

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
September 2, 2014

Casper City Council met in regular session at 6:00 p.m., Tuesday, September 2, 2014. Present: Councilmen Bertoglio, Cathey, Goodenough, Hedquist, Hopkins, Powell, Sandoval, Schlager, and Mayor Meyer.

Mayor Meyer led the audience in the Pledge of Allegiance.

Moved by Councilman Cathey, seconded by Councilman Schlager, to, by minute action, approve the minutes of the August 19, 2014, regular Council meeting, as published in the Casper-Star Tribune on August 29, 2014. Passed.

Moved by Councilman Hopkins, seconded by Councilman Schlager, to, by minute action, approve payment of the September 2, 2014, bills and claims, as audited by City Manager Patterson. Councilman Schlager abstained from voting on invoices pertaining to Fleming Supply. Mayor Meyer abstained from voting on invoices pertaining to Casper Auto Supply and Wyoming Automotive. Passed.

Bills & Claims
09/02/14

5TrailsRotary	Services	\$325.00
71Construction	Goods	\$46,372.95
A Brown	Reimb	\$25.00
A Summers	Refund	\$53.50
Adbay	Services	\$16,000.00
Adecco	Services	\$6,727.05
Airgas	Goods	\$303.61
AltitudeRecycling	Goods	\$4,689.02
AMBI	Services	\$93.55
AmericanCivilConstructors	Projects	\$65,705.00
AmericanEagleCleaning	Services	\$500.00
Amerigas	Goods	\$397.40
Appaloosa Broadcasting	Services	\$500.00
AtlanticElec	Services	\$1,008.00
B Allen	Reimb	\$60.00
B Brown	Refund	\$28.90
B Hernandez	Refund	\$19.38
B Jones	Reimb	\$100.39
B Lorenz	Refund	\$10.05
BaldEagleLifts	Goods	\$15,940.00
BankOfAmerica	Goods	\$139,316.39
BoomtownSweeping	Services	\$1,430.54
Brenntag	Goods	\$27,595.28
C Boyle	Reimb	\$25.00

C Funch	Reimb	\$206.00
C Hadlock	Reimb	\$276.00
C Harper	Refund	\$150.00
C Mills-Laatsch	Reimb	\$25.00
C Smith	Reimb	\$25.00
Caselle	Services	\$125.00
CasperPlanetarium	Services	\$178.00
CBSConstructors	Projects	\$8,235.00
Centurylink	Services	\$598.42
ChamberofCommerce	Refund	\$200.00
Charter	Services	\$42,880.00
CivilEngineeringProfessionals	Refund	\$12,660.00
CNICHealthSolutions	Services	\$69,527.13
CollectionCenter	Services	\$914.75
CommTech	Goods	\$675.00
CowdinCleaning	Services	\$694.76
CRConcrete&Excavation	Services	\$17,550.00
D Boomsma	Reimb	\$82.59
D Crow	Reimb	\$40.00
D Kraft	Refund	\$21.94
DaleBuckinghamArchitects	Projects	\$4,607.55
DansAutoElectric	Services	\$241.00
DarbiJoFoundation	Refund	\$225.00
DavidsonFixedIncome	Services	\$6,996.01
DeluxeBusinessChecks	Goods	\$44.80
DoubleDWelding	Services	\$4,215.00
DPCIndustries	Goods	\$11,517.66
E Ketchum	Reimb	\$25.00
Ecolab	Services	\$91.96
EcolabPest	Services	\$274.79
EnvironmentalCivilSolutions	Services	\$4,241.00
F. Hyatt	Reimb	\$114.96
FehrPeers	Projects	\$19,604.28
FirstData	Services	\$2,680.83
FirstInterstatePettyCash	Goods	\$243.26
FischerAutoBody	Services	\$998.97
FoodSvcs	Goods	\$1,131.20
FtCasparMuseumAssoc	Services	\$3,000.00
GolderAssociates	Services	\$20,216.52
Granicus	Services	\$725.00
Greiner	Goods	\$46,397.00
GWay	Reimb	\$202.58
H Minor	Refund	\$46.46
Hein-Bond	Services	\$15,975.00
HewlettPackard	Goods	\$8,358.32
HilstonAppraisals	Services	\$750.00

Homax	Goods	\$124,703.93
IntermountainSlurrySeal	Projects	\$137,968.50
IrrigationTech	Services	\$2,750.00
J Eastin	Reimb	\$206.00
J Henderson	Reimb	\$25.00
J Irvin	Refund	\$57.69
J Johnson	Refund	\$28.90
J Nickerson	Reimb	\$91.84
J Tuma	Reimb	\$25.00
J Warne	Reimb	\$25.00
J Whittler	Reimb	\$178.00
JThompson	Refund	\$238.37
JTLGroup	Services	\$1,773.05
K Boundurant	Refund	\$54.27
K Buchholz	Reimb	\$155.63
K Frantz	Reimb	\$25.00
K Harrison	Refund	\$54.76
K Killion	Refund	\$150.00
K Knopik	Reimb	\$100.00
K Schaeffer	Refund	\$57.69
KubwaterResources	Goods	\$9,678.03
L Crumbaugh	Refund	\$36.46
L McBride	Reimb	\$25.00
LarmarAdvertising	Services	\$1,000.00
M Bahe	Reimb	\$25.00
M Carothers	Reimb	\$30.28
M Facciani	Reimb	\$25.00
M Reid	Reimb	\$367.21
McMurryReadyMix	Goods	\$6,245.36
MercerHouse	Refund	\$200.00
Motorola	Goods	\$29,133.17
N Lange	Reimb	\$25.00
NC HealthDept	Funding	\$50,000.00
NCSheriffsOffice	Funding	\$7,500.00
NelsonEngineering	Services	\$1,459.62
NevesUniforms	Goods	\$208.55
NorthParkTransport	Services	\$88.46
OfficeStateLands	Services	\$3,434.22
P Brooker	Services	\$600.00
P McCaslin	Refund	\$101.68
Paciolan	Services	\$265.55
Pepsi	Goods	\$824.70
PhippsConst	Projects	\$5,235.20
PieceACake	Goods	\$75.00
PopeConstruction	Projects	\$280,391.10
PostalPros	Services	\$12,953.48

PowerEquipment	Goods	\$108.39
PreservationSolutions	Services	\$3,000.00
PWStafford	Reimb	\$141.00
R Boril	Refund	\$41.02
R Kirby	Refund	\$18.66
R Sheehan	Reimb	\$25.00
R Switzer	Refund	\$47.44
RamshornConstruction	Projects	\$189,337.07
RenewableEarthMaterials	Goods	\$2,271.25
RockyMtnPower	Services	\$97,646.02
S Buckallew	Refund	\$19.32
S Daley	Reimb	\$62.56
S Freel	Reimb	\$25.00
S Nelson	Reimb	\$390.50
S Thomson	Refund	\$350.48
SamParsonsUpholstery	Services	\$400.00
ShepherdoftheHills	Refund	\$150.00
Smarsh	Services	\$1,904.00
SourceGas	Services	\$24,340.15
StantecConsult	Projects	\$66,024.46
StarLine	Goods	\$614.90
StarTribune	Services	\$2,431.80
SuperiorStructures	Goods	\$3,603.50
T Johnson	Reimb	\$25.00
T Leatherman	Refund	\$52.81
T Maxwell	Refund	\$16.40
T Rowe	Refund	\$41.29
Terracon	Goods	\$1,809.00
TetraTech	Services	\$3,304.62
ThatcherCo	Goods	\$7,546.80
TJackson	Reimb	\$483.51
TomSutherlandLawOffice	Refund	\$75.00
TownSquareMedia	Services	\$1,782.50
TrihydroCorp	Projects	\$9,731.21
UrgentCare	Services	\$32.00
UtilityBillSolutions	Services	\$1,330.00
V Mazon	Refund	\$54.27
Verizon	Services	\$3,723.62
VibesPerformingArts	Refund	\$175.00
VisionServicePlan	Services	\$1,177.89
VSchuler	Reimb	\$25.00
WAhrndt	Reimb	\$99.85
WERCSCommunications	Services	\$500.00
WMC	Services	\$859.80
WrightBrothers	Projects	\$2,787.69
WyAssocSheriffs&Chiefs	Services	\$500.00

