



-AGENDA-

MAYOR CANDACE MACHADO

July 22, 2024

7:00 P.M.

Council Members:

Dacia Edwards

Greg Flesvig

Phil Gierke

Alona Vigneault

Town Attorney Williams, Porter, Day & Neville

Town Engineer - WLC, Inc.

Town Clerk Janelle Underwood

Town Treasurer Lexi Erickson

Chief of Police Mike Thompson

Fire Chief Leo Malsom

P.W. Director Robert Lewallen

YouTube Channel <https://www.youtube.com/channel/UCB0HNSulhIk51ixwxexh55w>

Meeting called to order.

Roll call.

Pledge of Allegiance

Approval of Agenda

1) Consent Agenda

a. Approval of Minutes for Regular Meeting July 8, 2024

2) Ordinance #10-2024 – Amend Chapter 30-4-10 Penalties for the Crime of Prowling
(3rd & final)

3) Ordinance #11-2024 – An Ordinance to Repeal Chapter 18-2-5 – Police Powers, Chiefs and Members at Fires
(2nd reading)

4) Ordinance #12-2024 – An Ordinance Amending Chapter 8-2-3 – Pet Licenses Required & Impoundment Fees
(2nd reading)

5) Public Comments from the Audience

6) Adjournment

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

THE TOWN OF EVANSVILLE

P.O. DRAWER 158, EVANSVILLE, WYOMING 82636-0158

(307) 234-6530 • FAX: (307) 266-5109

www.townofevansville.org • EMAIL: junderwood@evansville-wy.gov

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

July 8, 2024

The regular meeting of the Evansville Town Council of the Town of Evansville, County of Natrona, State of Wyoming, was held at 7:00 p.m. in the Council Chambers of the Town Hall.

The meeting was called to order by Mayor Candace Machado at 7:00 p.m. and upon roll call the following were present: Council Members Dacia Edwards, Greg Flesvig, Phil Gierke and Alona Vigneault, Town Engineer Shane Porter, Town Attorney Scott Murray, Town Treasurer Lexi Erickson, Chief of Police Mike Thompson, Fire Chief Leo Malsom, Public Works Director Robert Lewallen, Town Clerk Janelle Underwood, and interested citizens.

Mayor Machado led the Pledge of Allegiance.

APPROVAL OF AGENDA: Motion was made by Dacia Edwards and seconded by Alona Vigneault to approve the agenda. Motion carried.

APPROVAL OF CONSENT AGENDA:

- a) Approval of Minutes for Regular Meeting and Work Session June 24, 2024.
- b) Approval of Catering Permit – Hooch’s
- c) Approval of Bills

Motion was made by Greg Flesvig and seconded by Phil Gierke to approve the Consent Agenda. Motion carried.

RESOLUTION #8-2024: A Resolution Authorizing the Submission of a TAP Grant – Lathrop Pathway Phase 2 Project. Town Clerk Janelle Underwood read Resolution #8-2024 by title only.

Motion was made by Dacia Edwards and seconded by Alona Vigneault to approve Resolution #8-2024. Motion carried.

ORDINANCE #4-2024: Creation of Local Assessment District 2024-01. Third and final reading. Mayor Candace Machado said that she wanted to give an opportunity for public comments before voting on Ordinance #4-2024 for third and final reading. There were no public comments.

Motion was made by Greg Flesvig and seconded by Phil Gierke to approve Ordinance #4-2024 on third and final reading.

Mayor Machado asked for any discussion on Ordinance #4-2024.

Councilmember Phil Gierke asked Engineer Porter questions about a grant that the Town could apply for that would be due in September 2025.

Engineer Porter stated that after talking to the Wyoming Business Council this project would be a good project for a grant, but because the Town is currently submitting a grant for the Mesa Project that it would be in the best interest of the Town to wait and apply for a grant to reconstruct Nugget and Payload Roads until September 2025.

Councilmember Alona Vigneault stated that her concern is the fact that the Town would be taking out a loan for an estimated one million three hundred seven thousand seven hundred eighty-five dollars (\$1,307,785.00) and then the property owners would be paying the Town back. She stated that if the property owners do not pay the Town, the Town would still have to pay the loan back and potentially file a lien on the property. She said that she would have to vote no.

After discussion, Mayor Machado called for those in favor of approving Ordinance #4-2024. Councilmember Greg Flesvig – aye. Mayor Machado called for those opposed to Ordinance #4-2024. Councilmember Phil Gierke nay, Councilmember Dacia Edwards – nay, Councilmember Alona Vigneault – nay. Ordinance #4-2024 failed to pass on third and final reading.

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

July 8, 2024

ORDINANCE #8-2024: An Ordinance Approving the Wildcat Addition. Third and final reading. Town Clerk Janelle Underwood read Ordinance #8-2024 by title only.

Motion was made by Phil Gierke and seconded by Dacia Edwards to approve Ordinance #8-2024 on third and final reading. Motion carried.

ORDINANCE #9-2024: An Ordinance to Amend Chapter 38-1-12 to Define the Penalties for the Use of Portable Electronic Devices While Operating a Motor Vehicle. Third and final reading. Town Clerk Janelle Underwood read Ordinance #9-2024 by title only.

Motion was made by Dacia Edwards and seconded by Phil Gierke to approve Ordinance #9-2024 on third and final reading. Motion carried.

ORDINANCE #10-2024: An Ordinance to Amend Chapter 30-4-10 – Penalties for the Crime of Prowling within the Town of Evansville. Second reading. Town Clerk Janelle Underwood read Ordinance #10-2024 by title only.

Motion was made by Phil Gierke and seconded by Greg Flesvig to approve Ordinance #10-2024 on second reading. Motion carried.

ORDINANCE #11-2024: An Ordinance to Repeal Chapter 18-2-5 – Police Powers, Chiefs and Members at Fires. First reading. Town Clerk Janelle Underwood read Ordinance #11-2024 by title only.

Motion was made by Dacia Edwards and seconded by Alona Vigneault to approve Ordinance #11-2024 on first reading. Motion carried.

ORDINANCE #12-2024: An Ordinance Amending Chapter 8-2-3 – Pet License Required and Impoundment Fees. First reading. Town Clerk Janelle Underwood read Ordinance #12-2024 by title only.

Motion was made by Phil Gierke and seconded by Dacia Edwards to approve Ordinance #12-2024 on first reading. Motion carried.

NOTIFICATION OF HOMELAND SECURITY GRANT – EVANSVILLE PD SHSP 2024 : The Town of Evansville received notification of award for a grant to the Police Department in the amount of twenty-four thousand six hundred dollars (\$24,600.00) for radio upgrades, the Fire Department received funding at one hundred percent in the amount of fifty-one thousand three hundred fifty dollars (\$51,350.00) for the intrusion detection program through the Center for Internet Security. Chief Malsom advised that they were awarded partial funding for new Extrication Equipment totaling eighteen thousand two hundred sixty-seven dollars (\$18,267.00) and partial funding for a Utility Response Vehicle totaling thirty-three thousand seven hundred thirty-two dollars (\$33,732.00) with a declination of funding for the Communication System Upgrade.

Chief Malsom stated that they will have to look and see what other grants are available to fund the remaining expenses for the new Extrication Equipment and Utility Response Vehicle.

Motion was made by Dacia Edwards and seconded by Greg Flesvig to include the Fire Department's SHSP 2024. Motion carried.

ENGINEER'S REPORT: Town Engineer Shane Porter stated that he had the TAP Grant Application and needs authorization for the Mayor to execute. He stated that this would be to complete Phase 2 of the Lathrop Road Pathway Project.

Motion was made by Alona Vigneault and seconded by Dacia Edwards authorizing the Mayor to execute the TAP Grant Application for Phase Two of the Lathrop Pathway Project. Motion carried.

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

July 8, 2024

Engineer Porter stated that he had the 2024-2025 Fiscal Year WLC Contract that he needed authorization for the Mayor to execute.

Motion was made by Phil Gierke and seconded by Alona Vigneault authorizing the Mayor to execute the 2024-2025 Fiscal Year WLC Contract. Motion carried.

Engineer Porter stated that he had the WLC Contract for the Sidewalks Project #2 that he needed authorization for the Mayor to execute. He stated that this project is funded 100% through the Wyoming Community Development Authority to install sidewalks on the east side of Evansville.

Motion was made by Greg Flesvig and seconded by Phil Gierke authorizing the Mayor to execute the WLC Contract for the Sidewalks Project #2. Motion carried.

Engineer Porter stated that he had a Subdivision Agreement for the Wildcat Addition that he needs authorization for the Mayor to execute.

Motion was made by Phil Gierke and seconded by Dacia Edwards to authorize the Mayor to execute the Wildcat Addition Subdivision Agreement. Motion carried.

Town Engineer Shane Porter said that Contractor's Pay Estimate Number Two to Installation and Services for the New Park Project in the amount of two hundred seventy-nine thousand eight hundred three dollars and fifty cents (\$279,803.50).

Motion was made by Dacia Edwards and seconded by Greg Flesvig to approve Contractors Pay Estimate Number Two to Installation and Services for the New Park Project in the amount of two hundred seventy-nine thousand eight hundred three dollars and fifty cents (\$279,803.50).

