

PRE-MEETING AGENDA

Casper City Council
The Lyric, 230 W Yellowstone Hwy
Tuesday, July 18, 2023, 5:30 p.m.



	Presentation	Beginning Time	Allotted
1.	Additional Asbestos at City Hall Project S.A.F.E.	5:30	10 min
2.	Additional Bar & Grill Licenses	5:40	10 min
3.	Non-Domesticated Animal Feeding Preview	5:50	5 min
4.	Agenda Review	5:55	5 min
	Approximate Ending Time		6:00 p.m.

*** Reminder ***

Please silence cell phones during the City Council meeting.

July 14, 2023

MEMO TO: J. Carter Napier, City Manager
Liz Becher, Acting City Manager

FROM: Cindie Langston, Acting Public Services Director
Zulima Lopez, Parks, Recreation & Public Facility Director
Alex Sveda, P.E., City Engineer
Scott R. Baxter, P.E., Associate Engineer

SUBJECT: Additional Asbestos Containing Material for City Hall Project S.A.F.E.

Meeting Type & Date
Council Pre-Meeting
July 18, 2023

Action type
Direction Requested

Recommendation

That City Council provide direction on options to remedy additional asbestos containing material (ACM) found in floor tile mastic during the City Hall Project S.A.F.E. Asbestos Abatement Project.

Summary

State Line No. 7 Architects performed designed of City Hall Project S.A.F.E. Building Remodel Project, provided bid support to City engineering staff, and represents the City during construction oversight. City Council awarded construction work on May 2, 2023, to Caspar Building Systems, and asbestos abatement on May 16, 2023, to Wind River Environmental (WRE). Construction began on June 5, 2023, and asbestos abatement began on June 26, 2023. Near the end of June, State Line No. 7 Architects environmental sub-consultant, Trihydro Corporation, discovered what they believed was significant amounts of floor tile likely to have ACM in the mastic. These areas were not identified in previous testing reports or in some cases were tested as negative for ACM. The areas were covered by existing carpet, and were not included in the asbestos abatement scope of work with WRE. Trihydro, the City's environmental representative (State Line No. 7 Architects sub-consultant) was asked to expedite testing to determine whether ACM was present. A comprehensive set of tests have now been acquired. The results show ACM is present in most floor tile in the north and west wings, as well as a small section of linoleum in the City Manager's former bathroom area.

Staff has obtained proposals from Wind River Environmental and Trihydro (through State Line No. 7 Architects) with two (2) options to address ACM formerly not identified as follows:

Option 1: Complete Asbestos Abatement of Floor Tile/Mastic – This option includes removal of all carpet as planned, and removal of all floor tile and mastic for complete abatement of the ACM. This option eliminates the chance of future encounters with ACM floor tiles throughout the building (with the exception of two small areas that were not included in the project).

Option 2: Encapsulation of ACM Wherever Possible – This option includes abatement of all ACM in areas where floors need to be cut as part of the construction project, and includes encapsulation of ACM in place wherever possible, to limit disturbance and reduce costs. This option manages ACM in place,

commonly referred to as encapsulation, and would require any future disturbance of the flooring (for small remodels, or changes in any flooring or walls) undergo asbestos abatement measures at that time.

The two (2) options provided from Wind River Environmental and Trihydro includes the following cost increases:

Option 1: Complete Asbestos Abatement of Floor Tile/Mastic

- A) \$166,712 – Wind River Environmental
 - B) \$ 70,246 – State Line No. 7 Architects/Trihydro – Asbestos Abatement Oversight
- \$236,958 – TOTAL ABATEMENT**

Option 2: Encapsulation of ACM Wherever Possible

- A) \$107,172 – Wind River Environmental
 - B) \$ 67,335 – State Line No. 7 Architects/Trihydro – Asbestos Abatement Oversight
- \$174,507 – TOTAL ENCAPSULATION**

Caspar Building Systems construction contract includes \$258,000 designated as contingency funds. Additional change orders unrelated to asbestos abatement are imminent for design changes required to address code compliance issues with the upstairs bathrooms at City Hall. The financial impact of additional change orders is currently unknown. Based on future potential change orders, Caspar Building Systems and engineering staff estimates \$180,000 of the total contingency amount may be available for asbestos abatement. WRE asbestos abatement contract includes \$2,081 designated contingency funds, and \$55,000 of unused asbestos abatement funding is available to fund a change order for additional ACM abatement. Assuming the total of these funds \$237,081 (\$180,000, \$2,081 and \$55,000), are approved to remedy the newly discovered asbestos, Option 1 or Option 2 would be fully funded.

Caspar Building Systems and the City’s construction oversight representative recommend Option 1 to abate 100% of the newly discovered ACM to expedite the project with minimum disruptions. The advantage of complete abatement not only reduces the likelihood of needing additional time compared to partial abatement (encapsulation) but also eliminates any need for future asbestos abatement for small remodels or changes in flooring and/or walls.

Staff supports the recommendation to perform Option 1 for \$236,958. If Option 2 is considered, a \$62,451 savings would be retained for other unknown and potentially needed future change orders. Staff asks for direction to proceed with either Option 1 or Option 2.

Financial Considerations

The project funded from a combination of Capital Funds, Opportunity Funds and One Cent #16 and #17 Funds.

Oversight/Project Responsibility

Scott Baxter, Associate Engineer
Zulima Lopez, Parks, Recreation & Public Facilities Director

Attachments

Proposals and Recommendations from WRE and State Line No. 7 Architects

Wind River Environmental

Marcie Mangold

Business Number 307-709-0530

38 Obrien rd lander wy 82520

3077090530

andersonsam8508@gmail.com

ESTIMATE

EST0008

DATE

07/04/2023

TOTAL

USD \$166,712.00

TO

City of Casper

Scott Baxter

☎ 3077520509

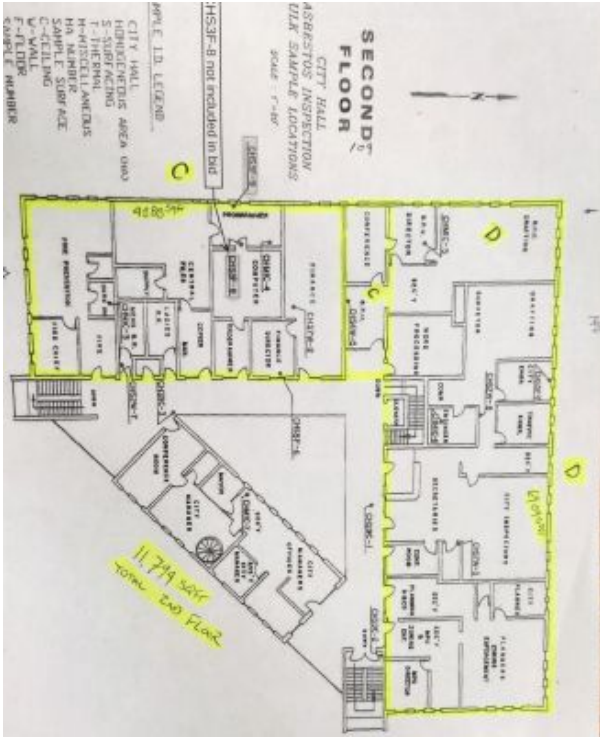
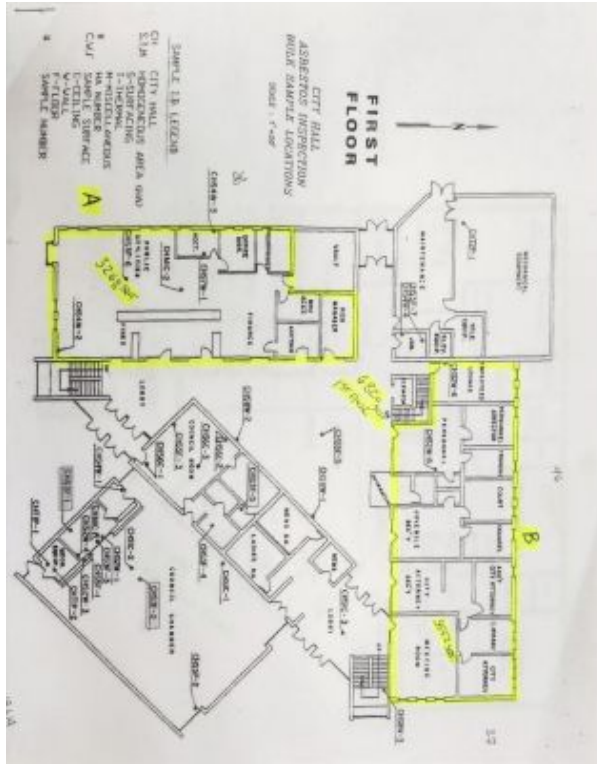
sbaxter@casperwy.gov

DESCRIPTION	RATE	QTY	AMOUNT
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Removal of carpet, tile and ACM mastic per Trihdros drawing of areas that tested hot. A small section of vinyl flooring adjacent to the Mayor on the second floor tested positive for asbestos and will be removed. This price does not include a bond. If bonding is required the cost for the bond will be added to the total.	\$166,712.00	1	\$166,712.00
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TOTAL

USD \$166,712.00



Wind River Environmental

Marcie Mangold

Business Number 307-709-0530

38 Obrien rd lander wy 82520

3077090530

andersonsam8508@gmail.com

ESTIMATE

EST0009

DATE

07/11/2023

TOTAL

USD \$107,172.00

TO

City of Casper

Scott Baxter

☎ 3077520509

sbaxter@casperwy.gov

DESCRIPTION	RATE	QTY	AMOUNT
Removal of carpet and tile on all areas per TriHydros drawing that have ACM mastic. Encapsulation of ACM mastic in these areas this will also include abatement of areas previously discussed on the first floor that need trenching done. Abatement will also be preformed on the second floor by the mayors office.	\$107,172.00	1	\$107,172.00

TOTAL

USD \$107,172.00



July 12, 2023

Mr. Lyle Murtha, AIA
Stateline No. 7 Architects
444 South Center St
Casper, WY 82601

RE: Proposal and Cost Estimate for Additional Asbestos Sampling and Abatement/Encapsulation Oversight
Casper City Hall, Casper, Wyoming

Dear Mr. Murtha:

Trihydro Corporation (Trihydro) appreciates the opportunity to submit a proposal to provide asbestos assistance for the remodeling of Casper City Hall. Trihydro prepared a Project Manual dated April 21, 2023, for the Casper City Hall asbestos abatement and submitted to Stateline No. 7 Architects (Stateline) for inclusion in the bid documents submitted to the City of Casper (City). Since the original service order for Trihydro was submitted to Stateline on May 13, 2022, additional scope items have been identified. This proposal and cost estimate details costs for these additional tasks. The items identified below correspond to the tasks and detailed cost estimates, respectively included in Table 1.

SCOPE OF WORK AND COST ESTIMATE

Task 1 - Determination of Additional Sampling Required as Requested by WDEQ, Sample Collection, and Results Review

The City received comments on the asbestos scope included in the Project Manual from the Wyoming Asbestos Program Coordinator in an email dated May 12, 2023. Stateline requested a cost estimate to address these comments.

Trihydro will conduct additional asbestos sampling of up to 36 samples, review the sampling results, and revise to the asbestos abatement scope of work as needed. The comments from the Wyoming Asbestos Program Coordinator included four items of concern. These comments are listed below in italics. The proposed action to address each item is included below each comment.

Comments from Wyoming Asbestos Program Coordinator

- 1. There are several materials (CMU sealant, pookie (duct or seam sealant), caulking, etc.) that have been found in many applications to contain asbestos in more recent years that may not have been examined as part of these early inspections.*

Proposed action: A site inspection will be conducted to identify and sample potential areas containing these materials. A total of 10-15 samples is estimated and includes sufficient sample volume to allow for any homogenous areas that were overlooked in the 1990 site inspection.

2. *Required minimum numbers of samples must be collected based on the type of material being tested. For example, spray-on acoustic requires 3 (if the Homogenous Area of Material is less than 1000 SF[square feet]) / 5 (if the Homogenous Area of Material is more than 1000 SF, but less than 5000 SF) / or 7 (if the Homogenous Area of Material is more than 5000 SF) samples based on the size of the area inspected. The inspection report from 1990 collected only 3 samples from an area of spray-on ceiling texture that was 3,300 SF in size. Additional samples must be taken to prove that this material does not contain asbestos.*

Proposed action: A total of three homogenous areas were identified that were between 1,000 SF and 5,000 SF but only had three samples collected. They were: S1 -first floor ceiling texture, S8 – 2-story precast wall texture in lobby, and S9 – Sprayed ceiling texture on the 2nd floor. Up to an additional 15 samples will be collected from these three homogenous areas to further evaluate this material for potential asbestos content.

3. *We were told that the Heating, Ventilation and Air Conditioning (HVAC) System is going to be replaced or at least worked on during the project. The 1990 inspection specifically states that gaskets in the heating system were assumed to contain asbestos, but no mention of this assumed material was made in the bid package.*

Proposed action: During the site inspection, up to 14 samples will be collected from the HVAC system to assess whether asbestos containing material (ACM) is present in gasket material, electrical wire coatings, or other HVAC components.

4. *Laboratory analysis methods have improved greatly in the time frame from 1990 to the present. Some materials that may have been found to contain asbestos in early inspections may have either under- or over-represented the amount of asbestos present in the material.*

Proposed action: To verify the positive ACMs homogenous area identified in the 1990 inspection, full sample amounts will be collected from S3 – Vinyl floor covering with mastic (area greater than 5,000 SF). An additional seven samples will be collected from S3.

If any ACM are identified from this additional sampling, they will be added to the asbestos abatement scope. An Asbestos Building Inspector will conduct the asbestos sampling. The estimated cost for the activities listed above is \$3,109.14 as presented in the attached Table 1.

Task 2 - Point Count Sampling as requested by WDEQ and Results Review

After reviewing the sampling results from the samples collected under Task 1, the Wyoming Asbestos Program Coordinator contacted Trihydro on June 21, 2023, to request point counts for the samples with results of less than 1 percent (%) Chrysotile.

To address the request for point counts, Trihydro contacted the laboratory which analyzed samples for the previous sampling event. The laboratory still had the previous samples and can use those samples to run the point counts, so no new sampling will be required. The laboratory will run point count samples on 12 samples. Trihydro will review the results and provide to the project team. Trihydro will also share the results with the Wyoming Asbestos Program Coordinator. Costs for this total \$1,142.70, as detailed in the attached Table 1.

Task 3 - Collection of Additional Samples for Determination of Areas Containing Asbestos

As project demolition has progressed, additional areas of potential asbestos were encountered. Samples of these area will be collected and analyzed for asbestos. Up 58 samples will be collected. The sampling results will be reviewed and provided to the project team. An inspection report detailing these results will also be prepared.

For any samples reported to contain less than 1% Chrysotile, a point count sampling will be required. Point count sampling for up to 10 samples is included, if required. As presented in Table 1, costs for Task 3 total \$4,808.95.

Task 4 - Asbestos Abatement and Encapsulation Oversight and Air Sampling for Additional Areas

For the additionally identified areas containing asbestos, Trihydro will perform the following tasks:

- Coordinate with the asbestos abatement contractor and the City of Casper.
- Act as the owner's representative overseeing asbestos removal and encapsulation activities.
- Conduct perimeter air sample collection on exterior of abatement and encapsulation work areas.
- Conduct final clearance air sample collection once the removal or encapsulation actions have been completed.
- Submit air samples to the laboratory for analysis.
- Prepare a letter completion report detailing the asbestos abatement activities.

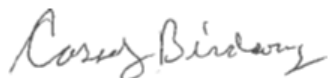
Costs for Task 4 total \$58,274.10 and are detailed on the attached Table 1.

CLOSING

Trihydro has prepared the cost estimates presented herein using the standards and care of our profession. No warranty or guarantee of the cost estimates is intended. The cost estimates are based on specified and unspecified assumptions, including those listed in Table 1. If these assumptions prove to be inaccurate and/or inapplicable, it could substantially affect the accuracy of the cost estimate. During the work, if Trihydro finds that Site conditions differ from current assumptions or if additional services are deemed necessary, Trihydro will promptly inform Stateline.

The proposed scope of work will be performed on a not to exceed Time and Materials (T&M) basis in accordance with Trihydro's standard fee schedule (attached) and the terms and conditions specified in the existing contract between Trihydro and Stateline (dated December 16, 2021). Upon approval of the estimate totaling \$67,335.00, Trihydro understands that a change order will be issued to the existing contract with Stateline. We look forward to providing continued service to Stateline on this project. Please contact me at (307) 745-7474 if you have any questions or need additional information.

Sincerely,
Trihydro Corporation



Cassidy Birdsong
Project Manager

00999-70L-0010

Attachment

**TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING**



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal
1 Determination of Additional Sampling Required as Requested by WDEQ, Sample Collection, and Results Review - Review current building remodel scope to assess for areas requiring additional asbestos identification sampling per comments from WDEQ on 5/11/2023. - Collection of up to 36 PLM samples from the Casper City Hall to identify additional areas of asbestos not identified in the 1990 building inspection. - Review sampling results and provide results to the project team. - Update asbestos abatement scope as needed. Assumptions: - Assumes up to 15 hours for sample collection. - Assumes technician will move from Laramie to Casper (2.5 hours one way). If required, technician may spend up to one night in Casper. - Assumes 72 hour turnaround time (TAT) on the collected samples. If a faster turnaround is required, costs will increase. - For PLM sampling, 72 hour TAT is \$9.65/sample. 48 hour TAT is \$10.20/sample. 24 hour TAT is \$11.50/sample. - Includes analysis for up to 36 samples. - Sample counts include quality control samples.	Professional Level 10	\$186.00	0	\$0.00
	Professional Level 9	\$173.00	3	\$519.00
	Professional Level 8	\$156.00	0	\$0.00
	Professional Level 4	\$105.00	0	\$0.00
	Professional Level 3	\$96.00	15	\$1,440.00
	Technical Level 3	\$81.00	3	\$243.00
	Administrative 4	\$84.00	0.5	\$42.00
	Labor			\$2,244.00
	Company Vehicle	\$95.00	2	\$190.00
	Hotel	\$125.00	1	\$125.00
	Per Diem	\$59.00	2	\$118.00
	EMSL Lab - PLM Samples, 72 hr. TAT	\$9.65	36	\$382.14
	Disposable PPE	\$50.00	1	\$50.00
	Expenses			\$865.14
	Subcontractors			\$0.00
Activity 1 Subtotal			\$3,109.14	

TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal
2 Point Count Sampling as requested by WDEQ and Results Review - Point count sample analysis for samples previously collected as requested by WDEQ on 6/21/23 - Review sampling results and provide to project team - Coordinate with Wyoming Asbestos Program Coordinator regarding sampling results	Professional Level 10 Professional Level 9 Professional Level 8 Professional Level 4 Professional Level 3 Technical Level 3 Administrative 4	\$186.00 \$173.00 \$156.00 \$105.00 \$96.00 \$81.00 \$84.00	0 1.5 0 2 0 0 0	\$0.00 \$259.50 \$0.00 \$210.00 \$0.00 \$0.00 \$0.00
Assumptions: - Assumes 72 hour TAT on the collected samples. If a faster turnaround is required, costs will increase. - For point count sampling 72 hour TAT is \$51.00/sample for gravimetric point counts. - Includes analysis for up to 12 samples. - Sample counts include quality control samples.	Labor Company Vehicle Hotel Per Diem EMSL Lab - Point Count Samples, 72 hr. TAT Disposable PPE	\$95.00 \$125.00 \$59.00 \$51.00 \$50.00	0 0 0 12 0	\$0.00 \$0.00 \$0.00 \$673.20 \$0.00
	Expenses			\$673.20
	Activity 2 Subtotal			\$1,142.70

TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal
3 Collection of Additional Samples to Determine Areas Containing Asbestos - Collection of up to 58 PLM samples from the Casper City Hall to identify additional areas of asbestos not identified in the 1990 building inspection. - Review sampling results and provide results to the project team. - Preparation of an inspection report documenting results of the sampling. <u>Assumptions:</u> - Assumes up to 10 hours for sample collection. - Assumes technician will move from Laramie to Casper (2.5 hours one way). The technician will spend two nights in Casper. - 15 samples will be analyzed with a 3 hr. TAT to allow demo activities to continue. - 43 samples will be analyzed with a 24 hour TAT. - For PLM sampling, 72 hour TAT is \$9.65/sample. 48 hour TAT is \$10.20/sample. 24 hour TAT is \$11.50/sample. 3 hour TAT is \$32.00/sample. - Includes analysis for up to 35 samples. - Includes point count costs for up to 10 samples. These will be required if any sampling results come back at <1% Chrysotile. - Sample counts include quality control samples.	Professional Level 10	\$186.00	0	\$0.00
	Professional Level 9	\$173.00	8	\$1,384.00
	Professional Level 8	\$156.00	0	\$0.00
	Professional Level 4	\$105.00	10	\$1,050.00
	Professional Level 3	\$96.00	0	\$0.00
	Technical Level 3	\$81.00	0	\$0.00
	Administrative 4	\$84.00	1	\$84.00
	Labor			\$2,518.00
	Company Vehicle	\$95.00	2	\$190.00
	Hotel	\$125.00	2	\$250.00
	Per Diem	\$59.00	2	\$118.00
	EMSL Lab - PLM Samples, 24 hr. TAT	\$11.50	43	\$543.95
	EMSL Lab - PLM Samples, 3 hr. TAT	\$32.00	15	\$528.00
	EMSL Lab - Point Count Samples, 72 hr. TAT	\$51.00	10	\$561.00
	Disposable PPE	\$100.00	1	\$100.00
Expenses			\$2,290.95	
Activity 3 Subtotal			\$4,808.95	

**TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING**



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal	
4 Asbestos Abatement and Encapsulation Oversight and Air Sampling for Additional Areas of Identified Asbestos - Asbestos abatement and encapsulation oversight. - Collection of perimeter and clearance air samples. - Additional time for preparation of final report (additional to what was included in original scope). Assumptions: - Assumes technician will move from Laramie to Casper (2.5 hours one way). Technician spend 5 nights/week night in Casper. - Assumes technicians will rotate throughout the project duration. - Assumes 5 weeks at 6 days/week and 8 hr. days for abatement oversight and air sampling. - Electrical power and lighting to work area is readily available. - Access to City Hall can be arranged for after 5:00 PM if needed. - Assumes 72 hour TAT on the collected samples. If a faster turnaround is required, costs will increase. - For perimeter sampling 72 hour TAT is \$8.95/sample. 48 hour TAT is \$9.65/sample. 24 hour TAT is \$10.20/sample. - Lab costs include 5 perimeter samples per day for 5 weeks, 6 days per week. - For clearance sampling, 72 TAT is \$63.00/sample. 48 hr. TAT is 69.30/sample. 24 hr. TAT is \$76.65/sample. - Lab costs assume clearance sampling for 3 containment areas, and 7 samples per containment. - Sample counts include quality control samples.	Professional Level 10	\$186.00	0	\$0.00	
	Professional Level 9	\$173.00	15	\$2,595.00	
	Professional Level 8	\$156.00	0	\$0.00	
	Professional Level 4	\$105.00	285	\$29,925.00	
	Professional Level 3	\$96.00	18	\$1,728.00	
	Technical Level 5	\$101.00	0	\$0.00	
	Technical Level 3	\$81.00	0	\$0.00	
	Administrative 4	\$84.00	2	\$168.00	
	Labor				\$34,416.00
	Company Vehicle	\$95.00	30	\$2,850.00	
	Hotel	\$125.00	30	\$3,750.00	
	Per Diem	\$59.00	30	\$1,770.00	
	EMSL Lab - Perimeter Samples	\$8.95	150	\$1,476.75	
	EMSL Lab - Clearance Samples	\$63.00	21	\$1,455.30	
	Sampling Pump Rental	\$285.00	38	\$11,913.00	
Sampling Cassettes	\$175.50	1	\$193.05		
Disposable PPE	\$450.00	1	\$450.00		
Expenses				\$23,858.10	
Activity 4 Subtotal				\$58,274.10	

	TOTAL
Task 1 Determination of Additional Sampling Required as Requested by WDEQ, Sample Collection, and Results Review	\$3,109.14
Task 2 Point Count Sampling as requested by WDEQ and Results Review	\$1,142.70
Task 3 Collection of Additional Samples to Determine Areas Containing Asbestos	\$4,808.95
Task 4 Asbestos Abatement and Encapsulation Oversight and Air Sampling for Additional Areas of Identified Asbestos	\$58,274.10
Total \$	67,335

Notes:
 (a) All work will be performed in accordance with Trihydro Corporation Schedule of Charges.
 (b) Subcontractors will be charged at cost plus 10%, unless directly billed to CLIENT.



July 12, 2023

Mr. Lyle Murtha, AIA
Stateline No. 7 Architects
444 South Center St
Casper, WY 82601

RE: Proposal and Cost Estimate for Additional Asbestos Sampling and Abatement Oversight
Casper City Hall, Casper, Wyoming

Dear Mr. Murtha:

Trihydro Corporation (Trihydro) appreciates the opportunity to submit a proposal to provide asbestos assistance for the remodeling of Casper City Hall. Trihydro prepared a Project Manual dated April 21, 2023, for the Casper City Hall asbestos abatement and submitted to Stateline No. 7 Architects (Stateline) for inclusion in the bid documents submitted to the City of Casper (City). Since the original service order for Trihydro was submitted to Stateline on May 13, 2022, additional scope items have been identified. This proposal and cost estimate details costs for these additional tasks. The items identified below correspond to the tasks and detailed cost estimates, respectively included in Table 1.

SCOPE OF WORK AND COST ESTIMATE

Task 1 - Determination of Additional Sampling Required as Requested by WDEQ, Sample Collection, and Results Review

The City received comments on the asbestos scope included in the Project Manual from the Wyoming Asbestos Program Coordinator in an email dated May 12, 2023. Stateline requested a cost estimate to address these comments.

Trihydro will conduct additional asbestos sampling of up to 36 samples, review the sampling results, and revise the asbestos abatement scope of work, as needed. The comments from the Wyoming Asbestos Program Coordinator included four items of concern. These comments are listed below in italics. The proposed action to address each item is included below each comment.

Comments from Wyoming Asbestos Program Coordinator

- 1. There are several materials (CMU sealant, pookie (duct or seam sealant), caulking, etc.) that have been found in many applications to contain asbestos in more recent years that may not have been examined as part of these early inspections.*

Proposed action: A site inspection will be conducted to identify and sample potential areas containing these materials. A total of 10-15 samples is estimated and includes sufficient sample volume to allow for any homogenous areas that were overlooked in the 1990 site inspection.

2. *Required minimum numbers of samples must be collected based on the type of material being tested. For example, spray-on acoustic requires 3 (if the Homogenous Area of Material is less than 1000 SF [square feet]) / 5 (if the Homogenous Area of Material is more than 1000 SF, but less than 5000 SF) / or 7 (if the Homogenous Area of Material is more than 5000 SF) samples based on the size of the area inspected. The inspection report from 1990 collected only 3 samples from an area of spray-on ceiling texture that was 3,300 SF in size. Additional samples must be taken to prove that this material does not contain asbestos.*

Proposed action: A total of three homogenous areas were identified that were between 1,000 SF and 5,000 SF but only had three samples collected. They were: S1 -first floor ceiling texture, S8 – 2-story precast wall texture in lobby, and S9 – Sprayed ceiling texture on the 2nd floor. Up to an additional 15 samples will be collected from these three homogenous areas to further evaluate this material for potential asbestos content.

3. *We were told that the Heating, Ventilation and Air Conditioning (HVAC) System is going to be replaced or at least worked on during the project. The 1990 inspection specifically states that gaskets in the heating system were assumed to contain asbestos, but no mention of this assumed material was made in the bid package.*

Proposed action: During the site inspection, up to 14 samples will be collected from the HVAC system to assess whether asbestos containing material (ACM) is present in gasket material, electrical wire coatings, or other HVAC components.

4. *Laboratory analysis methods have improved greatly in the time frame from 1990 to the present. Some materials that may have been found to contain asbestos in early inspections may have either under- or over-represented the amount of asbestos present in the material.*

Proposed action: To verify the positive ACMs homogenous area identified in the 1990 inspection, full sample amounts will be collected from the S3 – Vinyl floor covering with mastic (area greater than 5,000 SF). An additional seven samples will be collected from S3.

If any ACMs are identified from this additional sampling, they will be added to the asbestos abatement scope. An Asbestos Building Inspector will conduct the asbestos sampling. The estimated cost for the activities listed above is \$3,109.14, as presented in the attached Table 1.

Task 2 - Point Count Sampling as requested by WDEQ and Results Review

After reviewing the sampling results from the samples collected under Task 1, the Wyoming Asbestos Program Coordinator contacted Trihydro on June 21, 2023, to request point counts for the samples with results of less than 1 percent (%) Chrysotile.

To address the request for point counts, Trihydro contacted the laboratory which analyzed samples for the previous sampling event. The laboratory still had the previous samples and can use those samples to run the point counts, so no new sampling will be required. The laboratory will run point count samples on 12 samples. Trihydro will review the results and provide to the project team. Trihydro will also share the results with the Wyoming Asbestos Program Coordinator. Costs for this total \$1,142.70, as detailed in the attached Table 1.

Task 3 - Collection of Additional Samples for Determination of Areas Containing Asbestos

As project demolition has progressed, additional areas of potential asbestos were encountered. Samples of these area will be collected and analyzed for asbestos. Up 58 samples will be collected. The sampling results will be reviewed and provided to the project team. An inspection letter report detailing these results will also be prepared.

For any samples reported to contain less than 1% Chrysotile, a point count sampling will be required. Point count sampling for up to 10 samples is included, if required. As presented in Table 1, costs for Task 3 total \$4,808.95.

Task 4 - Asbestos Abatement Oversight and Air Sampling for Additional Areas

For the additionally identified areas containing asbestos, Trihydro will perform the following tasks:

- Coordinate with the asbestos abatement contractor and the City of Casper.
- Act as the owner's representative overseeing asbestos removal activities.
- Conduct perimeter air sample collection on exterior of abatement work areas.
- Conduct final clearance air sample collection once the removal actions have been completed.
- Submit air samples to the laboratory for analysis.
- Prepare a letter completion report detailing the asbestos abatement activities.


Costs for Task 4 total \$61,185.20 and are detailed on the attached Table 1.

CLOSING

Trihydro has prepared the cost estimates presented herein using the standards and care of our profession. No warranty or guarantee of the cost estimates is intended. The cost estimates are based on specified and unspecified assumptions, including those listed in Table 1. If these assumptions prove to be inaccurate and/or inapplicable, it could substantially affect the accuracy of the cost estimate. During the work, if Trihydro finds that Site conditions differ from current assumptions or if additional services are deemed necessary, Trihydro will promptly inform Stateline.

The proposed scope of work will be performed on a not to exceed Time and Materials (T&M) basis in accordance with Trihydro’s standard fee schedule (attached) and the terms and conditions specified in the existing contract between Trihydro and Stateline (dated December 16, 2021). Upon approval of the estimate totaling \$70,246.00, Trihydro understands that a change order will be issued to the existing contract with Stateline. We look forward to providing continued service to Stateline on this project. Please contact me at (307) 745-7474 if you have any questions or need additional information.

Sincerely,
Trihydro Corporation



Cassidy Birdsong
Project Manager

00999-70L-0010

Attachment

**TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING**



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal
1 Determination of Additional Sampling Required as Requested by WDEQ, Sample Collection, and Results Review - Review current building remodel scope to assess for areas requiring additional asbestos identification sampling per comments from WDEQ on 5/11/2023. - Collection of up to 36 PLM samples from the Casper City Hall to identify additional areas of asbestos not identified in the 1990 building inspection. - Review sampling results and provide results to the project team. - Update asbestos abatement scope as needed. <u>Assumptions:</u> - Assumes up to 15 hours for sample collection. - Assumes technician will move from Laramie to Casper (2.5 hours one way). If required, technician may spend up to one night in Casper. - Assumes 72 hour turnaround time (TAT) on the collected samples. If a faster turnaround is required, costs will increase. - For PLM sampling, 72 hour TAT is \$9.65/sample. 48 hour TAT is \$10.20/sample. 24 hour TAT is \$11.50/sample. - Includes analysis for up to 36 samples. - Sample counts include quality control samples.	Professional Level 10	\$186	0	\$0.00
	Professional Level 9	\$173	3	\$519.00
	Professional Level 8	\$156	0	\$0.00
	Professional Level 4	\$105	0	\$0.00
	Professional Level 3	\$96	15	\$1,440.00
	Technical Level 3	\$81	3	\$243.00
	Administrative 4	\$84	0.5	\$42.00
	Labor			\$2,244.00
	Company Vehicle	\$95	2	\$190.00
	Hotel	\$125	1	\$125.00
	Per Diem	\$59	2	\$118.00
	EMSL Lab - PLM Samples, 72 hr. TAT	\$9.65	36	\$382.14
	Disposable PPE	\$50	1	\$50.00
	Expenses			\$865.14
	Subcontractors			\$0.00
Activity 1 Subtotal			\$3,109.14	

TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING



Activity		Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal	
2	Point Count Sampling as requested by WDEQ and Results Review - Point count sample analysis for samples previously collected as requested by WDEQ on 6/21/23 - Review sampling results and provide to project team - Coordinate with Wyoming Asbestos Program Coordinator regarding sampling results Assumptions: - Assumes 72 hour TAT on the collected samples. If a faster turnaround is required, costs will increase. - For point count sampling 72 hour TAT is \$51.00/sample for gravimetric point counts. - Includes analysis for up to 12 samples. - Sample counts include quality control samples.	Professional Level 10	\$186	0	\$0.00	
		Professional Level 9	\$173	1.5	\$259.50	
		Professional Level 8	\$156	0	\$0.00	
		Professional Level 4	\$105	2	\$210.00	
		Professional Level 3	\$96	0	\$0.00	
		Technical Level 3	\$81	0	\$0.00	
		Administrative 4	\$84	0	\$0.00	
		Labor				\$469.50
		Company Vehicle	\$95	0	\$0.00	
		Hotel	\$125	0	\$0.00	
		Per Diem	\$59	0	\$0.00	
		EMSL Lab - Point Count Samples, 72 hr. TAT	\$51.00	12	\$673.20	
		Disposable PPE	\$50	0	\$0.00	
		Expenses				\$673.20
Activity 2 Subtotal					\$1,142.70	

TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal
3 Collection of Additional Samples to Determine Areas Containing Asbestos	Professional Level 10	\$186	0	\$0.00
- Collection of up to 58 PLM samples from the Casper City Hall to identify additional areas of asbestos not identified in the 1990 building inspection.	Professional Level 9	\$173	8	\$1,384.00
- Review sampling results and provide results to the project team.	Professional Level 8	\$156	0	\$0.00
- Preparation of an inspection report documenting results of the sampling.	Professional Level 4	\$105	10	\$1,050.00
Assumptions:	Professional Level 3	\$96	0	\$0.00
- Assumes up to 10 hours for sample collection.	Technical Level 3	\$81	0	\$0.00
- Assumes technician will move from Laramie to Casper (2.5 hours one way). The technician will spend two nights in Casper.	Administrative 4	\$84	1	\$84.00
- 15 samples will be analyzed with a 3 hr. TAT to allow demo activities to continue.	Labor			\$2,518.00
- 43 samples will be analyzed with a 24 hour TAT.	Company Vehicle	\$95	2	\$190.00
- For PLM sampling, 72 hour TAT is \$9.65/sample. 48 hour TAT is \$10.20/sample. 24 hour TAT is \$11.50/sample. 3 hour TAT is \$32.00/sample.	Hotel	\$125	2	\$250.00
- Includes analysis for up to 35 samples.	Per Diem	\$59	2	\$118.00
- Includes point count costs for up to 10 samples. These will be required if any sampling results come back at <1% Chrysotile.	EMSL Lab - PLM Samples, 24 hr. TAT	\$11.50	43	\$543.95
- Sample counts include quality control samples.	EMSL Lab - PLM Samples, 3 hr. TAT	\$32.00	15	\$528.00
	EMSL Lab - Point Count Samples, 72 hr. TAT	\$51.00	10	\$561.00
	Disposable PPE	\$100	1	\$100.00
	Expenses			\$2,290.95
	Activity 3 Subtotal			\$4,808.95

TABLE 1. COST ESTIMATE FOR ASBESTOS ASSISTANCE
CASPER CITY HALL, CASPER, WYOMING



Activity	Schedule of Charges	Hourly Rate or Charge	Hours or Unit Estimate	Subtotal	
4 Asbestos Abatement Oversight and Air Sampling for Additional Areas of Identified Asbestos - Asbestos abatement oversight. - Collection of perimeter and clearance air samples. - Additional time for preparation of final report (additional to what was included in original scope). <u>Assumptions:</u> - Assumes technician will move from Laramie to Casper (2.5 hours one way). Technician spend 5 nights/week night in Casper. - Assumes technicians will rotate throughout the project duration. - Assumes 5 weeks at 6 days/week and 8 hr. days for abatement oversight and air sampling. - Electrical power and lighting to work area is readily available. - Access to City Hall can be arranged for after 5:00 PM if needed. - Assumes 72 hour TAT on the collected samples. If a faster turnaround is required, costs will increase. - For perimeter sampling 72 hour TAT is \$8.95/sample. 48 hour TAT is \$9.65/sample. 24 hour TAT is \$10.20/sample. - Lab costs include 5 perimeter samples per day for 5 weeks, 6 days per week. - For clearance sampling, 72 TAT is \$63.00/sample. 48 hr. TAT is 69.30/sample. 24 hr. TAT is \$76.65/sample. - Lab costs assume clearance sampling for 4 containment areas, and 7 samples per containment. - Sample counts include quality control samples.	Professional Level 10	\$186	0	\$0.00	
	Professional Level 9	\$173	15	\$2,595.00	
	Professional Level 8	\$156	0	\$0.00	
	Professional Level 4	\$105	285	\$29,925.00	
	Professional Level 3	\$96	18	\$1,728.00	
	Technical Level 5	\$101	18	\$1,818.00	
	Technical Level 3	\$81	0	\$0.00	
	Administrative 4	\$84	2	\$168.00	
	Labor				\$36,234.00
	Company Vehicle	\$95	32	\$3,040.00	
	Hotel	\$125	32	\$4,000.00	
	Per Diem	\$59	32	\$1,888.00	
	EMSL Lab - Perimeter Samples	\$8.95	150	\$1,476.75	
	EMSL Lab - Clearance Samples	\$63.00	28	\$1,940.40	
Sampling Pump Rental	\$285.00	38	\$11,913.00		
Sampling Cassettes	\$175.50	1	\$193.05		
Sampling Equipment and Disposable PPE	\$500	1	\$500.00		
Expenses				\$24,951.20	
Activity 4 Subtotal				\$61,185.20	

TOTAL	
Task 1 Determination of Additional Sampling Required as Requested by WDEQ, Sample Collection, and Results Review	\$3,109.14
Task 2 Point Count Sampling as requested by WDEQ and Results Review	\$1,142.70
Task 3 Collection of Additional Samples to Determine Areas Containing Asbestos	\$4,808.95
Task 4 Asbestos Abatement Oversight and Air Sampling for Additional Areas of Identified Asbestos	\$61,185.20
Total \$	70,246

Notes:
 (a) All work will be performed in accordance with Trihydro Corporation Schedule of Charges.
 (b) Subcontractors will be charged at cost plus 10%, unless directly billed to CLIENT.

Stateline No 7 ARCHITECTS

July 12, 2023

Mr. Scott Baxter, P.E.
Engineering Division
City of Casper
200 North David Street
Casper, Wyoming 82601

Re: Asbestos Change Order Recommendation for project #20-010 Casper City Hall Project S.A.F.E. Asbestos Abatement Package

Dear Scott:

The Casper City Hall Project S.A.F.E. Asbestos Abatement package commenced construction in June, 2023. This project was designed and bid by our environmental consultant, Trihydro, based on a prior asbestos report provided by the City for the Casper City Hall dated 1990, which was assumed to be all-inclusive and accurate. In the process of mobilizing and starting the abatement work by the abatement contractor, Wind River Environmental (a process that requires “notification” to the Wyoming DEQ Air Quality Division), the DEQ requested additional testing be completed because of the age of the 1990 asbestos report. That additional testing along with visual observations of “same” materials during the demolition of flooring has led to the discovery (and additional testing to verify) of a significant amount of additional asbestos that was previously unknown; mostly in the form of mastic beneath floor tile that had been carpeted over. The 1990 asbestos report had even tested this mastic material and reported it as negative, but the new tests have verified that it is in fact asbestos containing material. The additionally discovered asbestos areas are indicated in the floor plans below (in green and blue hatched areas and include the black mastic under the beige tile):



First Floor Plan



Second Floor Plan



With this discovery of significant asbestos material throughout the office areas on both levels of the building and the safety concerns associated with it, the separately contracted contractor for the building remodel package, Caspar Building Systems, has “shut down” their work on the project and is in “delay” until these areas of the building can either safely be abated of asbestos or the asbestos can be encapsulated in order for them to resume construction operations. This means that the City will have to remain vacated from the building for longer than the originally planned approximately 12-month construction period; the delay is yet to be determined, but assumed to be approximately 6 to 8 weeks additional time.

The abatement contractor has provided two options for dealing with the additional asbestos discovered: completely abate the asbestos material (same process used for the abatement of asbestos in their originally contracted work) for a cost of \$ 166,712.00 OR to only remove the required asbestos materials needed for construction purposes and encapsulate the remaining asbestos beneath the new flooring for a cost of \$107,172.00.

It is the design team’s recommendation that all asbestos containing materials be removed and abated as part of the current Casper City Hall Remodel (the first option listed above). While some areas of asbestos could potentially be encapsulated rather than removed and abated (as per the second option above), this only delays the issue of dealing with the asbestos. Additionally, any areas encapsulated would need to be documented so that their presence is known for any future work on the building and this later option will require City maintenance staff to be vigilant about future remodel work in the areas of encapsulated asbestos material and future abatements of this asbestos material may be required depending on the amount of remodel involved and if disturbing the asbestos material. Since the Casper City Hall building is currently under construction and is unoccupied, it will be more efficient and likely less expensive in the long run to remove and abate all of the asbestos as a part of the current Casper City Hall Remodel (first option listed above).

Of course, separate from the contractor cost options listed above, there are additional associated asbestos testing and monitoring fees required as well, which are addressed separately in an additional professional services fee request. The combination of these costs, regardless of which option is selected above, would nearly deplete the project contingency set aside for this project if the funds were taken from contingency. Because we are at a very early stage of the project – just into the second month – it is recommended to not deplete the contingency, but to allocate additional funds to deal with the recently discovered additional asbestos.

Respectfully,



Lyle Murtha, AIA
President
Stateline No. 7 Architects

July 14, 2023

MEMO TO: J. Carter Napier, City Manager *eb for ICN*
FROM: Fleur Tremel, Assistant to the City Manager/City Clerk
Carla Mills-Laatsch, Licensing Specialist
SUBJECT: Additional Bar and Grill Liquor Licenses

Meeting Type & Date
Pre-meeting, July 18, 2023

Action type
Direction requested

Recommendation
That Council make applications available for the additional Bar and Grill Liquor Licenses.

Summary
During the last Legislative Session, the State amended Wyoming State Statutes §12-4-413 regarding Bar and Grill Liquor Licenses. This recent change amended the population formula for Bar and Grill allocations. Under the previous version of the statute, the City of Casper was issued 13 Bar and Grill Liquor Licenses. All 13 licenses are assigned. Under the amended statute, as of July 1, 2023, the City is allowed 19 Bar and Grill Liquor Licenses. This means that as of July 1 there are 6 available licenses. In 2028, the formula will change again and allow for a total of 27 Bar and Grill liquor licenses.

Another change made to this license type is with regard to the requirements on the revenues of the business. One of the requirements for a Bar and Grill Liquor License was that the primary source of revenue shall be derived from food service and not from the sale of malt or alcoholic beverages in a 60/40% split. This restriction has been changed to include entertainment in addition to food, allowing for any combination of food and entertainment. Entertainment is defined by the Wyoming State Statute §12-1-101 as any activity designed to provide diversion or amusement, regardless of the age required for the activity. "Entertainment" shall not include adult entertainment, as defined by the local licensing authority, or gambling.

State Statute allows for the initial cost of a Bar and Grill Liquor License to be anywhere from \$1,500 to \$10,500. Currently, the City has adopted the maximum fee of \$10,500 for this license. At this time, Staff is seeking direction from Council on whether Council would like to make applications for the additional 6 licenses available to the public.

Financial Considerations
Bar and Grill Liquor Licenses are \$10,500 for the first year and \$3,000 each year after.

Oversight/Project Responsibility
Carla Mills-Laatsch, Licensing Specialist

Attachments
Wyoming State Statutes


Document: Wyo. Stat. § 12-4-413

Wyo. Stat. § 12-4-413**Copy Citation**

Current through 2023 General Session. Subject to revisions by LSO.

Wyoming Statutes Annotated Title 12 Alcoholic Beverages (Chs. 1 – 10) Chapter 4 Local Licenses (Arts. 1 – 7) Article 4. Resort and Restaurant Liquor Licenses (§§ 12-4-401 – 12-4-415)

Notice

 This section has more than one version with varying effective dates.

§ 12-4-413. Bar and grill liquor license; authorized; requirements. [Effective July 1, 2023]

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a bar and grill liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application.

(b) Bar and grill liquor licenses shall be issued as follows:

(i) through (iv) Repealed by Laws 2023, ch. 20, § 2.

(v) Beginning July 1, 2023, the number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(A) Not more than four (4) licenses in incorporated cities or towns with populations of seven thousand five hundred (7,500) or less;

(B) Not more than ten (10) licenses in incorporated cities with populations between seven thousand five hundred one (7,501) and twenty thousand (20,000);

- (C)** Not more than fourteen (14) licenses in incorporated cities with populations between twenty thousand one (20,001) and thirty thousand (30,000); and
- (D)** Not more than one (1) additional license for each additional five thousand (5,000) persons residing in incorporated cities over thirty thousand (30,000);
- (E)** This paragraph is repealed effective June 30, 2028.
- (vi)** Beginning July 1, 2028, the number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:
- (A)** Not more than six (6) licenses in incorporated cities or towns with populations of seven thousand five hundred (7,500) or less;
- (B)** Not more than fourteen (14) licenses in incorporated cities with populations between seven thousand five hundred one (7,501) and twenty thousand (20,000);
- (C)** Not more than eighteen (18) licenses in incorporated cities with populations between twenty thousand one (20,001) and thirty thousand (30,000); and
- (D)** Not more than one (1) additional license for each additional three thousand (3,000) persons residing in incorporated cities over thirty thousand (30,000).
- (c)** Bar and grill liquor licenses may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:
- (i)** Repealed by Laws 2023, ch. 20, § 2.
- (ii)** Beginning July 1, 2023, four (4) licenses for each seven thousand five hundred (7,500) persons residing outside incorporated cities and towns. This paragraph is repealed effective June 30, 2028;
- (iii)** Beginning July 1, 2028, six (6) licenses for each seven thousand five hundred (7,500) persons residing outside incorporated cities and towns.
- (d)** The license fee assessed for a bar and grill liquor license shall be not less than one thousand five hundred dollars (\$1,500.00) nor more than ten thousand five hundred dollars (\$10,500.00).
- (e)** A bar and grill liquor license shall not be sold, transferred or assigned by the holder.
- (f)** Bar and grill liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption from the licensed building owned or leased by the licensee except as allowed under this subsection. The following shall apply to sales of alcoholic and malt beverages:
- (i)** All sales of alcoholic and malt beverages authorized by a bar and grill liquor license shall cease at the time food sales and services cease or at the hours specified by W.S. 12-5-101(a) if food sales and services extend beyond the hours specified therein;
- (ii)** A bar and grill liquor licensee may permit a patron to remove one (1) partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the bar and grill premises. For purposes of this paragraph the term "full course meal" shall mean food which cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this paragraph shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The

licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this paragraph shall not be deemed an open container for purposes of W.S. 31-5-235.

(g) An applicant for a bar and grill liquor license shall satisfy the appropriate licensing authority that not less than sixty percent (60%) of revenue from the operation of the bar and grill to be licensed will be derived from food services, entertainment or a combination of food services and entertainment and not from the sale of alcoholic or malt beverages.

(h) When renewing a bar and grill liquor license, the appropriate licensing authority shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months operation of a licensed bar and grill be derived from food services, entertainment or a combination of food services and entertainment.

(j) The appropriate licensing authority shall consider the type, level and appropriateness of food services and entertainment sales proposed in each application when determining whether to issue or renew a bar and grill license.

(k) Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed bar and grill. The report shall contain the annual gross sales figures of the bar and grill and shall separate the gross sales figures into the following three (3) categories:

(i) Food service sales;

(ii) Alcoholic and malt beverage sales;

(iii) Entertainment sales.

History

Laws 2006, ch. 106, § 1; 2011, ch. 22, § 1; ch. 176, § 1; 2017 ch. 63, § 1, effective July 1, 2017; 2017 ch. 138, § 1, effective July 1, 2017; 2023 ch. 20, §§ 1, 2, effective July 1, 2023.

▼ Annotations

Notes

The 2011 amendments. —

The first amendment, by Laws 2011, ch. 22, § 1, effective July 1, 2011, substituted "two (2) licenses" for "one (1) license," and added "and" at the end of (b)(i); in (b)(ii), substituted "three (3)" for "two (2)"; in (b)(iii), substituted "four (4) licenses" for "three (3)"; and in (b)(iv), substituted "seven thousand five hundred (7,500)" for "twelve thousand five hundred (12,500)."

July 10, 2023

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

FROM: Eric K. Nelson, City Attorney *EKN*

SUBJECT: An Ordinance amending Casper Municipal Code Section 6.04.040

Meeting Type & Date:
Regular Council Meeting
July 18, 2023

Action type:
Public Hearing and First Reading.

Recommendation:
That City Council conduct the Public Hearing and First Reading on July 18, 2023, regarding “An Ordinance Amending Casper Municipal Code Section 6.04.040 – Keeping of pets, livestock or fowl; limitations; feeding of non-domesticated animals prohibited.”

Summary:
City Council was presented with information from the Wyoming Game and Fish Department regarding a growing population of wild turkeys within Casper’s City limits. The Game and Fish recommended that assistance was needed in controlling the turkey population and mitigating the harmful impacts of the growing population.

At the June 27, 2023, Work Session and July 5, 2023, Regular Council Meeting, City Council discussed the City’s existing Ordinance regarding the feeding of non-domesticated animals. Council requested staff to prepare a draft ordinance which prohibits the feeding of wild turkeys and squirrels.

The Public Hearing and First Reading of the Ordinance is scheduled for July 18, 2023. Find attached a copy of the proposed Ordinance.

Financial Considerations:
None

Oversight/Project Responsibility
Keith McPheeters, Chief of Police
Eric K. Nelson, City Attorney

Attachments
Proposed Ordinance

ORDINANCE NO. 14-23

AN ORDINANCE AMENDING CASPER MUNICIPAL CODE SECTION 6.04.040 – KEEPING OF PETS, LIVESTOCK OR FOWL; LIMITATIONS; FEEDING OF NON-DOMESTICATED ANIMALS PROHIBITED.

WHEREAS, the governing body of the City of Casper has the authority to adopt ordinances and resolutions necessary for the health, safety, and welfare of the City of Casper and its citizenry pursuant to Wyoming State Statute § 15-1-103(a)(xli); and,

WHEREAS, the Casper Municipal Code requires updates and modifications from time to time; and,

WHEREAS, the City Council desires to amend Section 6.04.040 of the Casper Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: Section 6.04.040 of the Casper Municipal Code is hereby amended and shall be codified as follows:

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 common songbirds, ~~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.

PASSED on 1st reading the ____ day of _____, 2023.

PASSED on 2nd reading the ____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2023.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Bruce Knell
Mayor