

COUNCIL PROCEEDINGS  
Casper City Hall – Council Chambers  
December 15, 2015

Casper City Council met in regular session at 6:00 p.m., Tuesday, December 15, 2015. Present: Councilmen Cathey, Hopkins, Johnson, Miller, Mundell, Pacheco, Sandoval, Schlager and Mayor Powell.

Mayor Powell led the audience in the Pledge of Allegiance.

Moved by Councilman Hopkins, seconded by Councilman Miller, to, by minute action, approve the minutes of the December 1, 2015, regular Council meeting, as published in the Casper-Star Tribune on December 7, 2015. Councilman Mundell abstained from voting. Motion passed.

Moved by Councilman Mundell, seconded by Councilman Hopkins, to, by minute action, approve payment of the December 15, 2015, bills and claims, as audited by City Manager McDonald. Motion passed.

Bills & Claims  
12/15/15

3TrailsAssess	Funding	\$35,230.00
71Construction	Projects	\$176,834.95
AAALandscaping	Services	\$116.59
AakerSigns	Goods	\$743.51
Adecco	Services	\$4,563.90
AdvancedTrafficProducts	Goods	\$267,272.00
AGiraldo	Services	\$80.00
AHiatt	Reimb	\$37.95
AJohnston	Refund	\$55.45
AMBI	Services	\$47.46
Arlene	Services	\$2,732.92
Balefill	Services	\$79,544.96
BankOfAmerica	Goods	\$271,132.52
BTOWens	Refund	\$54.18
CardinalTrack	Services	\$2,751.89
CasparBuildSystems	Services	\$147,404.28
CasperPubUtilities	Services	\$122.19
CasperSoccerClub	Funding	\$500.00
CATC	Funding	\$161,154.00
CentHillsHOA	Refund	\$4,712.11
CentralPaint&Body	Services	\$8,581.04
Centurylink	Services	\$20,581.56
CGould	Reimb	\$408.40
CHDiagnostic	Services	\$359.00
CIGNA	Services	\$11,966.64

CityofCasper	Services	\$5,862.78
CivilEngineeringProfessionals	Projects	\$9,864.05
CKMechanical	Services	\$61,482.46
CMProperties	Refund	\$13.23
CMurphy	Refund	\$29.95
CommTech	Goods	\$4,461.34
Comtronix	Services	\$1,384.68
CrimeSceneInfo	Services	\$86.25
DaveLodenConstruction	Projects	\$227.00
Dell	Goods	\$9,920.87
DeltaDental	Services	\$1,537.25
DoubleDWelding	Services	\$930.00
Empco	Services	\$1,620.00
EngDsgnAssoc	Services	\$2,160.00
EnvironmentalCivilSolutions	Services	\$32,607.80
EventBooking	Services	\$2,300.00
FirstData	Services	\$6,650.44
FirstInterstateBank	Services	\$405.67
FoodSvcsOfAmerica	Goods	\$2,257.67
GMarshInc	Services	\$313.88
GolderAssociates	Services	\$62,938.14
Granicus	Services	\$1,450.00
GreenTreeArbor	Services	\$98.80
GrizzlyExcavating	Projects	\$17,239.48
GWilliamsInvst	Services	\$150.00
GYoneda	Reimb	\$17.37
HarmonyDev	Services	\$23,940.00
HarrisComputer	Services	\$1,400.00
HewlettPackard	Goods	\$1,362.16
HighPlainsConstruction	Goods	\$117,443.65
HinspergPoly	Svcs	\$3,637.82
HrvrdDrg	Supp	\$82.81
Installation&Svc	Projects	\$287,780.09
InstlltionSvc	Projects	\$10,165.99
ITCElec	Services	\$1,214.16
J Proudfoot	Reimb	\$105.00
JGreenwood	Reimb	\$101.85
KadrmassLeeJackson	Services	\$5,667.92
LaborReady	Services	\$2,146.23
LdrsEdgeConsulting	Services	\$1,795.00
LINA	Services	\$303.74
LLuckow	Reimb	\$75.00
LMccartney	Reimb	\$5.40
Manpower	Services	\$388.60
MBaker	Reimb	\$508.26
MCCI	Services	\$13,625.79

MConst	Refund	\$14.41
McMurryReadyMix	Goods	\$254.00
MMonteiro	Refund	\$8.95
MOgden	Reimb	\$367.38
MSanchez	Reimb	\$75.00
MSmith	Refund	\$34.17
NatlDevelopmentCouncil	Services	\$833.33
NC Clerk	Services	\$324.00
NCHallofJustice	Services	\$31,380.84
NDay-Darnell	Refund	\$45.56
NevesUniforms	Goods	\$4,832.43
OlsonAutobody	Services	\$933.20
Pepsi	Goods	\$1,199.70
PieceACake	Goods	\$75.00
Pntwrks	Services	\$353.83
PostalPros	Services	\$15,103.34
PresbyteryWy	Refund	\$130.28
PRohrbeck	Refund	\$19.63
PZowada	Reimb	\$49.87
RamshornConstruction	Projects	\$224,282.20
RegionalWater	Services	\$261,543.48
ResourceStaff	Services	\$1,611.32
RockyMtnPower	Services	\$294.24
RvrWrks	Services	\$453,449.79
SamParsonsUpholstery	Services	\$185.66
ShamrockEnv	Services	\$570,746.37
SHoffman	Reimb	\$626.52
SkylineRanches	Services	\$618.42
SourceGas	Services	\$253.27
SRobison	Refund	\$250.00
StantecConsultingSvcsInc	Projects	\$42,278.53
StarLineFeeds	Goods	\$943.60
StarTribune	Services	\$98.40
SyscoFoodSvcs	Goods	\$4,041.80
VelocityConstructors	Services	\$109,660.75
VentureTechnologies	Goods	\$970.43
VGonzales	Reimb	\$90.73
Visits	Services	\$60.75
WasteWaterTreatment	Funding	\$283,690.86
WaterTechnologyGroup	Services	\$2,555.61
WayneColemanConstruction	Projects	\$16,976.45
WERCSCcommunications	Services	\$1,527.50
WesternWaterConsult	Services	\$25,396.71
WestlandPark	Services	\$3,787.54
WestPlainsEngineering	Services	\$6,590.00
WolfGangOfWY	Services	\$3,833.33

WyDeptRevenue	Taxes	\$15,684.18
WyLawEnforcement	Academy Services	\$1,304.50
WyMedCenter	Services	\$853.80
\$3,984,987.74		

Moved by Councilman Cathey, seconded by Councilman Sandoval, to, by minute action: establish January 5, 2016, as the public hearing date for the consideration of the transfer of Retail Liquor License No. 5, Elixir, LLC.

Mayor Powell opened the public hearing for the consideration of the submission of an application to the Wyoming Business Council Community Enhancement Grant Program, in the amount of \$500,000, for the River Restoration Project. City Attorney Luben entered two (2) exhibits: Correspondence from Liz Becher, to V.H. McDonald, dated December 15, 2015 and an Affidavit of Publication, as published in the Casper-Star Tribune, dated December 8, 2015. City Manager McDonald provided a brief report.

There being no one to speak for or against the issues involving the River Restoration Project Grant, the public hearing was closed.

Following resolution read:

RESOLUTION NO. 15-312  
A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WYOMING BUSINESS COUNCIL COMMUNITY ENHANCEMENT GRANT PROGRAM.

Councilman Mundell presented the foregoing resolution for adoption. Seconded by Councilman Miller. Motion passed.

The following ordinance was considered, on third reading, by consent agenda.

ORDINANCE NO. 34-15  
AN ORDINANCE AMENDING SECTION 5.08.010 TO ADD A DEFINITION OF "CONVICTION" FOR PURPOSES OF CHAPTER 5.08 OF THE CASPER MUNICIPAL CODE.

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

Section 1: That Section 5.08.010 of the Casper Municipal shall be amended to read as follows by adding a new paragraph 7 defining the word "Conviction":

5.08.010 - Definitions.  
As used in this chapter:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains more than one-half of one percent of alcohol by volume.
2. "Bar and grill liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
3. "Barrel" is a unit of liquid measure equal to thirty-one U.S. gallons.
4. "Building" means a roofed and walled structure built or set in place for permanent use.
5. "Club" means any of the following organizations:
  - a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
  - b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subdivision, an American fraternal organization means an organization actively operating in not less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;
  - c. A hall or building association of a local unit specified in subdivisions a and b of this subsection, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
  - d. A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
  - e. A social club with more than one hundred bona fide members who are residents of the county in which it is located, owning, maintaining or operating clubquarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings, and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the commission a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to Section 5.08.060, shall be in good standing by having paid at least one full year in dues;
  - f. Club does not mean college fraternities or labor unions.
6. "Commission" means the Wyoming Liquor Commission.
7. **"CONVICTION" FOR THE PURPOSE OF COMPUTING DEMERIT POINTS AGAINST A LIQUOR LICENSE HOLDER SHALL MEAN A FINDING OF GUILTY, THE ENTRY OF A GUILTY OR NO CONTEST PLEA, OR THE ENTRY OF A GUILTY OR NO CONTEST PLEA AS PART OF A DEFERRED SENTENCE IN ANY**

**COURT TO ANY DEMERIT POINT VIOLATION AS SET FORTH IN SECTION 5.08.190.**

8. "Drugstore" means space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.
9. "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.
10. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.
11. "Licensee" means a person holding a:
  - a. Retail liquor license;
  - b. Limited retail liquor license;
  - c. Resort liquor license;
  - d. Malt beverage permit;
  - e. Restaurant liquor license;
  - f. Catering permit;
  - g. Special malt beverage permit; or
  - h. Bar and grill liquor license.
12. "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.
13. "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent of alcohol by volume.
14. "Malt beverage permit" means the authority under which the licensee is permitted to sell malt beverages only.
15. "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(ixx).
16. "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three consecutive months during any calendar year.
17. "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
18. "Person" includes an individual person, partnership, corporation, limited liability company or association.
19. "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
20. "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on -premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is

intended for use as a full- service restaurant. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.

21. "Restaurant liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor and malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
22. "Retail liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption, but not for resale.
23. "Room" means an enclosed and partitioned space within a building, large enough for a person. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.
24. "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivery, or dispensing and pouring for value, exchanging for goods, services or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.
25. "Special malt beverage permit" means the authority under which a licensee is permitted to sell malt beverages at public auditoriums, civic centers or events centers, meeting the qualifications hereinafter provided.
26. "This chapter" means Ordinance 25-86.
27. "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.
28. "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

#### Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this 17<sup>th</sup> day of November, 2015.

PASSED on second reading this 1<sup>st</sup> day of December 2015

PASSED, APPROVED AND ADOPTED on third and final reading this 15<sup>th</sup> day of December, 2015.

Councilman Hopkins presented the foregoing consent agenda ordinance for adoption, on third reading. Seconded by Councilman Cathey. Motion passed.

The following ordinance was considered, on second reading, by consent agenda.

Following ordinance read:

ORDINANCE NO. 39-15  
AN ORDINANCE APPROVING A ZONE CHANGE OF  
LOT 15, BLOCK 96, CASPER ADDITION  
SUBDIVISION IN THE CITY OF CASPER, WYOMING.

Councilman Mundell presented the foregoing one (1) ordinance for adoption, on second reading, by consent agenda. Seconded by Councilman Johnson. Motion passed.

Following resolution read:

RESOLUTION NO. 15-313  
A RESOLUTION ADOPTING AND SETTING FORTH  
RATES FOR WHOLESALE WATER SERVICE, RETAIL  
WATER SERVICE, AND SEWER SERVICE FOR THE  
CITY OF CASPER, WYOMING, AND RESCINDING  
RESOLUTION NO. 13-311.

Councilman Sandoval presented the foregoing resolution for adoption. Seconded by Councilman Johnson.

City Manager McDonald provided a brief report. David Hill, Casper Public Utilities Director, provided a report on the rate model used in establishing the water and sewer rates.

Mayor Powell asked for further discussion and a vote from Council. Motion passed.

Following resolution read:

RESOLUTION NO. 15-314  
A RESOLUTION ESTABLISHING RATES FOR  
RESIDENTIAL AND COMMERCIAL SOLID WASTE  
COLLECTION, RECYCLING AND DISPOSAL AT THE  
CASPER REGIONAL SOLID WASTE FACILITY, AND  
RESCINDING RESOLUTION NO. 14-198.

Councilman Mundell presented the foregoing resolution for adoption. Seconded by Councilman Miller.

City Manager McDonald provided a brief report. Cynthia Langston, Solid Waste Manager, provided a report on the rate model used in establishing the solid waste rates and explained the changes in fees applied to the landfill and compost yards and in asbestos disposal.

Mayor Powell asked for further discussion and a vote from Council. Motion passed.

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 15-315  
A RESOLUTION AUTHORIZING THE RELEASE OF A  
MORTGAGE DEED

RESOLUTION NO. 15-316  
A RESOLUTION AUTHORIZING A UTILITY LICENSE  
AGREEMENT WITH THE WYOMING DEPARTMENT  
OF TRANSPORTATION FOR A NEW SANITARY  
SEWER MAIN AS PART OF THE 33 MILE SANITARY  
SEWER PROJECT.

RESOLUTION NO. 15-317

A RESOLUTION AUTHORIZING AN AGREEMENT WITH HEDQUIST CONSTRUCTION, INC., FOR THE WASTEWATER TREATMENT PLANT SANITARY SEWER REPAIRS PROJECT, NO. 15-39.

RESOLUTION NO. 15-318

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH CIVIL ENGINEERING PROFESSIONALS, INC., FOR ENGINEERING CONSULTING SERVICES RELATED TO THE STORM WATER UTILITY IMPLEMENTATION PLAN.

RESOLUTION NO. 15-319

A RESOLUTION AUTHORIZING AN AGREEMENT WITH BRYCER, LLC FOR PROVISION OF SERVICES FOR THE USE AND MAINTENANCE OF THE COMPLIANCE ENGINE WEB BASED SERVICES.

RESOLUTION NO. 15-320

A RESOLUTION AUTHORIZING CREDIT CARD FEES ASSOCIATED WITH PAYMENT PROCESSING SERVICES THROUGH THE ACTIVE NETWORK, LLC.

Councilman Mundell presented the foregoing resolution for adoption. Seconded by Councilman Pacheco. A vote on the resolutions resulted in all ayes, except Councilman Schlager who abstained from Resolution No. 15-317. Motion passed.

Moved by Councilman Johnson, seconded by Councilman Sandoval, to, by consent minute action:

1. Appoint Carol Martin and Garry Yake for two-year terms expiring December 31, 2017, and Karen Meyer and Shawn Houck as alternates, to the Old Yellowstone District and South Poplar Street Corridor Advisory Committee, for one-year terms, expiring December 31, 2016.
2. Reject bid received for the Casper Service Center Fuel Tank Replacements Project.
3. Designate the Casper Journal and the Casper Star-Tribune as the City's official newspapers for the calendar year 2016.
4. Designate First Interstate Bank of Casper and Wells Fargo Bank as official depositories for the City of Casper for the calendar year 2016.

Motion passed.

Individuals addressing the Council were: Debbie Snell, 3961 E. 20<sup>th</sup> Street, and Doug Gibson, 2041 S. Walsh Drive, regarding concerns with the City's proposed land trade involving land in the Pratt Addition No. 2 and land bordering the Bridle Trail.

Mayor Powell noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, December 22, 2015, in the Council's meeting room; and, a regular Council

meeting to be held at 6:00 p.m., Tuesday, January 5, 2016, in the Council Chambers.

At 7:00 p.m., it was moved Councilman Mundell, seconded by Councilman Sandoval, to adjourn into executive session to discuss property acquisition. Motion passed.

Executive session was adjourned and the regular council meeting was resumed at 7:40 p.m.

Moved by Councilman Cathey, seconded by Councilman Mundell, to, by minute action adjourn. Motion passed.

The meeting was adjourned at 7:40 p.m.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

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Tracey L. Belser  
City Clerk

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Charlie Powell  
Mayor