Councilmember Phil Gierke abstained from the vote.

Motion carried approving Contractors Pay Estimate Number Two to Installation and Services.

Town Engineer Porter stated that he had Contractor's Pay Estimate Number Three to Crown Construction for the Lathrop Road Pathway Project in the amount of one hundred fifty-seven thousand two hundred fifty-nine dollars and sixty-seven cents (\$157,259.67).

Motion was made by Greg Flesvig and seconded by Phil Gierke to approve Contractor's Pay Estimate Number Three to Crown Construction for the Lathrop Road Pathway Project in the amount of one hundred fifty-seven thousand two hundred fifty-nine dollars and sixty-seven cents (\$157,259.67). Motion carried.

Engineer Porter stated that he had Draw Down Request Number Nine for the Lathrop Road Pathway Project in the amount of sixty-seven thousand nine hundred sixty-three dollars and seventy-eight cents (67,963.78). He said that he needed authorization for the Mayor to execute.

Motion was made by Dacia Edwards and seconded by Greg Flesvig authorizing the Mayor to execute Draw Down Request Number Nine for the Lathrop Road Pathway Project in the amount of sixty-seven thousand nine hundred sixty-three dollars and seventy-eight cents (67,963.78). Motion carried.

Motion was made by Dacia Edwards and seconded by Alona Vigneault to approve the Engineers Report. Motion carried.

PUBLIC COMMENTS FROM THE AUDIENCE: There were no public comments.

RECORD OF PROCEEDINGS

Meeting of the Evansville Town Council, Evansville, Wyoming

July 8, 2024

ADJOURNMENT: There being no further business, motion was made by Dacia Edwards and seconded by Phil Gierke to adjourn at 7:41 p.m. Motion carried.

APPROVED: Candace Machado
Candace Machado, Mayor

ATTESTED: Janelle Underwood
Janelle Underwood, Town Clerk

ORDINANCE #10-2024

**AN ORDINANCE TO AMEND CHAPTER 30-4-10 – PENALTIES FOR THE CRIME OF PROWLING
WITHIN THE TOWN OF EVANSVILLE, WYOMING**

WHEREAS, the Town of Evansville is a municipal corporation under the laws of the State of Wyoming; and

WHEREAS, the Town of Evansville has the authority under Wyoming State Statues to pass ordinances and codify the same to have appropriate laws for Evansville; and

WHEREAS, the Town of Evansville sees the need to update Chapter 30 of the Evansville Town Code to include Penalties for the crime of Prowling Within the Town of Evansville.

NOW, THEREFOR, BE IT ORDAINED, BY MAJORITY OF THE GOVERNING BODY OF THE TOWN OF EVANSVILLE, WYOMING THAT Ordinance No. 30-4-10 (e) of the Town Code be added to read as follows:

30-4-10 Prowling

(e) Penalty: For a first offense of prowling, the individual shall be fined not less than four hundred dollars (\$400.00), no more than seven hundred and fifty dollars (\$750.00) and or up to six months of incarceration and probation. Upon a second offense the individual shall be fined no less than six hundred dollars (\$600.00), with a mandatory incarceration of not less than five days (5), but not more than six months in jail and or probation. Upon a third or subsequent offense, the individual shall be fined seven hundred fifty dollars (\$750.00) and serve no less than fourteen days of incarceration (14), but not more than six months.

PASSED on 1st reading this 24th day of June, 2024.

PASSED on 2nd reading this 8th day of July, 2024.

PASSED on 3rd and final reading this ____ day of _____, 2024.

Candace Machado, Mayor

Dacia Edwards, Council

Greg Flesvig, Council

Phil Gierke, Council

Alona Vigneault, Council

ATTESTED BY:

Janelle Underwood, Town Clerk

ORDINANCE # 11-2024

**AN ORDINANCE TO REPEAL CHAPTER 18-2-5 - POLICE POWERS, CHIEFS
AND MEMBER AT FIRES**

WHEREAS, the Town of Evansville is a duly municipal corporation under the laws of the State of Wyoming; and

WHEREAS, the Town of Evansville has the authority under Wyoming State Statues to pass ordinances and codify the same to have appropriate laws; and

WHEREAS, the Town of Evansville sees the need to update Chapter 18 of the Evansville Town Code to enact certain ordinances for the health and safety of the Town; and

WHEREAS, the Town of Evansville has authority through State Statute to grant police powers to employees and other associated with the Town of Evansville; and

WHEREAS, the Town of Evansville enacted Ordinance 9-92, effective 1/11/1993 and codified as Section 18-2-5 in 2022, Police Powers, Chief and Members at Fires under Chapter 18, Fire Prevention and Protection, Article 2 Fire Department grants police powers and powers of arrest to the Fire Chief and other members of the Fire Department; and

WHEREAS, the Police Department of the Town of Evansville responds to emergency calls of the Evansville Fire and EMS along with agencies such as the Natrona County Sheriff's Department; and

WHEREAS, the personnel of the Evansville Fire and EMS generally have not been trained or certified in law enforcement procedures; and

WHEREAS, the Town of Evansville could be liable for the illegal actions of the Evansville Fire and EMS personnel in making arrest inasmuch as they have not been properly trained or certified pursuant to Wyoming State Statute 7-2-101 Peace Officers; and

WHEREAS, Chapter 18-2-5, conflicts with state law and powers of arrest that are granted under Wyoming State Statute 7-2-102 preconditions for arrest for peace officers, thus subjects the Town of Evansville to liability for any police actions exercised by the Evansville Fire and EMS Department who are not certified as peace officer: and

WHEREAS, Chapter 18-2-5 shall be repealed.

NOW, THEREFOR, BE IT ORDAINED, BY MAJORITY OF THE GOVERNING BODY OF THE TOWN OF EVANSVILLE, WYOMING THAT the Town of Evansville does repeal by Chapter 18-2-5 Police Power, Chief and Members at Fires which is part of Chapter 18 Fire Prevention and Protection.

PASSED on 1st reading this 8th day of July, 2024.

PASSED on 2nd reading this _____ day of _____, 2024.

PASSED on 3rd and final reading this ____ day of _____, 2024.

Candace Machado, Mayor

Dacia Edwards, Council

Greg Flesvig, Council

Phil Gierke, Council

Alona Vigneault, Council

ATTESTED BY:

Janelle Underwood, Town Clerk

ORDINANCE #12-2024

**AN ORDINANCE AMENDING CHAPTER 8-2-3 – PET LICENSE
REQUIRED AND IMPOUNDMENT FEES**

WHEREAS, the Town of Evansville is a municipal corporation under the laws of the State of Wyoming; and

WHEREAS, the Town of Evansville has the authority under Wyoming State Statutes to pass ordinances and codify the same to have appropriate laws for the Town; and

WHEREAS, the Town of Evansville will own and operate its own Animal Control Shelter; and

WHEREAS, the Town of Evansville sees the need to update Chapter 8 of the Evansville Town Code to enact certain ordinances for the health and safety of the Town.

NOW, THEREFOR, BE IT ORDAINED, BY MAJORITY OF THE GOVERNING BODY OF THE TOWN OF EVANSVILLE, WYOMING THAT that the Town of Evansville updates Chapter 8-2-3 Pet License Required to now read Pet License Required and Impoundment Fees as follows:

- (a) It is unlawful for any person residing in the town who owns, keeps, harbors, or has custody of any dog or cat over four months of age within the town to not obtain a license as herein provided for the dog or cat. This requirement does not apply to dogs or cats whose owner is not a resident of the town, or certified service animals.
- (b) Dogs and cats must always wear valid license tags when they are off the property of the owner.
- (c) Written application for licenses shall be made to the town which shall include: the name and mailing address of the applicant, description of the animal, the appropriate fee, a certificate to verify the animal has been vaccinated against rabies by a licensed veterinarian or by the owner evidenced by a signed declaration, and a copy of paperwork that shows the animal was vaccinated against distemper.
- (d) The licensing period for cats and dogs shall run contemporaneously with the rabies and distemper vaccination requirements in division 2 of this article. Owners shall be required to apply for and pay licensure fees at the same time that the rabies and distemper vaccinations are required under that division.
- (e) Upon acceptance of the license application and fee, the town shall issue a durable tag, stamped with an identifying number and the calendar year of issuance.
- (f) The town shall maintain a public record of the applications of all tags issued.
- (g) A combination of no more than four cats and dogs over the age of six months per owner will be allowed within the town.
- (h) No person shall use any license for any dog or cat on any other animal except for the specific animal that has been licensed.
- (j) The Chief of Police shall establish a fee schedule by policy for pet impoundments. The fee schedule shall be reviewed by the governing body before being established or changed.

PASSED on 1st reading this 8th day of July, 2024.

PASSED on 2nd reading this ____ day of _____, 2024.

PASSED on 3rd and final reading this ____ day of _____, 2024.

Candace Machado, Mayor

Dacia Edwards, Council

Greg Flesvig, Council

Phil Gierke, Council

Alona Vigneault, Council

ATTESTED BY:

Janelle Underwood, Town Clerk