

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
September 1, 2020

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, September 1, 2020. Present: Councilmembers Bates, Cathey, Hopkins, Huber, Johnson, Lutz, Pacheco, Powell and Mayor Freel.

2. PLEDGE OF ALLEGIANCE

Mayor Freel led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Pacheco, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the August 18, 2020, regular Council meeting, as published in the Casper-Star Tribune on August 28, 2020. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Bates, to, by minute action, approve the minutes of the August 18, 2020, executive session. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Hopkins, seconded by Councilmember Bates, to, by minute action, approve payment of the September 1, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 09/01/20		
71Const	Services	20,500.14
AMBI	Services	387.97
Adecco	Services	1,746.00
ADTMedEquip	Goods	5,024.00
AhernRent	Services	311.85
Airgas	Goods	20,998.00
AGiraldo	Services	40.00
AlSCO	Services	408.72
AmeriTech	Goods	940.40
Amerigas	Goods	617.49
Arcadis	Services	49.28
AspenGrg	Services	175.00
AtlasOffice	Goods	1,654.94
AtlasRepro	Services	313.52
B&Bsales	Goods	1,357.28
B32Eng	Services	1,739.59
Bargreen	Goods	89.96
BnkofAmerica	Goods	76,852.97
BlckHillsEnergy	Utilities	10,776.50

Bloedorn	Goods	226.58
BoysGirls	Funding	14,372.75
BranchMgmt	Services	270.00
Brenntag	Goods	60,317.40
CsprMonument	Services	1,200.00
CsprNC	Services	225.00
CsprPubUti	Utilities	382,135.61
CsprStarTrib	Ads	1,824.55
CsprTire	Goods	440.00
CntrlTruck	Goods	9,873.53
CntrlWYRegWtr	Services	1,393,229.74
CntrlWYRescueM	Funding	5,832.20
CntrlWyHospice	Funding	12,777.76
CenturyLink	Utilities	1,017.02
CH2Mhill	Services	10,730.05
Citrix	Services	7,443.77
CtyofCspr	Services	170,467.74
CMITeco	Goods	48,930.76
CommTech	Goods	103.00
CompressLsng	Services	1,548.27
Convergeone	Services	42,860.10
CmptrProf	Goods	3,843.99
CrescentElect	Goods	184.56
CrimeSceneInfo	Goods	109.87
CrownConst	Services	137,848.40
CrumElect	Goods	706.46
DPCInd	Goods	30,283.63
DennisSply	Credit	(248.84)
DiamondVogel	Goods	77.37
DJonas	Refund	46.12
DuoSfty	Goods	163.56
EnvisionElect	Services	2,000.00
FMoore	Reimb	150.00
FIB	Services	350.00
Galls	Goods	423.40
Geosyntec	Services	6,184.03
GobleSampson	Services	762.57
GolderAssoc	Services	4,374.16
Grainger	Goods	1,525.48
Greiner	Goods	26,875.00
GrizzlyExc	Services	2,368.83
GulfStatesDist	Goods	11,034.00
Hach	Goods	10,812.84
InbergMiller	Services	101.50
ISCO	Goods	303,826.01

ITCElect	Goods	586.50
JKCEng	Services	3,115.00
KeyholeTech	Services	46,391.00
Kiwanis	Dues	228.00
KnifeRiver	Goods	165,810.03
Lisas	Services	1,440.00
MthrSeton	Funding	6,051.36
MtnStatesLitho	Services	869.27
MtnStatesPlstc	Goods	5,754.60
MtnStatesPp	Goods	15,920.00
MtnWest	Utilities	500.00
NelsonNygaard	Services	4,055.40
Nicolaysen	Funding	12,464.24
Norco	Goods	981.56
NPrkTrans	Services	115.95
NrthrnLights	Goods	2,175.00
NWContractors	Services	69.16
PCN	Services	6,423.13
PostalPros	Services	2,644.27
PrfClning	Services	1,395.00
PubSafetyComm	Services	5,612.01
Ricoh	Services	35.35
RckyMtnAir	Services	6,891.36
RckyMtnPwr	Utilities	261,912.14
RooterSwr	Services	2,336.74
RuffKutt	Services	8,000.00
SheetMtl	Services	94,552.05
ShrwnWllms	Goods	474.20
SoftDr	Goods	84.20
StofWy-Notary	Services	30.00
StofWY-Audit	Services	15,625.66
Stateline7	Services	400.00
StellarProg	Services	7,836.75
StopStick	Goods	5,233.00
SummitElect	Services	1,401.45
SWI	Services	82,423.24
Tracycle	Goods	4,241.00
Thyssenkrupp	Services	4,736.05
TopOffice	Goods	293.20
TransmissionDist	Goods	45,900.43
TriState	Goods	100.00
TrueLand	Refund	40,671.00
Uniforms2gr	Goods	4,447.04
Veolia	Services	8,196.00
Verizon	Services	648.02