WyDeptEmployment	Services	\$11,350.60
WYDOT	Services	\$335,911.30
WyHyFedCreditUnion	Refund	\$100.00
WyLock&Safe	Services	\$25.90
WyMachinery	Goods	\$12,896.40
WyNotaryDivision	Goods	\$30.00
WyPeaceOfficers	Services	\$125.00
YouthCrisisCenter	Funding	\$5,247.32
		\$2,108,583.75

Moved by Councilman Bertoglio, seconded by Councilman Powell, to, by minute action: establish September 16, 2014, as the public hearing date for the consideration of the transfer of Ownership of Retail Liquor License No. 8, from Crossroads Views, to Z-Financial Administration Management, d.b.a. Elevations, located at 1121 Wilkins Circle; issuance of a new Satellite Winery Liquor License no. 1, to Table Mountain Vineyards, LLC, located at 731 East 2nd Street; and Fiscal Year 2013-2014 Community Development Block Grant Consolidated Annual Plan Evaluation Report. Passed.

Following ordinance read:

ORDINANCE NO. 22-14
AN ORDINANCE AMENDING CHAPTER 2.64 OF THE
CASPER MUNICIPAL CODE PERTAINING TO THE
REMOVAL OR CENSOR OF PUBLIC OFFICIALS.

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

Section 1: That the heading for Chapter 2.64 of the Casper Municipal Code shall be amended to read as follows:

Chapter 2.64
REMOVAL OR CENSOR OF PUBLIC OFFICIALS

Section 2: Section 2.64.005 of the Casper Municipal Code shall be amended to read as follows: "For cause" means:

1. Gross and persistent delinquency in being absent from regular meetings of the council. Absence from three consecutive meetings without reasonable excuse shall be evidence of such delinquency;
2. Conviction of a felony;
3. Failing the residency requirements as defined in Casper Municipal Code Section 2.04.030;
4. Determination by a court having jurisdiction to be insane or mentally incompetent;
5. Conviction of a crime involving moral turpitude or constituting a breach of oath of office;
6. Refusing to take the oath of office or to give or renew an official bond if required by law;
7. Conviction of any crime involving ethics or malfeasance; including, but not limited to conviction of the crime of malfeasance pursuant to W.S. § 15-1-113(m), as it may, from time to time, be amended;

8. Violation of Wyoming State Statute Sections 9-13-101 Et Seq. 12-4-103(a)(i), 15-1-127, 15-1-128, or 16-6-118, or Casper Municipal Code Section 5.08.100(A)(l), as they may, from time to time, be amended.
9. Violation of any provision of the public service code of ethics as set forth in Chapter 2.60 of the Casper Municipal Code, or violation of any other law or ordinance involving ethics, as they may, from time to time, be amended;
10. Sexually harassment of, workplace violence act against, or creation of a hostile work environment for any agent or employee of the City of Casper as set forth in the City of Casper personnel rules and regulations manual, dated August 20, 2002, as it may, from time to time, be amended.

Section 3: Section 2.64.010 of the Casper Municipal Code shall be amended to read as follows:

A. Any joint powers board member or other board member appointed by the Casper City Council may be removed from office at will at any time by a vote of a majority of all the elected members of the City Council.

B. Any City Councilman may be removed from office, for cause, by a vote of a two-thirds majority of all members of the City Council after following the procedures set forth in Section 2.64.020 of the Chapter for the removal of any such City Councilman.

Section 4: Section 2.64.020 of the Casper Municipal Code shall be amended to read as follows:

The following procedures shall be followed for the removal of any City Councilman by the Casper City Council for any of the “for cause” reasons specified in Section 2.64.005 of this Chapter:

1. The City Council may, by a resolution approved by a two-thirds majority vote of all the elected members of the City Council, refer any alleged “for cause” conduct to an independent hearing officer who shall be a current member of the Wyoming State Bar Association, said hearing officer shall be retained by the City for hearing the allegations as specified, and set forth in the resolution.

2. The hearing officer shall follow the hearing procedures of a contested case pursuant to the Wyoming Administrative Procedure Act (W.S. 16-30-101 Et Seq.) in any removal proceeding.

3. Recognizing that the Casper City Attorney’s office has a conflict of interest in prosecuting the City’s position in any such hearing, the City shall be represented by a Special City Attorney retained by the City Council for the purposes of this hearing.

4. The hearing officer shall state his or her findings in writing and whether or not “for cause” exists for the removal of such Councilmember, which shall be forwarded to the members of the Casper City Council within ten (10) days after the conclusion of the hearing. The decision of the hearing officer shall be appealable under the provisions of the Wyoming Administrative Procedures Act.

5. Upon final decision by the hearing officer finding that the alleged “for cause” conduct has occurred, the Councilman may be removed from office or censored by a two-thirds majority vote of all the elected members of the City Council. The vote to remove or censor Councilman by the City Council is a final decision, shall not be appealable, and the seat held by such Councilman shall be vacated.

PASSED on 1st reading the 5th day of August, 2014.

PASSED on 2nd reading the 19th day of August, 2014.

PASSED, APPROVED AND ADOPTED on 3rd and final reading the 2nd day of September, 2014.

Councilman Hopkins presented the foregoing ordinance for approval, on first reading. Seconded by Councilman Bertoglio.

Individuals addressing the Council were Shawn Johnson, 6956 Umpqua River Road; Linda Bergeron, 2352 South Coffman Avenue; Doug Bergeron, 2352 South Coffman Avenue; and Greg Flesvig, 2957 Pleasant Drive. After some discussion, a vote on the motion to approve, on third reading, the ordinance pertaining to the removal of officials resulted in nay votes by Councilmen Goodenough, Hedquist, and Sandoval. Passed.

The following ordinances were considered, on third reading, by consent agenda.

ORDINANCE NO. 21-14
AN ORDINANCE AMENDING CHAPTER 2.60
OF THE CASPER MUNICIPAL CODE
PERTAINING TO THE PUBLIC SERVICE CODE
OF ETHICS.

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

Section 1:

That paragraph C of Section 2.60.100 of the Casper Municipal Code shall be amended to read as follows:

C. Violation of any provisions of this code of ethics should raise conscientious questions for a City Councilman or other official or employee of the City as to whether voluntary resignation or other action is indicated to promote the best interests of the city.

Section 2:

That a new paragraph D of Section 2.60. 100 of the Casper Municipal Code shall be created to read as follows:

D. Violation of this Chapter by any employee or appointed official may result in discipline up to and including termination of employment, constitute a reason for suspension or removal from office, or other disciplinary action at the discretion of the hiring or appointing authority.

Section 3:

That a new paragraph E of Section 2.60.100 of the Casper Municipal Code shall be created to read as follows:

E. A City Councilman violating any of the provisions of this code of ethics shall be subject to removal from office pursuant to Chapter 2.64 of the Casper Municipal Code.

PASSED on 1st reading the 5th day of August, 2014.

PASSED on 2nd reading the 19th day of August, 2014.

PASSED, APPROVED AND ADOPTED on 3rd and final reading the 2nd day of September, 2014.

ORDINANCE NO. 23-14
AN ORDINANCE AMENDING CERTAIN SECTIONS
OF TITLE 6 OF THE CASPER MUNICIPAL CODE
PERTAINING TO PERMISSIBLE OFF-LEASH AREAS.

WHEREAS, the City of Casper has identified a need to revise certain sections of the Casper Municipal Code pertaining to where it is permissible for a pet to be off leash; and,

WHEREAS, the City of Casper is in the process of constructing the Lake MacKensie Dog Park, which has the primary purpose of being a place where dogs can run without being restrained by a leash; and,

WHEREAS, the Lake MacKensie Dog Park should be added as a listed place where dogs may legally be allowed to run off -leash.

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

SECTION 1:

That Section 6.04.010 of the Casper Municipal Code, pertaining to definitions relevant to animal care and control, is amended as follows:

7. At Large.

a. A dog is deemed "at large" if it is:

- i. Off the premises of the owner and the dog is not under restraint or control of the owner;
- ii. Not under physical restraint in the following portions of the North Platte Park: Casper Events Center, Airmodeler's Facility, Casper Speedway, Skeet Range, or Crossroads Park, or any other city park except Morad Park or Lake MacKensie dog park and not authorized to be free of restraint under the authority of a permit as provided in Section 6.04.030;
- iii. Under any circumstance, except as a Seeing-eye dog or guide dog working as such, on the Casper Municipal Golf Course or Highland Park Cemetery.

SECTION 2:

This ordinance shall be in full force and effect from and after passage on three readings and publication.

PASSED on 1st reading the 5th day of August, 2014.

PASSED on 2nd reading the 19th day of August, 2014.

PASSED, APPROVED AND ADOPTED on 3rd and final reading the 2nd day of September, 2014.

Councilman Schlager presented the two (2) foregoing consent agenda ordinances for adoption, on third reading. Seconded by Council Hopkins. Councilmen Goodenough, and Sandoval voted nay on Ordinance No. 21-14. Councilman Hedquist also intended to vote nay to Ordinance No. 21-14, which was pointed out at the time of the next vote. Passed.

Following resolution read:

RESOLUTION NO. 14-229
A RESOLUTION AUTHORIZING FISCAL YEAR 2014-
2015 PROFESSIONAL SERVICES CONTRACT WITH
THE CASPER MOUNTAIN FIRE DISTRICT.

Councilman Bertoglio presented the foregoing resolution for adoption. Seconded by Councilman Cathey. City Manager Patterson provided a brief report regarding the five (5) funding agreements before Council. Passed.

Following resolution read:

RESOLUTION NO. 14-230
A RESOLUTION AUTHORIZING FISCAL YEAR 2014-
2015 PROFESSIONAL SERVICES CONTRACT WITH
CASPER AREA CHAMBER OF COMMERCE.

Councilman Bertoglio presented the foregoing resolution for adoption. Seconded by Councilman Hopkins. Passed.

Following resolution read:

RESOLUTION NO. 14-231
A RESOLUTION AUTHORIZING FISCAL YEAR 2014-
2015 PROFESSIONAL SERVICES CONTRACT WITH
THE SCIENCE ZONE.

Councilman Hopkins presented the foregoing resolution for adoption. Seconded by Councilman Bertoglio. Passed.

Following resolution read:

RESOLUTION NO. 14-232
A RESOLUTION AUTHORIZING FISCAL YEAR 2008 -
2009 PROFESSIONAL SERVICES CONTRACT WITH
MERCER HOUSE, INC.

Councilman Cathey presented the foregoing resolution for adoption. Seconded by Councilman Powell. Passed.

Following resolution read:

RESOLUTION NO. 14-233
A RESOLUTION AUTHORIZING FISCAL YEAR 2013 -
2014 PROFESSIONAL SERVICES CONTRACT WITH
CHILDREN'S ADVOCACY PROJECT, INC.

Councilman Hopkins presented the foregoing resolution for adoption. Seconded by Councilman Cathey. Passed.

Following resolution read:

RESOLUTION NO. 14-234
A RESOLUTION AUTHORIZING A LEASE
AGREEMENT BETWEEN THE CITY OF CASPER AND
THE CENTRAL WYOMING SENIOR SERVICES, INC.

Councilman Sandoval presented the foregoing resolution for adoption. Seconded by Councilman Hedquist. City Manager Patterson provided a brief report. Passed.

Following resolution read:

RESOLUTION NO. 14-236
RESOLUTION APPROVING MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF CASPER
AND NATRONA COUNTY WYOMING.

Councilman Bertoglio presented the foregoing resolution for adoption. Seconded by Councilman Schlager. City Manager Patterson provided a brief report. Councilman Hedquist abstained. Passed.

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 14-225
A RESOLUTION AUTHORIZING THE RELEASE OF A
MORTGAGE DEED.

RESOLUTION NO. 14-226
AUTHORIZING ADDENDUM FOR ADMINISTRATIVE
SERVICES CONTRACT WITH DELTA DENTAL FOR
PROVISION OF SERVICES RELATED TO THE CITY
OF CASPER'S DENTAL PLAN.

RESOLUTION NO. 14-227
A RESOLUTION AUTHORIZING AN APPLICATION
FOR A GRANT TO THE WYOMING WATER
DEVELOPMENT COMMISSION FOR CONTINUING
IMPROVEMENTS FOR THE WEST CASPER ZONE II
WATER SYSTEM IMPROVEMENTS.

RESOLUTION NO. 14-228
A RESOLUTION AUTHORIZING A LOAN
AMENDMENT FOR THE STATE LOAN AND
INVESTMENT BOARD LOAN CWSRF #128 FOR THE
PURCHASE OF WASTEWATER TREATMENT PLANT
BIOSOLIDS COMPOSTING EQUIPMENT.

RESOLUTION NO. 14-235
A RESOLUTION AUTHORIZING A CONTRACT WITH
CIGNA HEALTH AND LIFE INSURANCE COMPANY.

Councilman Hopkins presented the foregoing five (5) resolutions for adoption. Seconded by Councilman Cathey. Councilman Hedquist abstained from voting on Resolution No. 14-227 and 14-228. Passed.

Moved by Councilman Hopkins, seconded by Councilman Sandoval, to, by consent minute action, authorize the sole source purchase of a Variable Speed Drive and Logic Control System from Torrent Engineering & Equipment, Milford, Indiana, in the Amount of \$49,356; and purchase of four (4) new Ford Fusion Sedans, from Greiner Motor Company-Casper, Casper, Wyoming, in the Amount of \$85,796, before trade-in. Passed.

Individuals addressing the Council were: Jeff Porambo, 3298 Salt Creek Highway, regarding government transparency; Marla Rose, 872 Fulton, Mills, regarding Metro Animal Control; Andrea Whistler, 131 West "L" Street, regarding responsibilities of public officials; Paul Paad, 2781 Cherokee Lane, regarding removal of officials; Linda Bergeron, 2352 South Coffman Avenue, regarding citizen rights; Russell Reddick, 2703 Kitty Hawk, regarding water safety; and Pat Sweeney, 123 West "E" Street, regarding safety and ethics.

City Attorney Luben recused himself from the discussion and left the room. Judith Studer, Attorney at Law, came forward as City Council counsel. Ms. Studer gave an explanation of the process for action regarding Councilman Hedquist's "request for investigation of potential violation of ethics ordinance". Ms. Studer addressed questions presented by Council. Moved by Councilman Bertoglio, seconded by Councilman Hopkins, to by minute action, accept the letter, to disregard the allegations, and to take no further action at this time. After some discussion, the motion was withdrawn.

Mayor Meyer noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, September 9, 2014, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, September 16, 2014, in the Council Chambers.

Moved by Councilman Bertoglio, seconded by Councilman Cathey, to, by minute action adjourn. Passed.

The meeting was adjourned at 9:00 p.m.

CITY OF CASPER, WYOMING
ATTEST:

A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor