of the CARES ACT, the grant applicant agrees to repay the ineligible grant funds within 15 days of such finding to the Office of State Lands and Investments.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That a grant application in the amount of up to Ten Million Dollars shall be submitted to the State Loan and Investment Board for consideration at the next Board meeting after application process to assist in funding the prevention of the spread of COVID-19. BE IT FURTHER RESOLVED, that the City Manager is hereby designated as the authorized representative of the City of Casper to act on behalf of the Governing Body on all matters relating to this grant application.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor

July 13, 2020

MEMO TO: City Council
J. Carter Napier, City Manager *JCN*

FROM: John Henley, City Attorney *JH*

SUBJECT: Council Rules Regarding Public Comment Periods for Ordinances

Meeting Type & Date

Work Session
August 25, 2020

Action type

Information and direction requested.

Recommendation

That Council determine the appropriate times and methods for public comment and input.

Summary

At the June 23, 2020 work session, the question was raised whether the Council should modify the "Order of Business" in its Rules of the City Council of Casper, Wyoming, returning to a process the same or similar to that which existed prior to August 7, 2018 in which routine and non-controversial ordinances were on consent for second and third readings. Find attached three agendas, one for each of the three years prior to August 7, 2018, which the Clerk's Office was kind enough to locate.

The current Rules for Order of meeting and public periods for speaking were established in Resolution No. 18-178. That resolution contemplated that three placeholders in the Council Meeting agendas would be reserved for public comment.

In the Resolution which addresses ORDER OF BUSINESS, in paragraph 2. F., the first placeholder, after the Bright Spot, Proclamations, Petitions and Memorials, the line item is:

Communications from persons present – open mike (not Public Hearings) is established.

The next paragraph 2.G., the line item also provides for public comment:

Public Hearings.

- i.) Ordinances – First Reading
- ii.) Resolutions requiring a Public Hearing
- iii.) Minute Action

The next paragraph 2. H. also provides for public comment:

Communications From Persons Present, - regarding Ordinances on Second and Third Reading.

Of note, the first “WHEREAS” paragraph of Resolution No. 18-178 states:

“WHEREAS, The City Council of Casper, Wyoming would prefer to have members of the public speak at the beginning of Council meetings and to permit the public comment on proposed Ordinances on the second (2nd) and third (3rd) readings, without the necessity of submitting a written request by 12:00 Noon on the Monday preceding the Council meeting.”

As shown by the attached agendas, prior to the adoption of Resolution 18-178, the first reading of an ordinance is always a public hearing for anyone who wants to speak. However, on the second and third readings, the matter would typically be placed on consent; if the issue was not routine or controversial, or for any other reason, any Council Member could pull the item off consent and the Council would have the ordinance open for discussion and amendment(s).

Members of the public could speak to an item on the agenda, other than a public hearing, but would need to communicate that desire. As noted in paragraph 6.3 of the prior Rules:

“Members of the public wishing to speak to an item already on the agenda, other than a public hearing, must submit a written request to the City Manager by 12:00 Noon on the Monday immediately preceding the Council meeting. Public comment is always invited by the City Council at the end of each meeting.”

Thus the threshold question for Council is whether it wants to modify the “Order of Business” provisions of its Council Rules, and if so, to change the order of public comment or the automatic opportunities for public comment, or implement a notification system, should a member of the public wish to speak regarding an ordinance that was set for a second or third consent reading.

Financial Considerations

Direct financial implications will likely be minimal between the two options.

Oversight/Project Responsibility

City Clerk’s Office

City Manager’s Office

Attachments

Three regular council meeting agendas, one from 2016, one from 2017 and one from 2018, but prior to August 7, are attached.

Also attached is the prior (amended in August 2018), Rule 2.1 Order of Business – Agenda, and Rule 6- General Policies (the copy of this rule shows in hand writing the changes made as of August 2018.)

A copy of Resolution 18-178, amending Rule 2.1 and Rule 6 of Resolution 17-155 is also attached.

REGULAR COUNCIL MEETING
 Tuesday, March 15, 2016
 6:00 p.m.

COUNCIL POLICY
PUBLIC STATEMENTS

- I. Members of the Public Wishing to Place a New Item on the Agenda Must Submit a Written Request to the City Manager No Later Than 11:00 a.m. on the Wednesday Preceding the Council Meeting.
- II. Members of the Public Wishing to Speak to an Item Already on the Agenda, Other Than a Public Hearing, Must Submit a Written Request to the City Manager by 12:00 Noon on the Monday Immediately Preceding the Council Meeting.
- III. When Speaking to the City Council Please:
 - Clearly State Your Name and Address.
 - Keep Your Remarks Pertinent and Non-Repetitive.
 - Speak to the City Council with Civility and Decorum.
- IV. The City Council Will Not Respond to Any Comments or Questions Concerning Personnel Matters. Any Such Comments or Questions will be Handled by the Appropriate Persons.
- V. Questions Posed by Speakers May, or May Not be Responded to by Council Members.
- VI. Willful Disruption of, or the Breach of the Peace at, a Council Meeting may Result in the Removal of any Such Individuals or Groups from the Council Chambers.

(These Guidelines Are Also Posted at the Podium in the Council Chambers)

2015 CITY COUNCIL GOALS

Downtown - The City of Casper will foster growth and prosperity of the City's core through infrastructure development, creating public spaces and supportive facilities.

Infrastructure - The City of Casper will create the conditions for economic development by expanding and maintaining its physical assets and equipment, including streets, water lines, parking garages, fire stations, buildings and parks.

Recreation - The City of Casper will support, maintain and upgrade its current recreational facilities and programs and develop recreational opportunities that provide citizens and visitors with a variety of affordable activities for all ages that serve to enhance quality of life.

Council Goals Scorecard
<i>Actions since 5/5/2015</i>
18
106
46

AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSIDERATION OF MINUTES OF THE MARCH 1, 2016 REGULAR COUNCIL MEETING, AS PUBLISHED IN THE CASPER STAR-TRIBUNE ON MARCH 11, 2016

4. CONSIDERATION OF BILLS AND CLAIMS

5. PUBLIC HEARING

A. Resolution

1. Amendment to the 2015-2016 **CDBG Annual Action Plan** and an Update to the **Citizen Participation Plan**.

2015 Goals		
Downtown	Infrastructure	Recreation
	X	

6. SECOND READING ORDINANCES

A. Consent

1. **Annexation, and Plat** a Portion of the SW1/4SW1/4, Section 3, T33N, R79W, 6th P.M., Natrona County Wyoming, to Create **La Hacienda Addition**, Located at 844 East 1st Street, and **Establish Zoning** as City Zoning Classification C-2 (General Business).
2. **Vacation and Replat** Lots 10,11,12,14,15,16 a Portion of Hope Street Right of Way, and Tract A of Heritage Hills No. 3, to Create **Heritage Hills Addition No. 4**, Generally Located at South Beverly and East 26th Streets.
3. **Annexation and Plat** a Portion of the NE1/4NE1/4, Section 22, and all of the NW1/4NW1/4, Section 23, T33N, R79W, 6th P.M., Natrona County Wyoming, to Create **Heritage Hills Addition No. 5**, Generally Located at South Beverly and East 28th Streets, and **Rezoning** of Same From Natrona County Zoning Classifications UA (Urban Agriculture) and SR-1 (Suburban Residential) to City Zoning Classifications R-2 (One Unit Residential) and R-3 (One to Four Unit Residential).
4. Amending Certain Sections of **Chapter 15.12** of the Casper Municipal Code-**Board of Examiners and Appeals, and Contractor Licensing**.

7. RESOLUTIONS

A. Consent

1. Authorizing a Contract with **North Line GIS, LLC**, in the Amount of \$29,760, to Construct Web Based Tools for the **GeoSMART Online Mapping Application**.
2. Approving a Funding Agreement for **Transit Buses** between the City of Casper and the **Casper Area Transportation Coalition** in an Amount not to Exceed \$749,574.00.
3. Approve a Vacation and Replat of Lots 2A, 2B, and Tract A, Prairie Park Estates No. 3, to Create **Prairie Park Estates No. 5**.
4. Approve the **Renaming of Four (4) Undeveloped Streets**, Located in the **Cottonwood Addition**.
5. Authorizing Transportation Alternatives Program Agreement with **Wyoming Department of Transportation**, in the Amount of \$359,810, for the **Robertson Road Trail Continuation Project**.
6. Authorizing License Agreement with **Midwest Urban Development LLC**, for Installation of **Concrete Retaining Wall** within South Ash Street Right-Of-Way.
7. Authorizing Agreement with **WLC Engineering**, in the Amount of \$37,400, for Design and Construction Administration for the **Washington Park Bleachers Project**.
8. Authorizing Contingency and Development Agreement with **Nalco FabTech LLC, Casper Area Economic Development Alliance, Inc., Economic Development Joint Powers Board**, and the City of Casper for New Sanitary Sewer Main for the **33 Mile Sanitary Sewer Project**.
9. Authorizing Change Order No. 3 to the Agreement with **Haselden Wyoming Constructors LLC**, in the Amount of \$25,109.30, for the **Recreation Center Facility Upgrades Project**.
10. Authorizing Agreement with **WWC Engineering**, in the Amount of \$180,000, for Design Services for the **“K” Street Improvements Project**.

2015 Goals		
Downtown	Infrastructure	Recreation
	X	
	X	
X	X	
	X	
	X	
	X	
	X	

2015 Goals		
Downtown	Infrastructure	Recreation

8. MINUTE ACTION

A. Consent

1. Approving a One Year Extension for **Retail Liquor License No. 36**, Urban Market Wines, LLC, d.b.a. **Urban Bottle Wine and Spirits**, Located at 319 West Midwest.
2. Acknowledging the Receipt of the **Financial Interest Disclosures** Completed by City Council and City Staff.

→ 9. COMMUNICATIONS

A. From Persons Present

10. INTRODUCTION OF MEASURES AND PROPOSALS BY MEMBERS OF THE CITY COUNCIL

11. ADJOURNMENT

Upcoming Council meetings

Council meetings

- 6:00 p.m. Tuesday, April 5, 2016 – Council Chambers
- 6:00 p.m. Tuesday, April 19, 2016 – Council Chambers

Work sessions

- 4:30 p.m. Tuesday, March 22, 2016 – Council Meeting Room
- 4:30 p.m. Tuesday, April 12, 2016 – Council Meeting Room

ZONING CLASSIFICATIONS

FC	Major Flood Channels & Riverbanks	PUD	Planned Unit Development
AG	Urban Agriculture	HM	Hospital Medical
R-1	Residential Estate	C-1	Neighborhood Convenience
R-2	One Unit Residential	C-2	General Business
R-3	One to Four Unit Residential	C-3	Central Business
R-4	High-Density Residential	C-4	Highway Business
R-5	Mixed Residential	M-1	Limited Industrial
R-6	Manufactured Home (Mobile) Park	M-2	General Industrial
PH	Park Historic	SMO	Soil Management Overlay
HO	Historic Overlay	ED	Education

REGULAR COUNCIL MEETING
Tuesday, October 3, 2017
6:00 p.m.

COUNCIL POLICY
PUBLIC STATEMENTS

- I. Members of the Public Wishing to Place a New Item on the Agenda Must Submit a Written Request to the City Manager No Later Than 11:00 a.m. on the Wednesday Preceding the Council Meeting.
- II. Members of the Public Wishing to Speak to an Item Already on the Agenda, Other Than a Public Hearing, Must Submit a Written Request to the City Manager by 12:00 Noon on the Monday Immediately Preceding the Council Meeting.
- III. When Speaking to the City Council Please:
 - Clearly State Your Name and Address.
 - Direct all questions/comments to the Mayor and only the Mayor.
 - No personal attacks on staff or Council.
 - Speak to the City Council with Civility and Decorum.
- IV. The City Council Will Not Respond to Any Comments or Questions Concerning Personnel Matters. Any Such Comments or Questions Will be Handled by the Appropriate Persons. Public Hearing Comments and Presentations Will be Limited to Five Minutes or Less per Person, nor Will Time Extensions be Permitted. No Duplication of Speakers will be Allowed.
- V. Questions Posed by Speakers May, or May Not be Responded to by Council Members.
- VI. Willful Disruption of, or the Breach of the Peace at, a Council Meeting may Result in the Removal of any Such Individuals or Groups from the Council Chambers.

(These Guidelines Are Also Posted at the Podium in the Council Chambers)

AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSIDERATION OF MINUTES OF THE SEPTEMBER 19, 2017 REGULAR COUNCIL MEETING, AS PUBLISHED IN THE CASPER STAR-TRIBUNE ON SEPTEMBER 24, 2017
4. CONSIDERATION OF BILLS AND CLAIMS



5. PUBLIC HEARINGS

A. Ordinance

1. **Rezone the Former Roosevelt High School Property**, Located at 140 East K Street, from ED (Educational District) to C-2 (General Business).
2. Appeal of the Planning and Zoning Commission's Decision to Deny a Requested **Zone Change** of Lots 1-4, Thomas D. Ross #1 Addition, Located at **802-808 North Washington Street** From R-3 (One to four Unit Residential) to C-2 (General Business).
3. Code Text Amendment to the **Historic Preservation Program**.

* 6. THIRD READING ORDINANCE

* A. Consent

1. **Rezone 205 South Minnesota Avenue** from R-2 (One Unit Residential) to C-2 (General Business).
 - a. By Minute Action, **Table the Third Reading**.

* 7. SECOND READING ORDINANCE

* A. Consent

1. Amending Chapter 17.68 of the Casper Municipal Code, Pertaining to **Gaming/Gambling in the C-2 (General Business) Zoning District**.

8. FIRST READING ORDINANCE

1. **Amending Chapter 5** of the Casper Municipal Code Pertaining to **Resort Liquor Licenses**.

9. RESOLUTIONS

A. Consent

1. Approving a **Franchise Extension Agreement** with **Rocky Mountain Power**.
2. Approving a **Natrona County Plat, "JBL Business Park"**.

9. RESOLUTIONS (continued)

A. Consent

3. Authorizing an Agreement with the **Central Wyoming Regional Water System Joint Powers Board**, in the Amount of \$28,035, for the **CPU Roof Replacement Project**.
4. Authorizing an Agreement with PlayCore Wisconsin, Inc., dba **GameTime c/o Great Western Recreation**, in the Amount of \$52,602.90, for the **Paradise Valley Park Playground Equipment**.
5. Authorizing Lease Agreement with the **Casper Figure Skating Club** for Use of the **Casper Ice Arena**.
6. Authorizing Change Order No. 4 with **Grizzly Excavating and Construction LLC**, in the Amount of \$22,075, for Phase II of the **15th and Elm Street Improvements Project**.
7. Authorizing Acceptance Certificate from the **Wyoming Department of Transportation** for the **CY Avenue and Poplar Street Intersection Reconstruction Project**.
8. Authorizing Change Order No. 2 with **Shamrock Environmental Corporation** for a Time Extension of Ninety Days for Fall Seeding Conditions for the **North Platte River Restoration Project, Wyoming Boulevard/Water Treatment Plant Site**.
9. Authorizing an Agreement with **High Plains Construction, Inc.**, in the Amount of \$203,995, for the **Casper Family YMCA Site Improvements – Bid Package #3**.
10. Authorizing the City to Update the **Designation of Being a Hybrid Entity** Specifically including Healthcare Components that handle **Protected Health Information as Part of the Health Insurance Portability and Accountability Act Carve Out**.

→ 10. COMMUNICATIONS

A. From Persons Present

11. INTRODUCTION OF MEASURES AND PROPOSALS BY MEMBERS OF THE CITY COUNCIL

12. ADJOURNMENT

Upcoming Council meetings

Council meetings

6:00 p.m. Tuesday, October 17, 2017 – Council Chambers

6:00 p.m. Tuesday, November 7, 2017 – Council Chambers

Work sessions

4:30 p.m. Tuesday, October 10, 2017 – Council Meeting Room

4:30 p.m. Tuesday, October 24, 2017– Council Meeting Room

ZONING CLASSIFICATIONS

FC	Major Flood Channels & Riverbanks	PUD	Planned Unit Development
AG	Urban Agriculture	HM	Hospital Medical
R-1	Residential Estate	C-1	Neighborhood Convenience
R-2	One Unit Residential	C-2	General Business
R-3	One to Four Unit Residential	C-3	Central Business
R-4	High-Density Residential	C-4	Highway Business
R-5	Mixed Residential	M-1	Limited Industrial
R-6	Manufactured Home (Mobile) Park	M-2	General Industrial
PH	Park Historic	SMO	Soil Management Overlay
HO	Historic Overlay	ED	Education
OB	Office Business	OYD	Old Yellowstone District



REGULAR COUNCIL MEETING
Tuesday, March 20, 2018
6:00 p.m.

COUNCIL POLICY
PUBLIC STATEMENTS

- I. Members of the Public Wishing to Place a New Item on the Agenda Must Submit a Written Request to the City Manager No Later Than 11:00 a.m. on the Wednesday Preceding the Council Meeting.
- II. Members of the Public Wishing to Speak to an Item Already on the Agenda, Other Than a Public Hearing, Must Submit a Written Request to the City Manager by 12:00 Noon on the Monday Immediately Preceding the Council Meeting.
- III. When Speaking to the City Council Please:
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 - Direct all questions/comments to the Mayor and only the Mayor.
 - No personal attacks on staff or Council.
 - Speak to the City Council with Civility and Decorum.
- IV. The City Council Will Not Respond to Any Comments or Questions Concerning Personnel Matters. Any Such Comments or Questions Will be Handled by the Appropriate Persons. Public Hearing Comments and Presentations Will be Limited to Five Minutes or Less per Person, nor Will Time Extensions be Permitted. No Duplication of Speakers will be Allowed.
- V. Questions Posed by Speakers May, or May Not be Responded to by Council Members.
- VI. Willful Disruption of, or the Breach of the Peace at, a Council Meeting may Result in the Removal of any Such Individuals or Groups from the Council Chambers.

(These Guidelines Are Also Posted at the Podium in the Council Chambers)

AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSIDERATION OF MINUTES OF THE MARCH 6, 2018 REGULAR COUNCIL MEETING, AS PUBLISHED IN THE CASPER STAR-TRIBUNE ON MARCH 13, 2018
4. CONSIDERATION OF MINUTES OF THE FEBRUARY 27, 2018 EXECUTIVE SESSION – PERSONNEL AND LITIGATION

Public Safety



Sustainability
of Assets & Services

5. CONSIDERATION OF BILLS AND CLAIMS

6. BRIGHT SPOTS IN OUR COMMUNITY- ASHLEY BRIGHT, BOYS & GIRLS CLUB

7. ESTABLISH DATE OF PUBLIC HEARING

A. Consent

1. Establish April 3, 2018, as the Public Hearing Date for Consideration of:

- a. Transfer Ownership, Operation, and Maintenance of the **Hanly Acres Subdivision Water System** to the **Town of Mills**.

8. PUBLIC HEARING

A. Minute Action

1. New **Restaurant Liquor License No. 38** for Wonderful House Casper, Inc., d/b/a **Wonderful House**, Located at 221 South Montana.

X 9. THIRD READING ORDINANCE

• A. Consent

1. Update **Section 17.12.124** (Towers) of the **Casper Municipal Code**.

Y 10. SECOND READING ORDINANCE

• A. Consent

1. Amending Section 17.12.120 of the Casper Municipal Code Pertaining to **Fences, Walls, Hedges, Shrubs, Trees, Accessory Buildings and Accessory Uses**.

11. RESOLUTIONS

A. Consent

1. Authorizing an Agreement with JTL Group, Inc., DBA **Knife River, Inc.**, in the Amount of \$263,639, for the **2018 CPU Asphalt Repair Project**.
2. Authorizing a Contract for Professional Services with **Concrete Stabilization Technologies, Inc.**, in the Amount of \$91,740 for the **Bryan Stock Trail Stabilization Project**.



11. RESOLUTIONS (continued)

A. Consent

3. Authorizing Amendment No. 1 to the Agreement with **Raftelis Financial Consultants, Inc.**, in the Amount of \$22,100, for the **System Investment Charge/Cost of Services Study**.
4. Accepting a 20-Foot Right-of-Way Easement from **Steve M. Carter**, in the Amount of \$6,563.95, as part of the **West Casper Zone II Water System Improvements Project**.
5. Authorizing a Contract for Professional Services with **Hopper Disposal, Inc.**, for providing **Solid Waste Disposal Services**.
6. Approving Amendment No. 1 to the **Franchise with Bresnan Communications, LLC**.
7. Declaring **Coban Equipment as Surplus Property** and Authorizing the **Destruction of Same**.
8. Establishing **Uniform Procedures, Costs and Charges** for Inspecting, Copying, and Producing **Public Records**.

12. MINUTE ACTION

A. Consent

1. Authorizing the Purchase of Two (2) New **One Ton Dually Pickup Trucks** with Platform Beds from **Fremont Motor Company**, Casper, Wyoming, in the Total Amount of \$99,543, for Use by the Streets and Traffic Division of the Public Services Department.
2. Appointing **Dr. Sara Smith** to the **Casper-Natrona County Board of Health**.

→ 13. COMMUNICATIONS

A. From Persons Present

14. INTRODUCTION OF MEASURES AND PROPOSALS BY MEMBERS OF THE CITY COUNCIL

15. ADJOURN INTO EXECUTIVE SESSION - PERSONNEL



Upcoming Council meetings

Council meetings

6:00 p.m. Tuesday, April 3, 2018– Council Chambers

6:00 p.m. Tuesday, April 17, 2018 – Council Chambers

Special session – Council meeting (Ward I Interviews) & Work session

4:30 p.m. Wednesday, March 21, 2018 – Council Chambers & Council Meeting Room

Special session – Council meeting (Ward I Swearing-in) & Regular Work session

4:30 p.m. Tuesday, March 27, 2018 – Council Chambers & Council Meeting Room

Work sessions

4:30 p.m. Tuesday, March 27, 2018 – Council Meeting Room

4:30 p.m. Tuesday, April 10, 2018– Council Meeting Room

ZONING CLASSIFICATIONS

FC	Major Flood Channels & Riverbanks	PUD	Planned Unit Development
AG	Urban Agriculture	HM	Hospital Medical
R-1	Residential Estate	C-1	Neighborhood Convenience
R-2	One Unit Residential	C-2	General Business
R-3	One to Four Unit Residential	C-3	Central Business
R-4	High-Density Residential	C-4	Highway Business
R-5	Mixed Residential	M-1	Limited Industrial
R-6	Manufactured Home (Mobile) Park	M-2	General Industrial
PH	Park Historic	SMO	Soil Management Overlay
HO	Historic Overlay	ED	Education
OB	Office Business	OYD	Old Yellowstone District

RESOLUTION NO.18-178

**A RESOLUTION AMENDING RESOLUTION NO. 17-155, CHANGING
THE ORDER OF BUSINESS FOR REGULAR COUNCIL MEETINGS
FOR THE CITY OF CASPER, WYOMING AND REMOVING THE
OPTION OF "CONSENT" FOR THE SECOND (2ND) AND
THIRD (3RD) READINGS OF ORDINANCES**

WHEREAS, The City Council of Casper, Wyoming would prefer to have members of the public speak at the beginning of Council meetings and to permit the public to comment on proposed Ordinances on the second (2nd) and third (3rd) readings, without the necessity of submitting a written request by 12:00 Noon on the Monday preceding the Council meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Resolution No. 17-155, providing for Rules of the City Council of Casper, Wyoming is amended:

Paragraph 2.0 ORDER OF BUSINESS. Agenda shall read:

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Consideration of Minutes.
- D. Consideration of Bills and Claims.
- E. Bright Spot, Proclamations, Petitions and Memorials.
- F. Communications from persons present – open mike (not Public Hearings)
- G. Public Hearings.
 - i.) Ordinances – First Reading
 - ii.) Resolutions requiring a Public Hearing
 - iii.) Minute Action
- H. Communications From Persons Present,- regarding Ordinances on Second and Third Reading.
- I. Ordinances on Second and Third Reading.
- J. Resolutions – not requiring a Public Hearing.
- K. Minute Actions.

- L. Introduction of Measures and Proposals by Members of the City Council.
- M. Executive session – for matters coming within the purview of W.S. 16-4-405; such matter(s) shall be stated in the motion to go into executive session.
- N. Adjournment.

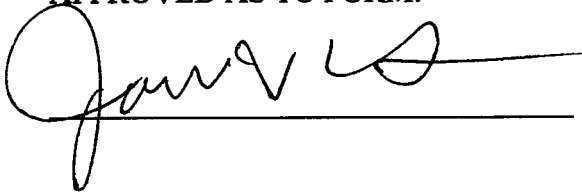
Paragraph 6.2 A. shall have the first word of that paragraph, "Ordinances," stricken.

Paragraph 6.2 A. 1. is stricken and paragraph 6.2 A. 2. Shall be renumbered as 6.2 A.1.

Paragraph 6.3 shall be stricken.

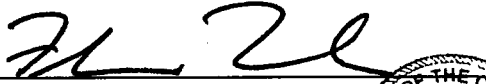
PASSED, APPROVED AND ADOPTED this 7th day of August, 2018.

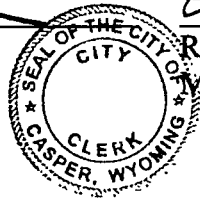
APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING,
A Municipal Corporation


Fleur D. Tremel
City Clerk




Ray Pacheco
Mayor

Resolution 17-155

2. ORDER OF BUSINESS. See 18-178

2.1 Agenda.

The following shall be the order of business.

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Consideration of Minutes.
- D. Consideration of Bills and Claims.
- E. Public Hearings. ~~Public Hearing~~
- F. Petitions and Memorials.
- G. Unfinished Business.
 - 1. Ordinances on Second and Third Reading.
- H. New Business.
 - 1. Ordinances on First Reading.
 - 2. Resolutions.
 - 3. Reports.
 - 4. Other.
- I. Communications from Persons Present.
- J. Introduction of Measures and Proposals by Members of the City Council.
- K. Adjournment.

2.2. "Public Hearing" Comments and "Communications from Persons Present Restrictions":

Persons commenting at "Public Hearings" (Sub-section 2.1 E. above) or during "Communications from Persons Present" (Sub-section 2.1 I. above) shall each be limited to five (5) minutes for making their comments to Council. The Mayor shall have the authority, in the event of a large assembly of individuals planning to make comments to Council, to limit the comment period to three (3) minutes for each individual intending to comment. The following restrictions shall apply to the Council and individuals making comments to the Council:

- A. Individuals commenting to Council should not repeat comments already made to Council by another individual.
- B. Council members may question an individual regarding their comments. However, Council members shall not make comments or statements regarding any such individual's comments until after a Public Hearing is closed, and then only during the discussion portion of the meeting by Council, or during the "Introduction of Measures and Proposals by Members of the City Council" (Section 2.1 J. above).
- C. A "Motion to Suspend the Rules" to allow any individual more time to present their comments to Council shall not be available to Council and shall be out of order.

to adjourn shall be in order after the "previous question" has been sustained, and before the main question is put, but no other motion shall be in order.

5.8 Duty to Vote.

Every member shall vote who may be within the bar of the Council when the question is put unless, for special reasons, he be excused on motion duly made and carried. A motion to be excused shall be made before the call of the ayes and nays is commenced. When the ayes and nays are being taken, the call shall not be interrupted for any purpose whatsoever, except the right of each member to note his desire to explain his vote.

5.9 Explanation of Vote.

Immediately after the vote on any question has been announced, and at no other time, any member may explain his vote.

5.10 Protest.

It shall be in order for any member, or members, of the Council to protest against the action of the Council and have such protest entered briefly in the minutes.

5.11 Appeal.

A majority of all the votes of the members present shall be sufficient to sustain or reject appeal from the decision of the Presiding Officer of the Council.

5.12 Rule Source.

The rules of parliamentary practice as set forth in the most recent edition of Roberts Rules of Order shall govern the Council in all cases unless otherwise more specifically provided in the Rules and Orders of the Council.

5.13 Change of Rules.

No standing rule of the Council shall be rescinded, changed, or suspended, except by a vote of a majority of the members of the Council serving in office.

6. GENERAL POLICIES.

6.1 It shall be the General Policy of the Council that appointees to all advisory and quasi-legislative commissions shall be for no longer than two (2) terms.

6.2 Members of the public wishing to place a new item on the agenda must submit a written request to the City Manager no later than 11:00 a.m. on the Wednesday preceding the Council meeting.

A. Ordinances, Resolutions, and minute action items may appear under "consent" in the agenda. Such items shall be removed from the consent agenda for one of the following reasons:

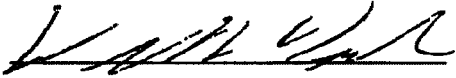
1. A member of the public wishes to speak to a specific item and follows the procedures as provided in 6.3.

6. A member of the Council wishes to have said item(s) removed for the purpose of debate, amendment, tabling, or postponing.

6.3 Members of the public wishing to speak to an item already on the agenda, other than a public hearing, must submit a written request to the City Manager by 12:00 Noon on the Monday immediately preceding the Council meeting. Public comment is always invited by the City Council at the end of each meeting.

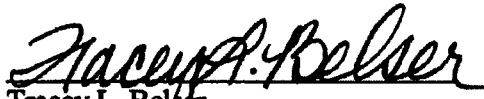
PASSED, APPROVED, AND ADOPTED on this 18th day of July, 2017.

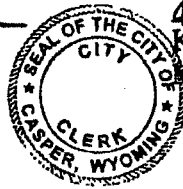
APPROVED AS TO FORM:

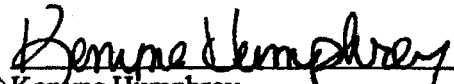


ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation


Tracey L. Belsler
City Clerk




Kenyne Humphrey
Mayor

July 22, 2020

MEMO TO: City Council
J. Carter Napier, City Manager *JCN*

FROM: John Henley, City Attorney *JH* *W.T. (for John Henley)*

SUBJECT: An Ordinance Amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code

Meeting Type & Date

Work Session
August 25, 2020

Action type

Information and Direction Requested
Consideration of Amendment to Section 2.60.050 to the Code of Ethics of the Casper Municipal Code

Recommendation

Review and provide direction regarding the proposed Amendment to Section 2.60.050 of the Code of Ethics, of the Casper Municipal Code.

Summary

On October 15, 2019, the City Council passed Ordinance No. 20-19 creating Chapter 2.60 Code of Ethics. Find attached a proposed Amendment to Section 2.60.050 – Official decisions and votes. The attached Ordinance provides red-lines noting changes in Section 2.60.050.

Section A., was created for purposes of formatting and the addition of Sections B. and C. (referenced below). The verbiage that previously existed in Section 2.60.050 was not significantly modified and still exists, except in a different format to allow for the addition of Sections B. and C.

Section B., is an addition to this Section which provides for a “Conflict of Interest” definition and explains the motivation and rationale of the proposed amendment; this section also provides for a procedure and process if a conflict of interest or a potential conflict of interest were to arise. The procedure includes a duty to disclose conflicts of interest in connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the Council. Additionally, the amendment and addition to this section discusses the process after disclosure of the conflict of interest or potential conflict of interest, and if/when a duty to abstain from voting is appropriate.

Section C., establishes that should a council-member vote as a city council-member, he or she shall be precluded from taking any financial ownership in the matter voted upon, for the entirety of the time that the council-member is on Council and or is a City Council board or commission appointee.

Financial Considerations

None anticipated

Oversight/Project Responsibility

Mayor and Vice Mayor and City Council Members
City Attorney

Attachments

Proposed Ordinance Amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 2.60.050 TO THE
CODE OF ETHICS OF THE CASPER MUNICIPAL CODE.

WHEREAS, the members of the City Council desire to conduct their business in a manner that is legally and ethically beyond reproach; and

WHEREAS, on October 15, 2019, the City Council passed Ordinance No. 29-19 creating Chapter 2.60 Code of Ethics; and

WHEREAS, since 2015 the City Council has determined the following modifications and additions to Section 2.60.050 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the Section 2.60.050 of the Casper Municipal Code is hereby amended and replaced as follows:

2.60.050 – A. Official decisions and votes.

A.1. A public official or public member shall not make an official decision or vote on an official decision if the public official or public member has a personal interest in the matter. In determining whether he or she has a personal interest in a matter, the public official or public member shall recognize the importance of his or her right to represent his or her constituency and shall abstain from voting only in clear cases of a personal interest, as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself or herself except for tax reductions affecting the general public. For purposes of this section, a personal interest is:

~~1.~~ With respect to the public official or public member, an interest which is direct and immediate as opposed to speculative and remote; and

a.

~~2.~~ An interest that provides the public official or public member, a greater benefit or lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

2. ~~B.~~ A public official or public member, described by subsection "a" of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's or public member's abstention from voting must be recorded in the city's, board's or committee's official records.

3. ~~C.~~ This section shall not be construed to supersede Wyoming Statutes Sections 15-9-220, or 16-6-118. Those provisions shall control to the extent inconsistent with this section.

B. Definition of/purpose for Conflict of Interest. Prohibition.

1. Definition of "Conflict of Interest" A conflict of interest will be deemed to exist, whenever an individual is in the position to approve or influence policies or actions of the City of Casper or one of its boards or commissions (hereafter City), or reasonably appears to be in a position to approve or influence policies or actions of the City, which involve or could harm, or benefit financially: (i) the individual; (ii) any member of the member's immediate family (spouse, parents, children, brothers or sisters, and spouses of these individuals and/or cohabitation partner); (iii) any organization in which he or she or an immediate family member or cohabitation partner is a director, trustee or officer or has more than five percent equity or investment interest or the right to acquire any equity or investment interest of more than five percent; (iv) any organization in which he or she or an immediate family member or cohabitation partner has a compensation arrangement; For the avoidance of doubt, service on a joint powers board while on the City Council, and service as a liaison or representative to a City or Casper commission or board, shall not constitute a conflict of interest, but the duty of the council-member is to act in the best interest of the City.
2. Purpose. The purpose of this policy recognizes the mere appearance of a conflict may be as serious and potentially damaging to the public trust as an actual conflict. Therefore, potential conflicts must be disclosed, evaluated and managed with the same thoroughness as actual conflicts. Each city council member shall promptly disclose any conflict of interest or potential conflicts of interest that exist or may arise; a council member is to act in the best interest of the City.
3. Procedures regarding conflicts of interest:
 - a. Duty to disclose:
 - i. In connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the City of Casper or its governing body, a council member shall promptly disclose the existence of any conflict or potential conflict that may give rise to a

conflict of interest with respect to the proposed transaction, contract arrangement, policy, program or other such matter.

ii. Potential conflicts of interest can be seriously damaging to the public's trust. A council member shall promptly disclose the existence of any potential conflict of interest. When in doubt, the council member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict.

iii. If any council member has reason to believe that another council member has a potential conflict of interest, the council member with such belief shall inform the governing body, including disclosing all relevant facts and concerns relating thereto.

b. Procedures for addressing a conflict of interest.

i. If a council member declares a conflict of interest, or a potential conflict of interest exists, or two thirds of the governing body less the member with an alleged potential conflict determine that a conflict of interest exists, the conflicted member may make a presentation to the governing body in open session regarding the conflict of interest but shall only state facts; the member shall not argue for or against the item under consideration. The conflicted member shall then leave the meeting and all future meetings where the potential conflict may be discussed or considered and shall not be present during any discussion of the matter which gave rise to the conflict of interest or potential conflict of interest of the member.

c. Duty to abstain.

i. After disclosing the existence of a potential conflict, the council member shall refrain from using their potential influence (either at or outside a council meeting, or otherwise) to influence the governing body's handling of the transaction, contract, arrangement, policy, program, or other matter.

ii. No council member may vote on, or each council member must abstain from voting on, any matter in which the council member has a conflict of interest or potential conflict of interest.

C. -Preemptive policy to avoid conflicts of interest or the appearance of a conflict of interest.

1. If a council member votes on a matter before council, he or she shall decline to take any financial ownership in the transaction, contract, arrangement, policy, or other such matter upon which he or she voted, for the entirety of the time that member is a member of city council and/or is a city council board or commission appointee.

(Ord. No. 29-19, 10-15-2019)

PASSED on 1st reading the ____ day of _____, 2020

PASSED on 2nd reading the ____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED on third and final reading the _____ day of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor

August 20, 2020

MEMO TO: City Council
J. Carter Napier, City Manager *JCN*

FROM: John Henley, City Attorney *JH*

SUBJECT: Process and Collection of Local Assessment District (LAD) Debts

Meeting Type & Date

Work Session
August 25, 2020

Action type

Information and discussion

Recommendation

The billing and collection process for LAD assessments and liens and demolition liens be strengthened; more frequent contact, yearly verification of valid addresses, change of ownership and property tax monitoring will occur. Foreclosure options will be pursued if anticipated benefits are greater than the costs of such foreclosure.

Summary

Purpose

Several property owners have come before the Governing Body of the City of Casper to discuss and/or dispute local assessment district (hereafter LAD) debts, preliminarily due to claims of ineffective billing of the debts. The property owners indicate they did not receive notice or billings for various reasons, mainly that billings were sent to the property address of where the LAD improvement took place, at which the owners did not reside. The City Attorney's Office was requested to review and provide options, or a plan to improve the LAD billing and collection process.

Information Regarding Process

The City has the authority to provide for the making and maintenance of local improvements¹ and to levy and collect from property owners on the local improvement by special assessment on the property to pay all or part of the cost for the improvement.

¹ "Improvement" means any lawful local improvement of any kind, which the government finds to be of special benefit to the property proposed to be assessed for the cost thereof. Wyo. Stat. § 15-6-101 (a)(iv).

The process for the City to establish and create the LAD is governed by Wyoming Statutes.² After Council, by resolution, declares and intention to make the improvement, a notice is published and mailed as required by Wyoming State Statutes. Owners have an opportunity to oppose the creation of the LAD by signing a petition. If the improvement is not opposed by a majority of the property owners the improvement can move forward; once the improvements are completed, the final assessment amount is calculated and a lien is placed on the property. The Engineering Department provides cost assessment information to the Finance Department who then sends out notices to property owners which demand payment for the LAD improvement.

The initial notice and billing states the amount of assessment for the particular property address. Owners have the option to pay the entire assessment at the beginning of the assessment billing, which includes a ninety (90) day no-interest grace period. If property owners decide to make installment payments on the assessment after the no-interest grace period has lapsed, then the property owner is billed on an annual basis over a ten (10) year period (ten installments, which include interest and may include late fees).

Current Policy and Billing Process

Generally, the practice of the City of Casper has been as follows:

1. If the owner chooses the annual billing option, Casper's Finance Department sends billing statements to property owners once a year. If the billing is not paid, the notice is sent out the following year.
2. Because the LAD lien is recorded and the chain of title is clouded. The LAD lien is satisfied usually upon sale of the property, *if* the property is sold.

The vast majority of LAD liens are paid. Currently LAD Districts 153 and 156 are still pending. LAD 153 improved 310 properties; all but 6 of those have been paid in full and 1 of those which still have a balance due, have made no payments. LAD 156 improved 289 properties; all but 34 of those have been paid in full and 21 of those which still have a balance due have made no payments.

- ***If the assessment is not paid within ten (10) years after the last installment becomes delinquent, or within ten (10) years after the assessment becomes delinquent, the City is foreclosed from pursuing the debt.***³

Potential options and recommendations

In order to more effectively and efficiently collect outstanding LAD debts within their ten (10) year period, the following processes are suggested:

² Wyo. Stat. § 15-6-103.

³ Wyo. Stat. § 15-6-426.

- E-mailing billing statements to property owners in addition to relying solely on traditional USPS mailings.
- On a yearly basis cross-referencing property owner accounts to other accounts throughout the City such as water utility billings and verify mailing addresses and e-mail addresses. Keep in mind that some property owners, commonly landlords, complain of not having received notice of an LAD debt. Cross-referencing property owner accounts, with water billing account information, could help with notice issues to verify current address.
- On a yearly basis use public records, County Assessor's and District Court records, to verify current addresses or determine if the owner has passed away or declared incompetent.
- Verify with the County Treasurer's Office the status of the properties yearly property tax bill.
- Send billing statements by certified mail requiring the property owner's signature in order to prove receipt of the billing.
- Send more frequent billing statements to property owners.

*Sending a statement out approximately *two months* before the annual payment is due, and then again two weeks before payment is due. Notices should provide the due date, amount due, and ***consequences of non-payment such as interest, penalties, and potential foreclosure.***

*If the billings are not paid by five working days after the due date, the matter should be referred to the City Attorney's Office to improve collection efforts.

*City Attorney's Office starts collection efforts within a week of notice and pursues collection efforts with authority and direction of the City Manager.

*If the debt is not paid in full at the time the last payment is due the City Attorney's Office will send one letter, reminding the owner of amounts due and that the amount will grow significantly if foreclosure efforts are instituted.

*City Attorney's Office, in coordination with the Finance's Office, will analyze each situation on a case by case basis and foreclose if cost effective.

Additional Information

After commencing research of properties in Local Assessment District 156 by reviewing Natrona County Real Estate Records and Natrona County Assessor's Information, the City Attorney's Office has discovered the following scenarios:

- One property owner currently owing on a LAD debt owns more than one property in the City and has an alternate mailing address listed with the Natrona County Assessor's Office.
- One property owner is deceased and the property has been transferred to heirs who may have disregarded the notice or who may not know the consequences of non-payment of the bill.
- A property was transferred without a title company completing a title search. In addition no mortgage was seemingly placed on the property, therefore the LAD Debt was not paid prior to the transfer of the property and is still outstanding.

In addition to LAD debts/liens Code Enforcement occasionally needs to demolish or board up buildings abandoned by their owners. This bill monitoring process referenced above should also be used with emphasis on property tax payments with particular concern that those payments be kept current, pending foreclosure by the City.

Financial Considerations

Cost of employee time spent to create and send additional billings.

Cost of employee time spent to cross-reference and search for addresses.

Cost of employee time to review Natrona County Records and obtain title documents.

Expenses of additional billing statements and certified mail.

Cost of filing fees, recordation fees, closing costs, etc.

Oversight/Project Responsibility

John Henley, City Attorney

Tom Pitlick, Financial Services Director


Connie Arnold, Finance Supervisor


Liz Becher, Community Development Director

Attachments

None

August 20, 2020

MEMO TO: City Council
J. Carter Napier, City Manager 

FROM: John Henley, City Attorney 

SUBJECT: Proposed Ordinance updating and amending various sections of Chapter 6.04 - Animal Care and Control of the Casper Municipal Code

Meeting Type & Date

Work Session
August 25, 2020

Action type

Information and discussion.

Recommendation

That Council review and consider, as appropriate, An Ordinance Updating and Amending Chapter 6.04 – Animal Care and Control and the proposed amendments attached.

Summary

At the August 4, 2020, Council Meeting, Council passed various motions on the floor to amend the proposed Ordinance. Councilman Huber proposed an amendment to modify the definitions of “Feral Cat” and “Feral Dog”. The amendment is shown by the red lines below. Additional modifications were made, as shown by the blue lines, to fix technical errors.

6.04.010 Subsection 25. Definition of “Feral Cat”:

“Feral Cat” means a cat that lives outdoors and has little or no human contact **other than feeding, and no person claiming any aspect of ownership can be reasonably located.** ~~They~~ It does not allow ~~themselves~~ itself to be handled or touched by humans and will run away if able. ~~They~~ It typically remains hidden from humans, although some feral cats become more comfortable with people who regularly feed them. Even with long-term attempts at socialization, feral cats usually remain fearful and avoidant of humans.

6.04.010 Subsection 26. Definition of “Feral Dog”:

“Feral Dog” means a dog that lives outdoors, has little or no human contact **other than being fed by humans,** and typically does not allow ~~themselves~~ itself to be handled or touched by humans. **No person claiming any aspect of ownership in the animal can be reasonably located.**

Additionally, Council passed a motion on the floor to amend Section 6.04.210 Neglect, specifically the provision limiting the time period animals can be tethered. Council voted to remove Subsection D. 1. as follows: (Modifications shown by redline).

6.04.210

D. Animals may be tethered as a means of confinement only in accordance with the following:

~~1. Animals may not be tethered longer than ten (10) hours in any twenty-four (24) hour period.~~

1. Animals may not be tethered on a line less than three (3) times their body length as measured from the tip of the nose to the tip of the tail, or eight (8) feet, whichever is more; the safety of the animal shall not be at risk by the use of a tether.
2. Animals may not be tethered on a line that weighs more than one quarter of the animal's body weight.
3. The tether shall be strong enough to restrain the animal.

At the most recent work session, Vice Mayor Lutz made reference to modification of Section 6.04.210 regarding tethering. Find attached Proposed Amendment No. 1, modifying 6.04.210 D. by adding numbers 4. and 5. which provide for greater restrictions in terms of the type of collar and harness that can be used while tethering an animal, and adding language that would require the area across which a tethered animal may reach to be reasonably free of obvious entanglement risks.

Additionally, during the modification of the Ordinance several technical errors were discovered; find attached proposed Amendment No. 2 regarding the corrections of the technical errors.

Councilman Bates has four additional amendments he intends to offer. Attached are Proposed Amendment No. 3 Release of feral cats and dogs to TNR program, Proposed Amendment No. 4 Permitting feral cats and dogs to be fed, Proposed Amendment No. 5 Removing ducks from fowl - local restrictions and Proposed Amendment No. 6 Amendment to 6.04.210 Neglect addressing tethering.

Financial Considerations

None

Oversight/Project Responsibility

John Henley, City Attorney (Ordinance Amendments)

Scott Schell, Police Department, Animal Protection Supervisor

Attachments

Ordinance after second reading

Proposed Amendment No. 1

Proposed Amendment No. 2

Proposed Amendment No. 3

Proposed Amendment No. 4

Proposed Amendment No. 5

Proposed Amendment No. 6

Proposed Amendment 1, Amendment to 6.04.210 Neglect

6.04.210 Neglect.

I move to amend Section 6.04.210 Neglect, Subsection D. by adding numbers 4 and 5:

D. Animals may be tethered as a means of confinement only in accordance with the following:

1. Animals may not be tethered on a line less than three (3) times their body length as measured from the tip of the nose to the tip of the tail, or eight (8) feet, whichever is more; the safety of the animal shall not be at risk by the use of a tether.
2. Animals may not be tethered on a line that weighs more than one quarter of the animal's body weight.
3. The tether shall be strong enough to restrain the animal.
4. The dog must be tethered by a non-choking collar of appropriate size and sufficient strength, or, in the alternative, to a body harness of appropriate size and sufficient strength.
5. The area across which the tethered animal may reach is reasonably free from obvious entanglement risks.

Proposed Amendment 2.

Amendment to 6.04.325 Police canine exclusions, exemptions.

I move to amend Section 6.04.325 – Police canine exclusions, exemptions to read as follows:

6.04.325 - Police canine exclusions, exemptions.

Police canines working on duty with law enforcement personnel are excluded from Sections ~~6.04.010(2.)~~, 6.04.010(87), 6.04.010(19) and 6.04.010(3423); and are exempted from Sections 6.04.170(C) through (G) and (I), ~~and (J), and 6.04.300.~~

Commented [HB1]: 6.04.010(2) is "aggressive animal" we added this definition when we first started working on the code.

In the current published code 6.04.010(19) is the definition of a "domesticated animal" However, the amended section 6.04.010(19) is defined as dangerous animal.

6.04.010(7), prior to this proposed amendment is defined as "At Large" which is now 6.04.010(8)

6.04.010(23), prior to this proposed amendment was defined as "license tag", the definition of "license tag is now 6.04.010(34).

6.04.170 J. doesn't exist

Section 6.04.300 is reserved.

Amendment to 6.04.010 (19.) "Dangerous Animal"

I move to amend Section 6.04.010 – Definitions, subsection 19, definition of "Dangerous animal" as follows:

19. "Dangerous animal" means any animal under the totality of circumstances, which poses an unacceptable risk of injuring a human, a pet or property. Indicia of a dangerous animal shall include, but not be limited to, aggressive lunging, growling, snarling, nipping, ~~and bearing~~ baring teeth.

Proposed Amendment 3 (release of feral cats and dogs to TNR program)

Amendment to 6.04.240 Trapping restrictions for dogs and cats.

I move to amend Section 6.04.240B. to read as follows:

A. No traps shall be used for the capture of an animal by any person within the city of Casper, other than humane live box traps. Also, no traps shall be set when trap temperatures exceed ninety degrees Fahrenheit or fall below thirty-two degrees Fahrenheit.

B. Animals captured, other than feral cats and feral dogs, must be turned over to MAS as soon as reasonably possible, or may be returned to the owner, if known. Feral cats and feral dogs captured pursuant to trap, neuter, and return (TNR) program or effort, shall be provided to a TNR organization or the TNR volunteer for neutering and return.

C. Traps must be checked every four hours unless they are set in such a manner as to provide proper shelter once the animal is confined.

D. Animal control protection officers may go onto private property, exclusive of buildings, to remove a trapped animal.

Proposed Amendment 4 (permitting feral cats and dogs to be fed)

I move to amend 6.04.040 Keeping of pets, livestock or fowl; limitations.; feeding of non-domesticated animals prohibited.

Current Subsection C. 1.

6.04.040 - Keeping of pets, livestock or fowl; limitations.; feeding of non-domesticated animals prohibited.

C. Feeding of Non-domesticated Animals Prohibited.

1. It shall be unlawful for any person to provide shelter, feed, or to otherwise entice any non-domesticated animal(s) to gather or frequent, with the exception of birds, ~~and~~ squirrels, ~~but including feral cats, feral dogs,~~ and turkeys, onto any public area or onto the property of the person, ~~were~~ where such animals are not deemed or claimed to be the property of the person or the caretaker thereof. This shall not apply to property owners attempting to trap non-domesticated animal(s) already coming onto their property by use of a live box trap. Feral cats and feral dogs are not considered non-domesticated animals.

Proposed Amendment 5 (removing ducks from Fowl - local restrictions)

I move to amend 6.04.260 Fowl – Other than chickens – Location restrictions to read as follows:

6.04.260 - Fowl—Other than chickens and ducks—Location restrictions.

~~Ducks, Geese or turkeys may be kept and maintained within the Animal Control District City only in areas which are properly zoned for such use, or a zoning board of adjustment exception has been allowed. Such exceptions may be granted for organized youth group projects.~~

Commented [DJ1]: Exceptions require an “undue hardship” under Title 17. Undue hardships require showing a physical condition of the land that makes the permitted purpose of the land so impractical as to warrant the conclusion that the lawful use of the land will be destroyed without it. Also, exceptions run with the land.

I move to amend 6.04.010 Section 27 Fowl – to read as follows:

6.04.010 Section 27 – “Fowl” includes feathered animals regardless of age, excluding chickens or ducks and parrots.

I move to amend 6.04.270 to read as follows:

6.04.270 – Chicken hens and ducks – Enclosure and other limitations.

Chicken hens or ducks shall be permitted in association with an occupied single-family residential dwelling/structure as an accessory use, subject to the following regulations:

1. The maximum number of chicken hens or ducks permitted shall be six.
2. No roosters shall be permitted, with the exception that roosters shall be permitted in the AG (urban agriculture) zoning district.
3. Chicken hens or ducks shall be permitted. Chicken hens may be any breed or crossbreed of chicken. No hybrids will be allowed unless properly zoned, or a conditional use permit has been approved by the planning and zoning commission.
4. Chicken hens and ducks shall be provided with a covered, fully enclosed and predator-resistant coop which is adequately ventilated, designed for easy access for cleaning, and shall consist of an enclosed area (may include the pen) of at least five square feet per chicken hen and duck. Chicken hens and ducks shall be protected from predators by being enclosed in the coop/pen from dusk until dawn.
5. During daylight hours, the chicken hens or ducks shall have access to the coop/pen at all times. If the chicken hens or ducks are permitted outside of the coop/pen, then the area which they have access to must be secured, with a minimum of a six foot high privacy fence, and if necessary, wing feathers shall be clipped to prevent the birds from flying and escaping.
6. The coop/pen shall be cleaned and maintained so as not to cause excessive smells or odors, dust, or attract excessive insects or vermin. The frequency of cleaning

shall depend on the number of chicken hens or ducks, the type of litter, the area of the coop, and the weather. Section 6.04.090 shall apply to the enforcement of chicken or duck waste, to include unharvested eggs, and the owner's responsibilities.

7. No butchering of chickens or ducks is permitted within the city limits.
8. Coops and pens shall be constructed a minimum of six feet from side and rear property lines, and are only permitted in the rear yard of a home. If an alley is located adjacent to the property, the minimum setback for the coop/pen shall be three feet from the alley.
9. it is unlawful for chicken hens or ducks to be at large, as defined in Section 6.04.010. Any chicken hen or duck found to be at large may be taken into possession and impounded by Metro Animal Services, and shall be adopted, rehomed or euthanized if not reclaimed within five working days.
10. Chicken hens and ducks shall be provided with access to adequate and fresh water at all times, and in a manner to prevent the water from freezing.
11. No coop/pen shall exceed a footprint of sixty square feet, or shall exceed a height of seven feet at the highest point of the roof.
12. Chicken and duck feed shall be stored in an airtight, metal container to discourage Attracting mice, rats and other vermin.
13. Chicken hens and ducks shall be confined in such a fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.
14. The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens or ducks contained in private covenants. Nothing in this chapter shall affect the authority of any owners' association to adopt and enforce more stringent standards for the keeping of chicken hens or ducks, or to prohibit outright the keeping of chicken hens or ducks on any property within the jurisdiction of such association.

6.04.210 Neglect.

I move to amend Section 6.04.210 Neglect, Subsection D. by adding numbers 6, 7 and 8, presuming that Amendment No. 1 passes:

D. Animals may be tethered as a means of confinement only in accordance with the following:

1. Animals may not be tethered on a line less than three (3) times their body length as measured from the tip of the nose to the tip of the tail, or eight (8) feet, whichever is more; the safety of the animal shall not be at risk by the use of a tether.
2. Animals may not be tethered on a line that weighs more than one quarter of the animal's body weight.
3. The tether shall be strong enough to restrain the animal.
4. The dog must be tethered by a non-choking collar of appropriate size and sufficient strength, or, in the alternative, to a body harness of appropriate size and sufficient strength.
5. The area across which the tethered animal may reach is reasonably free from obvious entanglement risks.
6. Both food and water shall be provided in non-spill containers for tethered animals.
7. A means of escaping severe temperatures and weather must be provided to tethered animals.
8. If the animal owner has a fenced yard which will contain the owner's animals, the animals may only be tethered for two (2) hours in a twenty-four (24) hour period. If the owner does not have a fenced yard which will contain the owner's animals, the animals may be tethered no more than ten (10) hours in a twenty-four (24) hour period.

ORDINANCE NO.

AN ORDINANCE UPDATING AND AMENDING CHAPTER 6.04 INCLUDING SECTIONS 6.04.010, 6.04.040, 6.04.180, 6.04.210, 6.04.300, 6.04.301, 6.04.305, AND 6.04.325 OF THE CASPER MUNICIPAL CODE.

WHEREAS, Casper Municipal Code addressing animal care and control needs modification from time to time to provide for greater protection for animals; and,

WHEREAS, the Animal Code was repealed and replaced in its entirety in February of 2019, and since such time animal control officers have requested changes to the Code; and,

WHEREAS, the City is authorized to regulate and take measures to prevent conduct which disturbs or jeopardizes the public health, safety, and peace; and,

WHEREAS, it is in the best interest of the citizens of the City of Casper to promote responsible care and control of animals.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following sections of Chapter 6.04 of the Casper Municipal Code are hereby amended and replaced, and shall be codified as follows:

6.04.010 - Definitions.

When used in this Chapter, words have their common meaning and in addition the following words, terms, and phrases, and their derivations have the following meanings:

1. "Abandon" means a person leaves an animal on public or private property without permission to ensure proper care and supervision. An animal that is left in the Metro Animal Shelter for seven (7) working days, shall be deemed abandoned.
2. "Aggressive Animal"
 - A. means any animal not on the owner of the animal's property, that has attacked a domestic animal or livestock in such a manner that resulted in physical contact between the animals not necessarily requiring medical treatment to either animal, or;
 - B. any animal that has chased, approached or otherwise interacted with a human being, domestic animal or livestock in an intimidating or aggressive manner.

These behaviors shall be prima facia evidence that an animal(s) is aggressive and there is a rebuttable presumption that the animal(s) is aggressive.

3. "Altered" means neutered; spayed or castrated.
4. "Animal" means any live vertebrate creature, domestic or wild.
5. "Animal control district" means the City of Casper, Wyoming.
6. "Animal protection officer" means any person designated by the director as a special municipal officer who is qualified to perform such duties under this chapter and the laws of this state.
7. "Animal services shelter" means any facility operated by a municipal agency, or its authorized agents for the purpose of housing, impounding or caring for animals held under the authority of this chapter or state law.
8. "At large."
 - a. The definition of "at large" in this Chapter, is subject to and subservient to Sections 6.04.301 to 6.04.303 of this Chapter addressing dangerous or vicious animals. For dangerous or vicious animals, any violation of Sections 6.04.301 to 6.04.303 are violations also of the "at large" provisions of this Chapter.
 - b. i. A non-vicious, non-dangerous animal is deemed "at large:"
 - (a) If it is off the owner's property and not leashed or in an enclosed carrier; or
 - (b) If it is on the owner's property and not under the direct supervision of the owner or not confined to the extent that the animal cannot leave the boundaries of the property; examples of confinement are by use of fencing or other secure enclosures or by tethering.
 - b. ii. A non-dangerous or non-vicious animal shall not be considered "at large" when held and controlled by a person by means of a leash or chain of proper strength and length to control the action of the animal, or while confined within a vehicle. If the animal within a parked vehicle can extend its entire head outside the enclosed cabin compartment of the vehicle or beyond the side of a truck bed, that animal shall be deemed at large.
 - b. iii. A non-dangerous or non-vicious dog is not considered to be at large if within the interior of designated areas which permit dogs to be off leash, as established by the City of Casper.
 - b. iv. Under any circumstance, on a City-owned Golf Course.
9. "Attack" means an aggressive or violent action against a person or animal. If the animal being accused of an attack, was responding to an aggressive or violent action by a person or animal not on the person's property or the animal owner's property, this circumstance should be considered as a possible mitigating factor by the Court.
10. "Cage and aviary birds" means those exotic captive reared birds, such as parrots, exotic finches, and canaries, which are adapted to live and breed in a cage. For the purpose of this chapter the monk parakeet (*myiopsitta monachus*) is not a cage and aviary bird.
11. "Cat" A member of the feline family and shall not include feral cats, exotic wild cats, wild species of this family or hybrids thereof.

12. "Chicken" a domestic fowl kept for its production of eggs and meat.
13. "Circus" means any nonresident variety show which features animal acts.
14. "City-county health officer" means a representative of the Natrona County-City of Casper Health Department, or a health official designated by the Casper City Manager.
15. "Clean" means:
 - A. The premises are free of feces and urine as to not cause offensive odors or unsanitary conditions in the enclosure(s), yard or surrounding areas.
 - B. Does not draw in flies or insects to the area and/or resulting in injury or illness to the animal(s).
 - C. The area is free of physical hazards and/or risks to the animal(s). (i.e. excessive items cluttering the property, broken or sharp objects.
16. "Commercial animal establishment" means any pet store, grooming shop, auction, riding school or stable, circus performing animal exhibition, kennel or other establishment in which animals are used for commercial purposes.
17. "Commercial purpose" means the keeping of animals for the purpose of profit.
18. "Control" means an animal which:
 - a. is under a physical restraint so as to not be allowed to engage a passerby or other animal; such as a leash or in an enclosed carrier.
19. "Dangerous animal" means any animal under the totality of circumstances, which poses an unacceptable risk of injuring a human, a pet or property. Indicia of a dangerous animal shall include, but not be limited to, aggressive lunging, growling, snarling, nipping, and baring teeth.
20. "Direct supervision" as used in the definition of "at large," above, means: The owner of the animal is in the same area as the animal and not separated by any barrier; the owner must be able to immediately see and effectively call and manage the animal.
21. "Director" means the City Manager or his/her designee.
22. "Dog" A member of the canine family, but shall not include wild species of this family, or any hybrid thereof.
23. "Domesticated animals" means those individual animals which have been made tractable or tame.
24. "Facilities for keeping" The pens, stalls, stables, corrals, feeding area, sheds and facilities of every kind where fowl, livestock or pets are penned, fed and/or protected from the weather. This shall not be interpreted to include a grazing area.
25. "Feral Cat" means a cat that lives outdoors and has little or no human contact other than feeding, and no person claiming any aspect of ownership can be reasonably located. It does not allow itself to be handled or touched by humans and will run away if able. It typically remains hidden from humans, although some feral cats become more

comfortable with people who regularly feed them. Even with long-term attempts at socialization, feral cats usually remain fearful and avoidant of humans.

26. "Feral Dog" means a dog that lives outdoors, has little or no human contact other than being fed by humans, and typically does not allow itself to be handled or touched by humans. No person claiming any aspect of ownership in the animal can be reasonably located.
27. "Fowl" includes feathered animals regardless of age, excluding parrots and chickens.
28. "Grooming shop" A commercial establishment where animals are bathed, clipped, or otherwise groomed.
29. "High Risk Rabies Vector" means raccoon, skunk, fox, coyote and bat.
30. "Impound" means to place an animal in the Metro Animal Shelter, or the taking into custody of an animal.
31. "Isolation facility" means any place specified by the Director or his/her designee which is equipped with a pen or cage which isolates an animal from contact with other animals.
32. "Kennel" or "cattery" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, or any residence or property on which is maintained more than three dogs and three cats more than six months of age. It is illegal to maintain a kennel or cattery contrary to the terms of this code, in a zone or location in which a kennel or cattery is not permitted.
33. "License" means permission issued by the Director, or his/her designee, authorizing the holder to keep a dog or cat. An identification tag shall be issued for each animal licensed. A valid rabies vaccination is required to obtain a license.
34. "License Tag" means a tag of a design prescribed by the Director, or his/her designee, which bears the corresponding number of the dog or cat's license.
35. "Licensed Veterinarian" A practitioner of veterinary medicine who holds a valid license to practice their profession in the state in which they practice.
36. "Licensing authority" means Metro Animal Services (MAS).
37. "Livestock" Includes any species of equine, bovine, ovine, swine, caprine or any hybrid thereof, regardless of age, sex, breed, size or purpose; inclusive of all ungulates.
38. "Local Rabies Control Authority" The Metro Animal Protection Supervisor, as appointed by the Casper Chief of Police.
39. "MAS" means Metro Animal Services
40. "Microchip" means an identifying integrated circuit which is placed under the skin of an animal.
41. "Owner" includes a person who owns, harbors, keeps, maintains or exercises control over an animal. Proof that a person is in control of a premise where an animal is usually kept, harbored or maintained shall establish a prima facie presumption that such person is the owner of such animal.

42. "Parrot" Any of numerous tropical and semi-tropical birds of the order of Psittaciformes, characterized by short hooked bills, brightly colored plumage and in some species the ability to mimic human speech.
43. "Pen or corral" An enclosure in which livestock are kept.
44. "Performing animal exhibition" Any spectacle, display, act or event other than circuses, in which performing animals are used.
45. "Pet" Any animal normally kept for pleasure rather than utility, excluding those defined as fowl, livestock or wild by this code.
46. "Pet shop" Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys, sells or boards any species of pets.
47. "Premises" A parcel of land (one or more contiguous lots) owned, leased or controlled by one or more persons.
48. "Proper shelter" means a structure with three (3) sides, a top and a bottom or a commercially manufactured structure, which includes an igloo styled house, designed and marketed to protect animals from outside elements. The shelter must have adequate ventilation and drainage which allows the animal to enter, stand, turn around and lie down in a natural manner. It shall be placed on the owner's premises to effectively protect the animal from outside elements. Proper shelter includes circumstances where if the animal is provided at will access to inside the care taker's residence or the animal has access to a structure through a commercial or homemade "dog door".
49. "Public nuisance" means any animal is considered a public nuisance if it:
 - a. trespasses on school grounds, or
 - b. damages private or public property, or
 - c. interferes with passersby or a passing vehicle, to include bicycles, or
 - d. either individually or in concert, barks, whines, howls or otherwise makes noise in an excessive, continuous or untimely fashion, or
 - e. interferes with the delivery of U.S. Mail or other delivery services, or
 - f. causes garbage which was previously placed in garbage or refuse container(s) to be strewn or deposited on private or public property.
50. "Quarantine" To detain and isolate due to suspected zoonosis or other communicable disease or in the interest of public health and safety.
51. "Rabies certificate" means a certificate signed by a licensed veterinarian verifying that an animal is vaccinated against rabies, and which includes the date of immunization, the date that the immunization expires, and the type of vaccine used.
52. "Riding school or stable" Any place, which has available for hire, boarding and/or riding instruction, any horse, donkey or mule.
53. "Sanitary" Any condition of good order and cleanliness.