VRCCo	Services	54.39
WWCEng	Services	22,656.23
WLCEng	Services	4,004.70
WBeer	Reimb	108.89
WYDOT	Services	434.66
WYFoodBnk	Funding	1,250.00
WyMach	Goods	1,987.86
WySteel	Goods	10,805.00
YouthCrisisCtr	Funding	5,817.50
Total		3,779,801.97

6. BRIGHT SPOT - CHILDHOOD CANCER AWARENESS PROCLAMATION

Mayor Powell welcomed Lisa Eades, Volunteer President & CEO of Jason’s Friends Foundation. Ms. Eades spoke about Childhood Cancer Awareness Month and Mayor Freel read and presented a proclamation to Ms. Eades in honor of Childhood Cancer Awareness Month.

7. COMMUNICATIONS FROM PERSONS PRESENT

No citizens addressed the Council.

8. ESTABLISH PUBLIC HEARING

Moved by Councilmember Cathey, seconded by Vice Mayor Lutz, to, by minute action: establish September 15, 2020, as the public hearing date and first reading for consideration of an ordinance amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code. Motion passed.

9.A.1 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of amendments to the wastewater-sewer discharge regulations.

City Attorney Henley entered one (1) exhibit: correspondence from Andrew Beamer to J. Carter Napier, dated August 24, 2020. City Manager Napier provided a brief report.

There was no one to speak for or against the issues involving wastewater-sewer discharge regulations and the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 20-20
 AN ORDINANCE AMENDING SECTION 13.32.030 OF
 CHAPTER 13.32 OF THE CASPER MUNICIPAL CODE,
 PERTAINING TO DIVISION III WASTEWATER-SEWER
 DISCHARGE REGULATIONS.

Councilmember Hopkins presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Bates. Motion passed.

9.A.2 TABLE PUBLIC HEARING/FIRST READING ORDINANCE

Moved by Councilmember Johnson seconded by Councilmember Cathey, to, by minute action table the public hearing and first reading of the massage therapy license and permit ordinance. Motion passed.

10.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 16-20
AN ORDINANCE UPDATING AND AMENDING 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.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Huber.

Individuals addressing the Council were: Michael Hamel, 2504 Bonnie Brae, in favor of feeding feral cats; and Linda Terrell, 2250 E 3rd, who also spoke on behalf of another citizen, requesting supervised tethering of dogs and in favor of a Trap, Neuter, Release (TNR) program, and asking for the item be tabled. Councilmembers had questions for Ms. Terrell regarding TNR, which she addressed. Councilmembers also shared their concerns and suggestions on the feeding of feral cats, the TNR program, and the tethering of dogs.

Laura Arellano-Briot, 4517 E 18th, spoke in support of community organization for the TNR program and in opposition to the feeding ban. Councilmembers had questions and suggestions for Ms. Arellano-Briot, which she addressed. Councilmember Huber made a point of order and requested that Council listen to the speakers without interjecting during the public comment period.

Additional citizens addressing Council were: Cathy Reynolds, 2633 S Coffman, speaking in support of Alley Cat Allies and in opposition of the feeding ban; Angela Clemens, 1515 E 24th, in favor of community support for feral cats; Sandra Materi, 1600 W. Odell, in opposition to tethering; Hailey Dawson, 106 Primrose, in support of the TNR program and in opposition to the feeding ban; Jamie Jenkins, 6625 Cherokee, in support of the TNR program and regarding funding for the program; Justin Binfet, Wyoming Game & Fish Department, in opposition to feeding wild animals because of the potential spread of diseases; and Lana Cotter, in favor of the TNR program.

Councilmembers made statements on the subject and expressed their concerns with the ordinance. City Manager Napier addressed questions presented by Council.

Moved by Vice Mayor Lutz to remove the ban on feeding of feral cats and dogs and to add a paragraph that describes the ownership and responsibilities of those feeding the animals. This language refined proposed amendment no. 4 from the Council's packet. Seconded by Councilmember Pacheco. Councilmembers discussed the amendment at length and City Attorney Henley addressed questions presented by Council. Motion to amend passed.

Moved by Councilmember Bates to add the option of taking a trapped animal to a TNR organization or the Humane Society. This language was from proposed amendment no. 3 from the Council's packet. Seconded by Councilmember Johnson. Council discussed the matter and City Attorney Henley clarified on the language of the amendment. Motion to amend passed.

Moved by Councilmember Bates to add the requirement of non-spill containers for food and water for tethered animals and to set time restrictions for tethering based on fenced or unfenced yards. This language was from proposed amendment no. 5 from the Council's packet. Councilmember Bates explained the matter and Councilmember Hopkins and Huber made a point of order to discuss the details after the amendment was seconded. Seconded by Councilmember Johnson. City Manager Napier requested that Councilmember Bates consider adding the cruelty language from proposed amendment no. 1. This language was for the appropriate collar and length of tether for tethered animals. Councilmember Bates and Johnson agreed to add these items to the amendment. Mayor Freel summarized the amendment. Councilmember Huber requested that the amendment also state that no animal be tethered in a manner or length of time that would be cruel or abusive. Councilmembers Bates and Johnson agreed to add the language to the amendment. City Attorney Henley restated the amendment as proposed. Motion to amend passed.

Moved by Councilmember Cathey to add language for police canine exclusions and to correct a spelling error in the definition of "dangerous animal". This language was from proposed amendment no. 1 from the Council's packet. Seconded by Vice Mayor Lutz. Motion to amend passed.

Councilmember Cathey asked about the definition of feral cat. City Attorney Henley stated the City's ordinance definition of cats and feral cats. City Manager Napier stated that the ordinance, as amended, would allow the feeding of feral cats and dogs. Councilmember Huber added that people who feed feral animals would have responsibilities and would be held accountable for these animals. Councilmembers shared their opinions on the issue. Councilmembers Cathey and Hopkins voted nay. Ordinance passed on third reading, as amended.

Ordinance as amended follows:

ORDINANCE NO. 16-20
AN ORDINANCE UPDATING AND AMENDING CHAPTER
6.04 INCLUDING SECTIONS 6.04.010, 6.04.040, 6.04.180,
6.04.210, 6.04.240, 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 facie 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,

squirrels, turkeys and feral cats maintained by a keeper, onto any public area or onto the property of the person. 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.

2. A “keeper” is any person or organization, harboring, regularly feeding or having in his or its possession any feral cat or dog who permits a feral cat or feral dog to habitually be or remain on or be lodged or fed within such person’s property or premises. A keeper of a feral cat or feral dog shall be deemed the animal’s owner for all purposes and shall be responsible for the health care of such animal and liable for the damages created by such animal.

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.
 4. The animal 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. 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.
 8. In any event no animal shall be tethered in a manner or for a length of time that would constitute cruelty to or abuse of 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.
- 6.04.240 - Trapping restrictions for dogs and cats.
- 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 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 may be provided to a TNR organization, approved by MAS, for neutering, or may be turned over to MAS or the Humane Society.

- 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.

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(2.), 6.04.010(8), 6.04.010(19) and 6.04.010(34); and are exempted from Sections 6.04.170(C) through (G) and (I).

PASSED on 1st reading the 21st day of July, 2020.

PASSED on 2nd reading the 4th day of August, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 1st day of September, 2020.

10.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 17-20

AN ORDINANCE AMENDING SECTIONS 15.28.010, 15.28.040, 15.28.170, 15.28.300, 15.28.370 AND 15.28.440 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2020 NFPA70, NATIONAL ELECTRICAL CODE.

SECTION 1:

All references to the NFPA 70 - 2017 Edition of the National Electrical Code contained in Sections 15.28.010, 15.28.040, 15.28.170, 15.28.300, 15.28.370 and 15.28.440 of the Casper Municipal Code are hereby amended to read "28172020 Edition."

SECTION 2:

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

SECTION 3:

This Ordinance shall be in full force and effect from and after passage on three readings, and publication, pursuant to law.

PASSED on 1st reading the 4th day of August, 2020.

PASSED on 2nd reading the 18th day of August, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 1st day of September, 2020.

Councilmember Johnson presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Cathey. No citizens spoke on the ordinance. Councilmember Bates and Councilmember Cathey made brief comments regarding the ordinance. Motion passed.

10.C ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 19-20

AN ORDINANCE VACATING TRACT G, MESA DEL SOL ADDITION, AS PUBLIC PARKLAND; AND APPROVING A ZONE CHANGE OF SAID PARCEL FROM PH (PARK HISTORIC) TO R-4 (HIGH DENSITY RESIDENTIAL).

WHEREAS, after a public hearing on June 18, 2020, the City of Casper Planning and Zoning Commission passed a motion recommending that the City Council vacate 4.31-acres, more or less, described as Tract G, Mesa Del Sol Addition, as public parkland; and approve a zone change of said parcel to R-4 (High Density Residential); and,

WHEREAS, pursuant to W.S. 15-1-103(a)(xii), in order to vacate parkland, the City of Casper must have held title to the property in question for more than ten (10) years, and no substantial use has been made, thereof, for park purposes; and,

WHEREAS, the vacation of parkland must be by Ordinance following a public hearing pursuant to W.S. 15-1-103(a)(xii) and W.S. 15-7-301 et sem. Notice of the public hearing has been published for three (3) consecutive weeks; and,

WHEREAS, the 4.31 -acre parcel, currently described as Tract G, Mesa Del Sol Addition, was dedicated as a public park in 1995 on the plat of the Mesa Addition No. 3, and the parcel has never been improved, or used as a public park.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

The governing body of the City of Casper makes the necessary findings for the vacation of Tract G, Mesa Del Sol Addition.

SECTION 2:

The vacation of Tract G, Mesa Del Sol Addition as public parkland is hereby approved.

SECTION 3:

Tract G, Mesa Del Sol Addition is hereby rezoned from PH (Park Historic) to R-4 (High Density Residential).

SECTION 4:

Council hereby directs the City Manager, or his designee, to draft and issue an RFB (Request for Bids) for the public sale/disposal of Tract G, Mesa Del Sol Addition, pursuant to state law.

PASSED on 1st reading the 4th day of August, 2020.

PASSED on 2nd reading the 18th day of August, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 1st day of September, 2020.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Cathey. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

11. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-168

A RESOLUTION AUTHORIZING TO ADOPT THE CITY OF CASPER, WYOMING, FINANCIAL ADMINISTRATION GUIDELINES AND REPEAL RESOLUTION 00-95.

RESOLUTION NO. 20-169

A RESOLUTION AUTHORIZING A CONTRACT FOR OUTSIDE-CITY WATER SERVICE WITH ARLO B. SEE AND DEBORAH K. SEE.

RESOLUTION NO. 20-170

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR COMPLETION OF A RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN UPDATE FOR WATER AND WASTEWATER UTILITIES.

RESOLUTION NO. 20-171

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF CASPER AND THE UNIVERSITY OF WYOMING FOR THE PURPOSE OF A JOINT HORTICULTURE SERVICE.

RESOLUTION NO. 20-172

A RESOLUTION SUPPORTING THE STATE OF WYOMING GOVERNOR'S PROPOSAL TO HAVE THE STATE LOAN AND INVESTMENT BOARD CONSIDER MODIFYING ITS RULES TO ADOPT AN ALLOCAITON MODEL FOR DISTRIBUTION OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) FUNDING TO LOCAL GOVERNMENTS.

RESOLUTION NO. 20-173

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.

RESOLUTION NO. 20-174

A RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES WITH ALSICO FOR PROVIDING PROFESSIONAL LAUNDRY SERVICES TO THE PUBLIC SERVICES DEPARTMENT AND SUPPORT SERVICES DEPARTMENT.

RESOLUTION NO. 20-175

A RESOLUTION AUTHORIZING THE CREATION OF THE CASPER YOUTH COUNCIL AND APPROVING AN ADVISORY COMMITTEE TO AND FOR THE CITY OF CASPER CITY COUNCIL.

RESOLUTION NO. 20-176

A RESOLUTION AUTHORIZING AN ANNUAL UPDATE TO THE MEMORANDUM OF UNDERSTANDING WITH THE NATRONA COUNTY SCHOOL DISTRICT #1 AND THE CITY OF CASPER FOR SCHOOL RESOURCE OFFICER SERVICES.

Councilmember Johnson presented the foregoing nine (9) resolutions for adoption. Seconded by Councilmember Huber. City Manager Napier provided a brief report on the school resource officer resolution. Motion passed.

12.A MINUTE ACTION—CONSENT

Moved by Councilmember Hopkins, seconded by Councilmember Bates, to, by consent minute action:

- 1) authorize the appointment of Dennis R. Gazdiewich to the Civil Service Commission for a three-year term expiring September 30, 2023;
- 2) authorize the purchase of one used 2014 Hamm Pneumatic Rubber Tire Roller, from Honnen Equipment, in the total amount of \$28,500;
- 3) authorize the sole source purchase of one used Nilfisk Floor Cleaning System from Norco, in the total amount of \$24,274.21;
- 4) authorize the purchase of one new-dedicated turf sprayer, from Midland Implement Co., in the total amount of \$56,835; and
- 5) authorize the sole source purchase of one used 962 Caterpillar front end wheel loader, in the total amount of \$195,346.14.

Motion passed.

13. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmember Bates acknowledged the recent passing of City employee Jennifer Burkhart. Councilmember Cathey shared concerns about traffic safety. Mayor Freel stated that Councilmember Hopkins received a community partnership award for his service on the Old Yellowstone District Advisory Committee at their annual awards ceremony.

14. ADJOURNMENT

Mayor Freel noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, September 8, 2020, in the Council Chambers; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, September 15, 2020, in the Council Chambers. Moved by Councilmember Cathey, seconded by Councilmember Bates, to, by minute action adjourn. Councilmember Pacheco voted nay. Motion passed. The meeting was adjourned at 8:38 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor