

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
July 3, 2018

Casper City Council met in regular session at 6:00 p.m., Tuesday, July 3, 2018. Present: Councilmembers Hopkins, Huber, Humphrey, Johnson, Laird, Morgan, Walsh and Mayor Pacheco. Absent: Councilmember Powell.

Moved by Councilmember Hopkins, seconded by Councilmember Huber, to, by minute action, excuse the absence of Councilmember Powell. Motion passed.

Mayor Pacheco led the audience in the Pledge of Allegiance.

Moved by Councilmember Morgan, seconded by Councilmember Walsh, to, by minute action, approve the minutes of the June 19, 2018, regular Council meeting, as published in the Casper-Star Tribune on June 30, 2018. Motion passed.

Moved by Councilmember Hopkins, seconded by Councilmember Humphrey, to, by minute action, approve payment of the July 3, 2018, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims
07/03/18

AAALandscaping	Services	\$874.22
Adbay	Services	\$438.75
ADice	Refund	\$43.75
AdvTankConst	Svcs	\$6,809.89
AMBI	Services	\$194.55
Ameritech	Services	\$48,948.16
AndrnHunt	Services	\$195,234.00
AquaSmrt	Goods	\$105,864.20
Arcadis	Services	\$3,021.06
ArrowheadHeating	Services	\$254.92
AtIntcElect	Services	\$2,497.61
Balefill	Services	\$63,982.40
BankOfAmerica	Goods	\$342,392.41
BHEnergy	Services	\$9,107.25
Boys&GirlsClubs	Funds	\$18,321.25
Brenntag	Goods	\$22,682.77
CasparBuildSystems	Services	\$89,521.20
CasperPubSafetyComm	Services	\$3,195.02
CATC	Funding	\$107,073.54
CConner	Reimb	\$90.28
Centurylink	Services	\$352.50

CityofCasper	Services	\$6,916.67
CollectionCenter	Services	\$528.19
CommunityActionPartnership	Funding	\$64,257.29
ComprLeasing	Supp	\$4,300.00
Comtronix	Services	\$183.00
CRickett	Reimb	\$64.57
Dell	Goods	\$6,218.46
DennisSply	Supp	\$9,777.60
DoubleDWelding	Services	\$3,350.00
DPCIndustries	Goods	\$13,952.85
DTriplett	Refund	\$89.29
Duraplay	Services	\$82,477.50
ETCIns	Supp	\$1,382.00
Feguson	Supp	\$28,389.95
FirstData	Services	\$1,206.67
FirstInterstateBank	Services	\$302.33
GlobalSpect	Funding	\$27,000.00
GolderAssociates	Services	\$640.50
GReble	Refund	\$690.00
GSGArchitecture	Services	\$25,306.25
Hach	Goods	\$732.00
HFoy	Refund	\$860.00
HighPlainsConstruction	Goods	\$10,072.80
Homax	Goods	\$22,213.64
HWeddle	Refund	\$56.26
IndstrlContnrSvc	Goods	\$3,260.19
Installation&Svc	Projects	\$12,222.50
IntgrtdTech	Supp	\$240.00
JBowden	Reimb	\$47.25
JCapitan	Refund	\$53.06
JEastin	Reimb	\$234.68
JJBaker	Refund	\$36.18
JTLGroup	Services	\$11,557.52
KDBradley	Refund	\$336.26
KMcPheeters	Reimb	\$13.19
KubwaterResources	Goods	\$5,098.96
Leonbro	Services	\$2,727.23
LongBuildingTech	Services	\$1,134.50
MercerHouse	Funding	\$10,000.00
MunicipalCodeCorp	Goods	\$450.00
Nalco	Supp	\$15,702.84
NCHealth Dept	Funding	\$45,000.00
PeakGeosolutions	Services	\$2,000.00

PoliceDept	Services	\$1,067.80
PostalPros	Services	\$11,092.75
ResourceManagement	Goods	\$64.00
RHall	Refund	\$29.67
Ricoh	Svc	\$81.79
RockyMtnPower	Services	\$53,478.29
RotaryClub	Dues	\$72.33
SGreen	Refund	\$16.98
ShoshoneDistributing	Goods	\$1,358.00
SkylineRanches	Services	\$529.35
StealthPartnerGroup	Services	\$54,339.96
Terracon	Goods	\$12,460.27
TopOffice	Goods	\$69.38
TransmissionDist	Supplies	\$42,695.00
Tweed'sWholesale	Goods	\$888.16
UntdFire	Services	\$11,556.00
UWExtension	Services	\$90.00
VeoliaWtr Tech	Services	\$2,374.60
VisionServicePlan	Services	\$1,616.24
WesternWaterConsult	Services	\$9,011.78
WestlandPark	Services	\$2,075.94
WestPlainsEngineering	Services	\$240.00
WilliamsPorterDay	Services	\$1,371.45
WorthingtonLenhart&Carpenter	Services	\$5,005.31
WstrnStsFire	Supp	\$350.96
WYDOT	Services	\$20.05
		\$1,653,937.97

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

ORDINANCE NO. 7-18

AN ORDINANCE AMENDING SECTION 17.12.124 OF THE CASPER MUNICIPAL CODE PERTAINING TO WIRELESS COMMUNICATION FACILITIES.

WHEREAS, on March 20, 2018, Council passed Ordinance No. 2-18 pertaining to wireless communication facilities, which was codified as Section 17.12.124 of the Casper Municipal Code; and,

WHEREAS, the Planning and Zoning Commission has some recommendations for changes to Section 17.12.124; and,

WHEREAS, the HM, OB and OYD zoning districts need to be added to Section Table 1 (Tower Regulations Summary) of Section 17.12.124, Section 8. (g); and,

WHEREAS, the FCC continues to promulgate new rules and regulations that require ordinance updates to reflect the changes.

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

Section 1:

That Section 3 (x) shall be added to the definitions section as follows: (x) Zone, commercial: "commercial zone" means real property that is located within the limits of the City of Casper that is zoned primarily for commercial land uses. For the purposes of regulating wireless communication facilities and determining requirements in mixed use areas, the following zoning districts are considered to be commercial zones: C-1, C-2, C-3, C-4, ED, PUD, M-1 and M-2.

Section 2:

That Section 3 (y) shall be added to the definitions section as follows: (y) Zone, residential: "residential zone" means real property that is located within the limits of the City of Casper that is zoned primarily for residential land uses. For the purposes of regulating wireless communication facilities and determining requirements in mixed use areas, the following zoning districts are considered to be residential zones: AG, R-1, R-2, R-3, R-4, R-5, R-6, HM and OB.

Section 3:

That the last sentence Section 7 0) (Use of Stealth Design) is hereby amended to read as follows: Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are NOT GENERALLY FOUND GROWING IN THE CITY OF CASPER'S ECOSYSTEM.

Section 4:

That the last sentence Section 7 (q)(5)(iii), regarding landscaping and fencing, is hereby amended to read as follows: A site-obscuring fence (for example, SOLID OR SLATTED WOOD, FAUX WOOD, VINYL, MASONRY OR A COMBINATION THEREOF no less than six feet (6) in height from the finished grade shall be constructed around each macrocell tower and around related support or guy anchors. Access shall only be through a locked gate. Any fence shall comply with the other design guidelines of the Casper Municipal Code.

Section 5:

That Table I (Tower Regulations Summary) and the abbreviation definitions immediately following Section 17.12.124, Section 8 (g) are hereby replaced with the following:

Zone	Permitted Height	Plan Com Approval	CC Approval	On Top of Buildings
R1-R6	50'	CUP	NA	NP
PH	50'	51'-120'	121' and greater	10 percent of building ht.
PUD	50'	CUP	NA	10 percent of building ht.
C1	50'	51'-100'	NA	10 percent of building ht.
C2	50'	51'-100'	NA	10 percent of building ht.
C3	50'	51'-120'	NA	10 percent of building ht.
C4	50'	51'-120'	NA	10 percent of

				building ht.
M1	100'	101'-120'	121' and greater	10 percent of building ht.
M2	100'	101'-120'	121' and greater	10 percent of building ht.
AG	50'	CUP	NA	10 percent of building ht.
FC	NP	NP	NP	NP
ED	50'	51'-150'	NA	10 percent of building ht.
HM	50'	CUP	N/A	10 percent of building ht.
OB	50'	CUP	N/A	10 percent of building ht.
OLD YELLOWSTONE DISTRICT	SEE CASPER MUNICIPAL CODE ("CMC") SECTION 17.94.030 A. (25)	SEE CMC CHAPTER 17.94	SEE CASPER MUNICIPAL CODE CHAPTER 17.94	NP: SEE CASPER MUNICIPAL CODE CHAPTER 17.94

NP= Not permitted (prohibited)

NA= Not applicable

PERMITTED HEIGHT = Permitted with site plan approval from the community development director.

PLAN COM APPROVAL = Permitted with site plan approval from the Planning and Zoning Commission.

CC APPROVAL = Permitted with site plan approval from the Planning and Zoning Commission and the City Council.

Section 6:

That Section 8 (h), regarding sharing of support towers and collocation of facilities, is hereby amended to read as follows: Macrocell towers used for the purpose of providing commercial wireless telecommunication services are permitted uses in all districts, except in the downtown area, FC districts, residential districts (R1 -R6), planned unit developments (PUD), and the agricultural district (AG). However, a conditional use permit may be granted for small cells providing commercial wireless telecommunication services in residential districts (RI -R6), planned unit developments (PUD), and the agricultural district (AG). Additionally, towers which are placed on buildings must conform to the other requirements of this Section.

Section 7:

That Section 18 (c), regarding compliance, is hereby amended to read as follows: (c) All graffiti on wireless communication facilities, ALL ACCESSORY EQUIPMENT AND ANY APPURTENANCES TO THE WCF SITE must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF.

Section 8:

That Section 23 shall be amended to read as follows: Fees. In connection with the filing of an application, the applicant shall pay all applicable fees, according to a City Resolution.

Section 9:

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

PASSED on 1st reading the 5th day of June, 2018.

PASSED on 2nd reading the 19th day of June, 2018.

PASSED, APPROVED, AND ADOPTED on third and final reading the 3rd day of July, 2018.

Councilmember Morgan presented the one (1) foregoing consent agenda ordinance for adoption, on third reading. Seconded by Councilmember Johnson. Motion passed.

Following ordinance read:

ORDINANCE NO. 13-18
AN ORDINANCE CREATING CHAPTER 15.08 OF THE
CASPER MUNICIPAL CODE, AND ADOPTING THE 2018
EDITION OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE.

Councilmember Walsh presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Humphrey.

Councilmembers made statements on the subject and expressed their concerns with the ordinance. Moved by Councilmember Laird, seconded by Councilmember Huber, to suspend the rules of Council to allow additional public input on the International Property Maintenance Code (IPC) ordinance. Motion passed.

The following citizens spoke in opposition to the IPC ordinance: Travis Bagwell, 1308 S. Jackson; Tracy Lamont, 721 E. 12th; Chris Neubauer, 133 N. Lowell; Jessica Keith, 5921 S. Okeepa; Jane Ifland, 406 E. 8th; Brenda Manina-Mongold, 1216 S. Kenwood; Terri Sossaman, 300 Harden; Roy Chamberlain Jr., 2231 S. Mitchell; Michelle Starkey 919 E. 6th; Linda Bergeron 2352 S. Coffman; and Susan Ash, 1527 S. Ash.

Moved by Councilmember Huber to table this item. Motion died for a lack of a second.

All Councilmembers voted nay. Motion to pass the ordinance on second reading failed.

Also speaking against the IPC ordinance were: Sam Wiseman, Highway 220; Lisa Engebretsen, 2440 W. 13th; Brad Tinnon, S. Center; and Dave Nania, 113 S. Benton.

In response to a citizen comment, Councilmember Morgan clarified the purpose and intent of the lesbian, gay, bisexual, and transgender non-discrimination policy resolution.

Additional citizens spoke against the ordinance; Brian Windham, 2000 S. Jackson; Robert Gilmore, 760 60th; Woody Giles, 290 E. Magnolia; Michelle Sabrosky, 1639 Palamino; Chuck Gray, 2921 Zion; Bob Ide, 3838 Garden Creek; Paul Paad, 2781 Cherokee; Jim Nations, 1596 Kingsbury; Bradly Hannah, 220 College; Dawn Madrid, 235 W. 13th; Hayley Tennant, 4450 S. Center; Gabriel Phillips, 142 S. Center; Morgan Walsh, 104 Riverbend; and Gene Daly.

Mayor Pacheco called for a brief recess at 8:10 p.m., and reconvened the meeting at 8:20 p.m. Councilmember Humphrey left the meeting during the recess.

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

ORDINANCE NO. 8-18

AN ORDINANCE AMENDING SECTIONS 15.04.040, 15.04.050 AND 15.04.110 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE.

ORDINANCE NO. 9-18

AN ORDINANCE AMENDING SECTIONS 15.02.020, 15.02.030 AND 15.02.050 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE.

ORDINANCE NO. 10-18

AN ORDINANCE AMENDING SECTIONS 15.20.020 AND 15.20.030 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

ORDINANCE NO. 11-18

AN ORDINANCE AMENDING SECTIONS 15.24.010 AND 15.24.020 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE.

ORDINANCE NO. 12-18

AN ORDINANCE AMENDING SECTIONS 15.18.010 AND 15.18.020 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FUEL GAS CODE.

ORDINANCE NO. 14-18

AN ORDINANCE CREATING CHAPTER 15.06 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.

ORDINANCE NO. 15-18
AN ORDINANCE AMENDING SECTION 15.40.010 OF THE
CASPER MUNICIPAL CODE, AND ADOPTING THE 2018
EDITION OF THE INTERNATIONAL FIRE CODE.

Councilmember Hopkins presented the foregoing seven (7) ordinances for adoption, on second reading, by consent agenda. Seconded by Councilmember Morgan. Councilmembers Johnson and Laird voted nay. Motion passed.

Following resolution read:

RESOLUTION NO. 18-141
A RESOLUTION DENYING THE COMMUNITY
DEVELOPMENT BLOCK GRANT ENTITLEMENT GRANT
BETWEEN THE CITY OF CASPER AND THE U.S.
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT.

Councilmember Johnson presented the foregoing resolution for adoption. Seconded by Councilmember Morgan. Acting City Manager Beamer provided a brief report.

Councilmembers had questions regarding the grant program. Liz Becher, Community Development Director addressed these questions. Councilmember Laird voted nay. Motion passed.

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 18-142
A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT
APPLICATION TO THE U.S. DEPARTMENT OF
TRANSPORTATION FOR A 2018 BUILD TRANSPORTATION
DISCRETIONARY GRANT FOR MIDWEST AVENUE
IMPROVEMENTS.

RESOLUTION NO. 18-143
A RESOLUTION ADOPTING THE CASPER URBAN CENTER
PARKING PLAN.

RESOLUTION NO. 18-144
A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT
APPLICATION TO THE WYOMING DEPARTMENT OF
TRANSPORTATION FOR THE TRANSPORTATION
ALTERNATIVES PROGRAM FOR THE MORAD PARK TO
WALMART TRAIL PROJECT.

RESOLUTION NO. 18-145
A RESOLUTION AUTHORIZING A CONTRACT FOR
PROFESSIONAL SERVICES WITH WH LLC DBA WESTERN
HERITAGE CONSULTING & ENGINEERING FOR THE CRL
SANITARY SEWER IMPROVEMENTS, PROJECT NO. 18-011.

RESOLUTION NO. 18-146
A RESOLUTION AUTHORIZING A LEASE AGREEMENT
WITH WYOMING SPORTS MANAGEMENT, LLC FOR USE
OF THE CASPER ICE ARENA.

Councilmember Morgan presented the foregoing five (5) resolutions for adoption. Seconded by Councilmember Walsh. Councilmembers Laird and Walsh voted nay on Resolution No. 18-143. Councilmember Walsh also voted nay on Resolution No. 18-144. Motion passed.

Moved by Councilmember Laird, seconded by Councilmember Walsh, to, by consent minute action, authorize the reappointment of Pete Fazio and appointing new members Shawn Houck and Tim Schenk, to the Downtown Development Authority Board of Directors. Motion passed.

Councilmember Walsh pointed out that the following item was not read by the clerk, but should be considered by minute action; authorize a sole source purchase of one new Caterpillar landfill compactor and one refurbished used 2007 Caterpillar front-end wheel loader, in the total amount of \$681,445.64, from Wyoming Machinery Company. Moved by Councilmember Walsh, seconded by Councilmember Hopkins. Motion passed.

Individuals addressing the Council were: Woody Giles, 290 E. Magnolia, suggesting rewarding rather than penalizing home improvements and requesting Council investigate alternative property tax methods; and Dennis Steensland, 533 S. Washington, thanking staff and Council for their work for the City.

Mayor Pacheco noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, July 10, 2018, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, July 17, 2018, in the Council Chambers.

At 8:45 p.m., it was moved Councilmember Walsh, seconded by Councilmember Hopkins, to adjourn into executive session to discuss two personnel matters and property acquisition. Motion passed. Council moved into the Council meeting room.

At 9:14 p.m., it was moved by Councilmember Johnson, seconded by Councilmember Hopkins, to adjourn the executive session. Council returned to the Council Chambers. At 9:14 p.m., it was moved by Councilmember Hopkins, seconded by Councilmember Johnson, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Ray Pacheco
Mayor