

**EVANSTON CITY COUNCIL  
Second Regular Meeting  
February 21st, 2023**

The official record of proceedings of the second regular meeting of the Evanston City Council for the month of February was held in the Council Chambers of City Hall on the above date. These proceedings were video recorded and streamed live.

Mayor Williams led those in attendance in the Pledge of Allegiance to the Flag.

The roll was called and with a quorum being present, Mayor Kent Williams called the meeting to order at 5:30 p.m. and welcomed everyone present.

Those present from the governing body at the start of the meeting were: Mayor Williams; Council members Tim Lynch, Jesse Lind, Evan Perkes, Mike Sellers and Jen Hegeman. David Welling was excused.

Staff members present at the start of the meeting were: City Attorney/Prosecutor, Amanda Kirby; Director of Engineering and Planning, Dean Barker; City Treasurer, Trudy Lym; City Clerk, Diane Harris; Community Development Director, Rocco O'Neill; Police Chief, Mike Vranish; Director of Parks and Recreation, Scott Ehlers; Information Technology Coordinator, Preston Sheets; Public Works Director, Gordon Robinson; Police Lieutenant, Ken Pearson and Senior Planner, DuWayne Jacobsen. A group of interested citizens was also present.

**Approve Agenda**

**Council member Sellers moved, Council member Lynch seconded to approve the agenda.** The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

**Approve Minutes**

**The official record of proceedings for the City Council Meeting held February 7th, 2023, and the Work Session held February 14th, 2023, were approved as presented.**

**Bills**

**Council member Lynch moved, Council member Lind seconded, to approve the following bills for payment:**

Feb 08, 2023 to Feb 21, 2023

VENDOR	FOR	AMOUNT
AXA Equivest	Payroll	338.00
Beneficial Life	Payroll	293.34
Delta Dental	Payroll	9,306.35
Evanston Peace Officers	Payroll	232.00
Flex Share	Payroll	3,280.46
Hartford	Payroll	248.10
IRS Tax Deposit	Payroll	47,238.76
Mission Square	Payroll	99.44
NCPERS	Payroll	96.00
Orchard Trust	Payroll	1,093.88
Parks & Recreation	Payroll	318.75
WEBT	Payroll	191,562.71
Wyoming Child Support	Payroll	264.92
Wyoming Dept of Workforce Services	Payroll	6,909.68
Wyoming Retirement System	Payroll	72,730.04
Payroll	Payroll	145,164.96
Adidas	Supplies	145.30
Bear River Vet	Supplies	349.00
Brownells	Equipment	687.57
Calibration Tech	Services	457.00
Caselle	Support/Maintenance	2,028.00
Yeti	Parts	1,097.00
Cazin's	Parts	1,467.04
CD's Electric	Services	542.19
CCI Network	Utilities	82.91
Cook Brothers Broadcasting	Ads	231.00
Deru's	Parts	81.58
Chemtech-Ford Laboratories	Testing	389.10
Evanston Parks & Recreation	City Subsidy	107,895.83
Fastenal	Parts	182.70
Forsgren Associates	Contract	160.00
Randy George	Reimbursement	180.00

Murdochs	Supplies	621.80
Hach	Supplies	350.22
Harris Law Office	Contract	4,000.00
Reladyne	Oil	7,485.45
Ferguson Waterworks	Parts	1,134.82
Kallas Automotive	Parts	2,682.69
Rhinehart	Fuel	19,482.76
Joe's Modern Cleaners	Laundry Services	230.45
Morcon Industrial	Parts	4,043.22
Mountain Business West Solutions	Service Agreement	176.68
Dominion Energy	Utilities	25,207.52
Mountain Alarm Fire	Services	288.75
Quadiant	Contract	3,039.87
Olson Janitorial	Services	400.00
Pine Top Engineering	Services	739.98
Quality Engraving & Locksmith	Services	30.00
Real Kleen Janitorial	Supplies	570.75
SCI	Contract	242,086.12
Simple View	Contract	6,750.00
Skaggs	Uniform	3,075.88
Straight Jacket Armory	Services	399.00
T-7 Inc	Propane	1,314.44
Tom's HVAC	Services	3,010.70
Traffic Logix Corporation	Software	12,900.00
Turf Equipment & Irrigation	Parts	4,177.40
Two Guys Flooring	Services	16,460.00
Uinta County Herald	Ads/Public Notices	789.15
Uinta County Solid Waste	Landfill fees	22,653.12
Century Link	Utilities	1,442.72
Rocky Mountain Power	Utilities	21,281.16
Wyoming Waste Systems	Dumpster Fees	184.71
Xylem Water Solutions	Parts	39,436.40
Westar Printing	Supplies	2,928.75
Wheeler Machinery	Parts	4,500.24
Willow Creek Salt Company	Salt	5,007.80
The Lumberyard	Parts	322.58
One-Call of Wyoming	Tickets	60.25
Heartland Kubota	Parts	933.27
Dana Kepner	Parts	7,390.67
Wyoming Dept of Transportation	Contract	243.24
USA Blue Book	Supplies	86.30
Wasatch Concrete Solutions	Services	27,000.00
Carson Hawkins	Refund	100.00
Ryan or Cristina Smout	Refund	100.00
Susan LaFrance	Refund	100.00

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### Council Comments

Council member Lind mentioned that he had had citizens contact him about feeding the deer in town. He presented a short video on why people should not feed the deer. He does not think there should be an ordinance to govern that, but people need to be educated.

Council member Perkes reported that it was good to see the work being done on the bleachers at the Uinta County Fair Grounds.

Council member Sellers mentioned that he has also had calls about the deer in town. He wished the Evanston Wrestling Team good luck. He reminded everyone to be aware of people that may seem to be struggling, and if anyone needs help the U.S. National Suicide Prevention Lifeline is 988 or text "WYO" to 741-741 for the Crisis Text Line.

Council member Hegeman asked everyone to remember our troops that are in harm's way. She mentioned that she has a son in the service.

#### Consent Agenda

**Council member Perkes moved, Council member Lynch seconded, to approve the following Consent Agenda Item:**

**Limited Malt Beverage Permit** requested by Eric Pasenelli of Arts Inc. for the Celtic Festival at the Roundhouse and Machine Shop for the following dates and times:

Friday, March 24th, 2023 3:00 pm to 11:00 pm  
Saturday, March 25th, 2023 10:00 am to 11:00 pm

Council member Sellers abstained from voting.

The motion passed unanimously with 5 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

**Council member Sellers moved, Council member Lind seconded, to approve the following Consent Agenda Item:**

**Limited Malt Beverage Permit** requested by Kim Larson, Recreation Manager of Evanston Parks and Recreation Department for the Fresh Air, Freedom and Fun Festival at Bear Meadows for the following dates and times:

Tuesday, July 4th, 2023                      11:00 am to 4:00 pm

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

**ORDINANCE 23-01**

**Council member Sellers moved, Council member Lynch seconded, to pass Ordinance 23-01 on second reading.**

**AN ORDINANCE OF THE CITY OF EVANSTON, WYOMING AMENDING SECTION 15-37, PETIT LARCENY, AND ADDING SECTION 15-37.1, THEFT OF SERVICES, TO THE CITY CODE TO AMEND THE TITLE AND MIRROR THE MONETARY LANGUAGE OF STATE STATUTE FOR THEFT OF SECTION 15-37 AND CODIFY THE CRIMINAL ACT OF THEFT OF SERVICES IN SECTION 15-37.1**

**WHEREAS**, there is a need to amend Section 15-37 to the City Code to retitle it as "Theft" and mirror the monetary language of State Statute and to add 15-37.1 to the City Code to codify the criminal act of Theft of Services;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:**

Section 1: Section 15-37 of the Evanston City Code is amended and re-enacted to provide as follows:

**§ 15-37. Theft**

Whoever unlawfully steals, takes and carries, leads or drives away the property of another which has a value of one thousand dollars (\$1000.00) or less is guilty of Theft.

Section 2: Section 15-37.1 of the Evanston City Code is enacted to provide as follows:

**§ 15-37.1. Theft of Services**

A person who, with intent to defraud, obtains services which he knows are available only for compensation without paying for the services is guilty of Theft of Services if the value of the services is less than one thousand dollars (\$1000.00).

PASSED and APPROVED on Second Reading this 21st day of February 2023.

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Kent H. Williams, Mayor

\_\_\_\_\_  
Diane Harris, City Clerk

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

**Resolution 23-09**

**TABLED RESOLUTION 23-01** was not removed from the table by the City Council, which results in the Resolution dying.

**Resolution 23-15**

**Council member Sellers introduced Resolution 23-15. Council member Sellers moved, Council member Perkes seconded, to adopt Resolution 23-15.**

**RESOLUTION AUTHORIZING THE CITY OF EVANSTON, WYOMING TO ENTER INTO A SCADA SERVICE AGREEMENT RENEWAL 2023 WITH WETCO, INC. TO PROVIDE MAINTENANCE SERVICES FOR THE SCADA SYSTEM IN THE WASTEWATER TREATMENT PLANT AND WATER TREATMENT PLANT.**

**WHEREAS**, the City has need to provide maintenance services to the SCADA System of the waste water treatment plant and water treatment plant; and

**WHEREAS**, WETCO, INC. is able to provide such services pursuant to the attached SCADA Service Agreement Renewal 2023;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:**

**Section 1:** The Mayor is hereby authorized to sign, and the City Clerk is hereby authorized to attest, on behalf of the City, the attached SCADA Service Agreement Renewal 2023 with WETCO, Inc. to provide maintenance services for the SCADA System in the wastewater treatment plant and water treatment plant.

PASSED, APPROVED AND ADOPTED this 21st day of February 2023.

\_\_\_\_\_  
Kent H. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Diane Harris, City Clerk

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### **Resolution 23-16**

**Council member Lind introduced Resolution 23-16. Council member Lind moved, Council member Lynch seconded, to adopt Resolution 23-16.**

**RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING, OFFICIALLY DESIGNATING UINTA BANK, WELLS FARGO, 1<sup>ST</sup> BANK EVANSTON AND BANK OF THE WEST AS A DEPOSITORY FOR MONIES OF THE CITY.**

**WHEREAS,** Wyoming Statute § 9-4-817 requires the deposit of municipal funds in banks, to be fully insured by the Federal Deposit Insurance Corporation or otherwise secured by a pledge of collateral or surety bond; and

**WHEREAS,** Wyoming Statute § 9-4-817 also requires the governing body of a City to officially designate any bank which may hold city funds as an approved depository; and

**WHEREAS,** pursuant to the statute there is a need for the governing body of the City of Evanston to designate its depositories of funds for the City of Evanston;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:**

**Section 1:** Uinta Bank, Wells Fargo, 1<sup>st</sup> Bank Evanston and Bank of the West are hereby officially designated and approved as a depository for funds of the City of Evanston, Wyoming.

PASSED, APPROVED AND ADOPTED this 21st day of February 2023.

\_\_\_\_\_  
Kent H. Williams, Mayor

\_\_\_\_\_  
Diane Harris, City Clerk

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### **Financial Disclosure Statements**

**Councilmember Lynch moved, Councilmember Perkes seconded, to accept Financial Disclosure Statements from the Mayor, City Council members, City Clerk and City Treasurer.** The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### **Resolution 23-17**

**Council member Lynch introduced Resolution 23-17. Council member Lynch moved, Council member Lind seconded, to adopt Resolution 23-17.**

**RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EVANSTON AUTHORIZING THE GRANTING AND EXECUTION OF A FIRST RIGHT OF REFUSAL AND NOTICE OF FIRST RIGHT OF REFUSAL TO MITSUBISHI CHEMICAL GROUP**

**WHEREAS,** the City has previously conveyed a First Right of Refusal to Mitsubishi Chemical

Group ("MCG") (formerly SGL Carbon Fibers, LLC), for real property which is situated adjacent to the existing manufacturing plant; and

**WHEREAS**, the Right of First Refusal was granted to encourage MCG to expand its manufacturing operation;

**WHEREAS**, said First Right of Refusal has expired and MCCF has requested the City extend the First Right of Refusal for another five years;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING THAT:**

**Section 1:** The Mayor and City Clerk are authorized to sign and attest a First Right of Refusal and Notice of First Right of Refusal, copies of which are attached hereto, to Mitsubishi Chemical Group, for the real property more particularly described as:

A tract of land in the W ½ SW ¼ of Section 17, T15N, R120W, 6<sup>TH</sup> P.M., in the City of Evanston, Uinta County, Wyoming, said tract being more particularly described as follows:

**COMMENCING** at the Southwest corner of said Section 17, running thence N 0°05'18" E, 1180.28 feet along the West line thereof; thence S 89°54'42" E, 739.31 feet to the **POINT OF BEGINNING**, said point of beginning being the Southeast corner of that tract of land described in the Warranty Deed recorded in Book 679, Page 243 of the Uinta County Records;  
thence N 0°56'53" E, 731.54 feet along the East line thereof;  
thence S 45°00'00" E, 310.00 feet;  
thence S 0°53'37" E, 872.44 feet;  
thence N 89°01'41" W, 179.45 feet;  
thence N 10°23'37" W, 363.01 feet to the **POINT OF BEGINNING**.

Said tract containing 5.000 acres, more or less.

PASSED, APPROVED AND ADOPTED this 21st day of February 2023.

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Kent H. Williams, Mayor

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Diane Harris, City Clerk

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### **Resolution 23-18**

**Council member Sellers introduced Resolution 23-18. Council member Sellers moved, Council member Lynch seconded, to adopt Resolution 23-18.**

**A RESOLUTION APPROVING AND AUTHORIZING THE FINAL PLAT FOR THE YELLOW CREEK ADDITION, A SUBDIVISION WITHIN THE CITY OF EVANSTON, WYOMING AS MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, Wardell Brothers Properties, LLC, a Utah Limited Liability Company, (the "Subdivider"), has made application to the governing body of the City of Evanston, Wyoming for approval and authorization of the proposed subdivision entitled the Yellow Creek Addition, a subdivision located within the City of Evanston, Wyoming; and

**WHEREAS**, the City of Evanston finds that said subdivision is a minor subdivision and can be approved pursuant to Section 22-10 of the Evanston City Code.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Evanston, Wyoming, that:

**Section 1.** The final plat of the Yellow Creek Addition is hereby approved, accepted and authorized and described in particularity as follows, to-wit:

"Yellow Creek Addition", as it appears on this plat, is a subdivision of all of Lots 22 through 27, Block 9, of The Ranch at Evanston, Phase No. 1, in the City of Evanston, Uinta County, Wyoming, said Lots 22 through 27 combined being more particularly described as follows:

**BEGINNING** at the Southeast corner of said Lot 27, running thence N 89°59'34" W, 420.00 feet along the South lines of said Lots 22 through 27 to the Southwest corner of said Lot 22;  
thence N 0°00'26" E, 100.00 feet along the West line of said Lot 22 to the Northwest corner thereof;  
thence S 89°59'34" E, 420.00 feet along the North lines of said Lots 22 through 27 to the

Northeast corner of said Lot 27;  
thence S 0°00'26" W, 100.00 feet along the East line thereof to the **POINT OF BEGINNING**.

Said "Yellow Creek Addition" containing 0.964 acres, more or less.

And further, that the staking thereof into a Lots, a Block, and Easements, as appear on this plat, is with the free consent and according to the desires of Wardell Brothers Properties LLC; that Wardell Brothers Properties LLC does hereby certify that they are the owners in fee simple thereof; that the foregoing is a correct plat of said "Yellow Creek Addition" as surveyed into a Lots, a Block, and Easements, that the dimensions are correctly shown on this plat by figures representing feet and hundredths of a foot, and that said Lots 22 through 27, Block 9, of The Ranch at Evanston, Phase 1 are hereby vacated and the Uinta County Clerk is requested to write "VACATED" across said Lots 22 through 27 on the official plat of The Ranch at Evanston, Phase 1. The dedication is made subject to any existing easements and rights-of-way or mineral or mining reservations of record.

**Section 2.** The Mayor and City Clerk are hereby authorized and directed to enforce the mandates of chapter 22 of the Code of the City Evanston with regard to the filing of the final plat with the County Clerk of Uinta County, Wyoming as by law required.

PASSED, APPROVED AND ADOPTED this 21st day of February 2023.

\_\_\_\_\_  
Kent H. Williams, Mayor

\_\_\_\_\_  
Diane Harris, City Clerk

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### **ORDINANCE 23-02**

**Council member Perkes sponsored Ordinance 23-02. Council member Sellers moved, Council member Lind seconded, to pass Ordinance 23-02 on first reading.**

**AN ORDINANCE APPROVING AND AUTHORIZING A ZONE CHANGE FROM PROPERTY IN THE CITY OF EVANSTON, WYOMING FROM COMMUNITY BUSINESS DEVELOPING TO BUSINESS/LIGHT MANUFACTURING-REDEVELOPMENT, AS REQUESTED BY JAYGEE BROS AND OF THE LAND MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, Jaygee Bros. filed an application with the Planning and Zoning Commission of the City of Evanston, Wyoming to change the zoning of the property described below from a Community Business Developing Zone to a Business/light Manufacturing-Redevelopment Zone; and

**WHEREAS**, Jaygee Bros. and All West Communications, the owners of the property, have petitioned or consented to the proposed zone change; and

**WHEREAS**, the Planning and Zoning Commission scheduled a public hearing to consider said application on February 6, 2023; and

**WHEREAS**, notice of the public hearing and application was published in a newspaper of general circulation and notices of the hearing were mailed to affected landowners pursuant to City Ordinance; and

**WHEREAS**, the public hearing was held on February 6, 2023, by the Planning and Zoning Commission to consider the application for the proposed zone change; and

**WHEREAS**, after receiving testimony and evidence from the applicant, affected landowners and the public at large, the Planning and Zoning Commission voted to recommend to the governing body that it approve the zone change.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING, THAT:**

**Section 1.** The request of Jaygee Bros. to change the zoning of the property described below, from a Community Business Developing Zone to a Business/light Manufacturing-redevelopment Zone is hereby approved and authorized. Said real property being more particularly described as follows:

A tract of land in the SW ¼ of Section 20, T15N, R120W, 6<sup>TH</sup> P.M., in the City of Evanston, Uinta County, Wyoming, said tract being more particularly described as follows:

**BEGINNING** at a point on the East line of said SW ¼ (North-South centerline of said Section 20) said point of beginning lying N 0°05'49" W, 1093.06 feet from the South one-quarter corner of said

Section 20, said point of beginning also lying on the North Line of the West Cheyenne Drive Addition to the City of Evanston, said point of beginning also lying on a curve concave to the South, from which the radius point bears S 15°41'01" W, 1028.34 feet;

thence Westerly 136.75 feet along said North line and the arc of said curve, through a central angle of 7°37'09", the long chord of which bears N 78°07'34" W, 136.65 feet;

thence N 81°56'08" W, 595.72 feet along said North line to the Point of Curvature of a curve concave to the South and having a radius of 822.06 feet;

thence Westerly 197.62 feet along said North line and the arc of said curve, through a central angle of 13°46'25", the long chord of which bears N 88°49'21" W, 197.14 feet;

thence N 5°38'40" W, 625.29 feet to a point on the Southerly right-of-way line of Interstate Highway No. I-80, said point lying on a curve concave to the South, from which the radius point bears S 1°18'28" W, 1659.86 feet;

thence Easterly 931.53 feet along said Southerly right-of-way line and the arc of said curve, through a central angle of 32°09'18", the long chord of which bears S 72°36'53" E, 919.35 feet, to a standard WY DOT monument;

thence S 56°26'04" E, 124.97 feet along said Southerly right-of-way line to a point on said East line of the SW ¼ of Section 20, said point being monumented with a standard WyDOT monument;

thence S 0°05'49" E, 394.20 feet along said East line to the **POINT OF BEGINNING**.

Said tract containing 11.913 acres, more or less.

**Section 2.** The City of Evanston is hereby authorized and directed to take all action necessary to implement said zone change.

PASSED and APPROVED on First Reading this 21st day of February 2023.

\_\_\_\_\_  
Kent H. Williams, Mayor

\_\_\_\_\_  
Diane Harris, City Clerk

The motion passed unanimously with 6 yes votes: Williams, Lynch, Lind, Perkes, Sellers, Hegeman.

#### **Comments/Remarks**

Community Development Director, Rocco O'Neill reported that Jump Start is in full swing with about 35 people attending every week.

#### **Adjournment**

With no further business to be conducted at this time Mayor Williams adjourned the meeting at 6:15 p.m.

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Kent H. Williams, Mayor

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Diane Harris, City Clerk