54. "Service Animal" means as defined in 28 C.F.R.35.104 and 28 C.F.R. 36.104, including a domesticated trained dog, that is owned in order to assist an individual with a disability. Examples of service animals are dogs that are individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button. Emotional support animals and comfort animals are not service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. To be a service animal, there is no requirement for certified documentation of training or designation; it is the task for which the animal provides disability assistance which is determinative of whether an animal is a "service animal". Conversely a doctor's letter does not turn an animal into a service animal.
55. "Tether or tethering" means to restrain a dog by tying the dog to any object or structure, including, but not limited to, a house, tree, fence, post, pole, garage, or shed or similar structure or object, by any means, including, but not limited to, a chain, rope, cord, leash, or running line. "Tethering" shall not include using a leash to walk a dog.
56. "Ungulate" means a hoofed mammal.
57. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for surgery, wellness program, boarding, diagnosis and treatment of diseased and injured animals.
58. A "vicious animal" means:
- A. Any animal(s) which has attacked a human being resulting in injury or death.
 - B. Any animal(s) who, while in a place it is not legally entitled to be, attacks or has attacked a domestic animal or livestock in such a manner that it results or resulted in death or injury which subsequently results or resulted in a visit to a licensed veterinarian.
 - C. The animal's conduct is that of an "aggressive animal" and the animal has previously been declared an "aggressive animal".
- These behaviors shall be *prima facie* evidence that an animal(s) is vicious and there is a rebuttable presumption that the animal(s) is vicious.
59. "Wild animal" or "exotic pet" means any live monkey (non-human primate), raccoon, skunk, fox, snake, leopard, panther, tiger, lion, lynx, coyote, wolf, crocodilian, any monitor exceeding three (3) feet in overall length or any animal which can normally be found in the wild state or any hybrid thereof. Venomous and poisonous animals shall be prohibited in the city limits of Casper, regardless of species or purpose.
60. "Working day" means a day that the Metro Animal Services Shelter is open to the public.

61. "Zoological garden" means any facility, other than a pet shop or kennel, displaying or exhibiting one or more of non-domesticated animal(s) by a person, partnership, corporation or government agency.

6.04.040 - Keeping of pets, livestock or fowl; limitations.; feeding of non-domesticated animals prohibited.

A. Number permitted.

1. It shall be unlawful for any person to keep more than three cats and three dogs on any premises within the City limits of Casper, except kennels and catteries will be allowed in the City only in areas properly zoned for this type of business.
2. No fowl or livestock shall be kept on any lot or tract of land located in a residentially zoned area of the City; this applies to any and all ungulates.
3. No more than ten of any other pet shall be permitted on a single premises, excluding fish, rodents and small cage birds.

B. Fencing Requirements.

1. Unless otherwise provided, where fencing is required by this chapter, it shall be at least three feet in height and constructed of a material sufficient to confine the animal.
2. Escape of an animal covered by this chapter shall be presumptive evidence that the owner's fence does not sufficiently control the animal.

C. Feeding of Non-domesticated Animals Prohibited.

1. It shall be unlawful for any person to provide shelter, feed, or to otherwise entice any non-domesticated animal(s) to gather or frequent, with the exception of birds and squirrels, but including feral cats, feral dogs, and turkeys, onto any public area or onto the property of the person, were such animals are not deemed or claimed to be the property of the person or the caretaker thereof. This shall not apply to property owners attempting to trap non-domesticated animal(s) already coming onto their property by use of a live box trap.

6.04.180 - Cruelty to animals—Unlawful acts designated.

It is a violation of this ordinance to inflict cruelty referenced as follows, upon an animal:

- A. No person shall override, overload, drive when overloaded, overwork, torture or torment an animal, or deprive an animal of necessary sustenance.

- B. No person shall cruelly beat, mutilate or kill an animal unless specifically authorized by law.
- C. No person shall cause, instigate, be a spectator at or permit a dogfight, cockfight, bullfight (bloodless or otherwise), or other combat involving animals.
- D. No person shall abandon any animal, but may relinquish the animal and ownership rights in the animal to an animal shelter or other qualified caretaker.
- E. Unless specifically authorized by law, no person shall willfully maim or disfigure any domestic or wild animal, or administer poison, or cause to be ingested any foreign object to any such animal, or expose any poisonous substance with the intent that it shall be taken by any animal, except pests of public health concern. The provisions of this section and Sections 6.04.190, 6.04.200, subsections B and C of Section 6.04.210 and Sections 6.04.220 and 6.04.250 do not in any way limit the right of a police officer or animal protection officer to humanly euthanize any wild or domestic animal if such officer determines that there is a reasonable danger to the public safety or if the animal is sick or injured to an extent that humanly euthanizing the animal is the appropriate action to take.
- F. Domesticated animals shall be provided with clean living conditions, including the timely removal of animal waste from an interior or exterior pen, shelter, yard or other keeping area. All animal waste must be disposed of in an approved container.
- G. No person shall knowingly harass or torment any confined or restrained animal(s). This includes but is not limited to harassing, yelling in a harassing manner, throwing objects at or towards, making gestures toward or any other similar behavior used towards the animal(s) to elicit a reaction or cause undue stress of said animal(s).

6.04.210 - Neglect

- A. It is unlawful for any animal(s) to be left in a motor vehicle when the outside ambient temperature is above seventy (70) degrees Fahrenheit or below freezing, except where, in the considered opinion of the Animal Protection Officer, the animal is provided adequate accommodations for the temperatures. (i.e. water, ventilation, heat, air conditioning and bedding). Animal Protection Officers and other law enforcement may undertake investigatory steps and actions, appropriate under the circumstances, to protect the life of any animal confined in such a vehicle.
- B. Animals must have access to water and proper shelter at all times unless, in the considered opinion of the Animal Protection Officer, the animal is of a species and breed which is generally recognized as being capable of self-maintaining a safe body

temperature, or where the owner has taken precautions to accommodate for temperature and weather.

- C. The shelter, all bedding, and any spaces accessible to the animal(s) shall be kept reasonably clean.
- D. Animals may be tethered as a means of confinement only in accordance with the following:
 - 1. Animals may not be tethered on a line less than three (3) times their body length as measured from the tip of the nose to the tip of the tail, or eight (8) feet, whichever is more; the safety of the animal shall not be at risk by the use of a tether.
 - 2. Animals may not be tethered on a line that weighs more than one quarter of the animal's body weight.
 - 3. The tether shall be strong enough to restrain the animal.
- E. Animal(s) must be reasonably groomed to prevent skin irritation, skin damage, skin infection and hazardous entanglement of foreign bodies on the animal.
- F. It shall be unlawful for a person to transport a living animal(s) upon the hood, fender, running board, or other external part of a moving vehicle. For the purposes of this section, the traditional truck bed, consisting of three (3) vertical walls and a closed tailgate, shall not be considered an external part of a moving vehicle.
- G. No person shall fail to provide his/her animal with sufficient good and wholesome food, clean water, and proper shelter to protect it from the weather.

6.04.300 – Reserved.

6.04.301 – Vicious and Aggressive Animals -- Limitations and Prohibitions.

It shall be unlawful to keep, possess, or harbor a vicious or aggressive animal within City limits as follows:

No person shall have, keep, harbor, or allow to be upon any premises occupied by him/her, or in or under his/her charge or control, any vicious or aggressive animal, or any animal that may manifest a disposition to bite anyone, without having the animal properly restrained to prevent the animal from inflicting damage upon any person or property (See 6.04.302(d)). When off the premises of its owner, such animal shall be securely caged or muzzled, and restrained by a secure collar and leash not to exceed three (3) feet in length. The leash shall be of sufficient strength to prevent escape and shall be under the direct control of the owner.

6.04.305 – Reckless Animal Owner.

- (a) (i) Any owner who is found to have violated this Chapter, other than by a violation of Sections 6.04.160, 6.04.180, 6.04.210 and/or 6.04.310, three (3) or more times in an eighteen (18) month period, may be declared a reckless animal owner; or
 - (ii) Any owner who is found to have violated this Chapter, who is found to have violated this Chapter, by violating Sections 6.04.301, 6.04.302, or 6.04.303 two (2) or more times in any three-year period, may be declared a reckless animal owner.
- (b) The Municipal Court shall issue a notification of the declaration or Reckless Animal Owner to the person with the following:
 - (i) name and address of the person subject to the declaration,
 - (ii) the description, violation, and conviction that led to the declaration,
- (c) Once declared a reckless animal owner, pursuant to 6.04.305 (a)(i), above, the city licenses of all animals owned by the person shall be revoked and no new licenses shall be issued for the period of time set by the court, except that the period of license prohibition, to prevent the person from keeping or, possessing an animal shall not exceed a period of one (1) year from the date of the declaration.
- (d) Once declared a reckless animal owner, pursuant to 6.04.305 (a)(ii), above, the city licenses of all animals owned by the person shall be revoked and no new licenses shall be issued for the period of time set by the court, except that the period of license prohibition, to prevent the person from keeping or, possessing an animal shall not exceed a period of thirty (30) consecutive months from the date of the declaration.
- (e) A person declared to be a reckless animal owner may apply to the Municipal Court to have the no license declaration waived after a period of six months for a declaration made pursuant to 6.04.305(a)(i) and for a period of twelve (12) months for a declaration made pursuant to 6.04.305(a)(ii) upon meeting the following conditions:
 - (i) The person has no subsequent violations of this Chapter of the Code, and
 - (ii) The person has complied with all of the provisions of this act, since the courts declaration, and
 - (iii) The person provides proof to the Municipal Court of successful completion of a program designed to improve the person's understanding of animal ownership responsibilities and based upon an interview with the Court, establishes that understanding.

(iv) If the Court finds clear and convincing evidence that the person has complied with all conditions in this subsection, the Court may rescind the reckless owner declaration subject to conditions that can help to ensure no future violations. The person must provide clear and convincing proof that ownership of an animal in the future will be handled responsibly and not in violation of any law or ordinance.

6.04.325 - Police canine exclusions, exemptions.

Police canines working on duty with law enforcement personnel are excluded from Sections 6.04.010(7) and 6.04.010(23); and are exempted from Sections 6.04.170(C) through (G) and (I) and (J), and 6.04.300.

PASSED on 1st reading the ____ day of _____, 2020

PASSED on 2nd reading the ____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor