

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
January 8, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:03 p.m., Tuesday, January 8, 2019. Present: Councilmembers Hopkins, Huber, Humphrey, Johnson, Laird, Morgan, Powell, Walsh and Mayor Pacheco.

2. PLEDGE OF ALLEGIANCE

Mayor Pacheco along with several youths from the audience led the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Johnson, to, by minute action, approve the minutes of the December 18, 2018, regular Council meeting, as published in the Casper-Star Tribune on December 30, 2018. Motion passed.

X. BILLS & CLAIMS

Moved by Councilmember Morgan, seconded by Councilmember Hopkins, to, by minute action, approve payment of the January 8, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

	Bills & Claims	
	01/08/19	
307Motors	Refund	\$26.76
71Construction	Projects	\$529.20
AakerSigns	Goods	\$326.00
ABeamer	Reimb	\$90.00
AllianceElec	Services	\$5,843.83
AMBI	Services	\$568.04
AmericanTitle	Services	\$125.00
AMSgnl	Supp	\$17,493.30
AndrnHunt	Services	\$42,508.00
Arcadis	Services	\$3,169.30
Auto&Elect	Supp	\$404.10
BakerHostetler	Services	\$1,204.00
Balefill	Services	\$75,049.14
BankOfAmerica	Goods	\$193,655.98
BCordova	Refund	\$55.00
BHEnergy	Services	\$32,957.21
BigWestLndscp	Services	\$50,390.00
Boys&GirlsClubs	Funds	\$36,642.50
BTaylor	Refund	\$28.07
BWilladson	Reimb	\$35.31
CasperPubSafetyComm	Services	\$5,624.50
CATC	Funding	\$141,966.98

Century21	Refund	\$476.55
Centurylink	Services	\$1,862.54
CityofCasper	Services	\$6,149.62
CivilEngineeringProfessionals	Projects	\$2,435.21
CJaques	Refund	\$65.12
CommTech	Goods	\$1,651.00
CowdinCleaning	Services	\$1,309.00
CPToft	Refund	\$67.03
CrimeSceneInfo	Services	\$109.87
CSeverance	Reimb	\$60.00
DCourtade	Reimb	\$58.80
Dell	Goods	\$1,520.32
DesertMtn	Goods	\$27,215.34
DHegdahl	Refund	\$7.62
EMoore	Reimb	\$75.00
EnvironmentalCivilSolutions	Services	\$18,505.45
ErosionCtrlApp	Services	\$4,887.42
EWGrimesJr	Refund	\$105.55
EYonker	Reimb	\$90.00
FirstData	Services	\$316.55
FirstInterstateBank	Services	\$115.20
FirstInterstateBank	Services	\$201.36
FmlyJrnyCtr	Services	\$1,541.14
FSchreckengost	Refund	\$45.17
GeosyntecConsult	Consult	\$1,366.80
GlobalSpect	Funding	\$73,267.37
GMayhue	Reimb	\$87.97
GWirtala	Refund	\$56.79
HallsCustPvng	Refund	\$56.26
HDR Engineering	Projects	\$5,178.06
HKD	Svcs	\$14,310.00
Homax	Goods	\$38,777.25
ISC	Supplies	\$25,214.61
ITCElec	Services	\$467.10
J&GLandscaping	Refund	\$45.04
JHolliday	Refund	\$39.37
JJones	Reimb	\$94.48
JKGarlickJr	Services	\$1,828.91
JKrusmark	Refund	\$26.56
JTLGroup	Services	\$3,627.04
JWilhelm	Reimb	\$60.88
KindelConcrete	Refund	\$193.58
Kflyte	Refund	\$43.22

KKofakis	Reimb	\$62.75
KPiotter	Refund	\$45.62
LDLong	Refund	\$44.28
LLawson	Refund	\$75.00
McMurryReadyMix	Goods	\$296.38
MDay	Reimb	\$2,151.28
MEdberg	Refund	\$22.88
MLamb	Refund	\$51.47
Nalco	Supp	\$14,835.24
Napa	Goods	\$123,334.98
NCHHealth Dept	Funding	\$45,000.00
NCSheriffsOffice	Funding	\$92,900.64
NDiaz	Refund	\$115.23
NorthParkTransport	Services	\$191.62
PaxWaterTech	Services	\$7,307.00
Pepsi	Goods	\$455.50
PexFitness	Equipment	\$9,895.00
PostalPros	Services	\$13,848.30
Printworks	Supp	\$290.90
ProforceLawEnforcement	Goods	\$305.00
RockyMtnPower	Services	\$169,328.50
SamParsonsUpholstery	Services	\$530.00
SEngen	Claim	\$385.00
SGamble	Refund	\$46.15
SGFord	Refund	\$36.18
SHaight	Refund	\$17.41
Smarsh	Services	\$1,719.50
SpillmanTechnologies	Services	\$10,417.00
SRyden	Reimb	\$258.00
Stateline7	Services	\$275.00
StateofWy-DCI	Services	\$15.00
StwrtStev	Svc	\$8,582.11
TColling	Refund	\$35.21
TopOffice	Goods	\$126.52
TretoConstruction	Projects	\$89,594.99
TrihydroCorp	Projects	\$1,341.50
TThornton	Refund	\$43.22
Viewpoint	Services	\$2,295.00
VisionServicePlan	Services	\$1,665.04
WasteWaterTreatment	Funding	\$358,698.89
WayneColemanConstruction	Projects	\$11,774.15
WellbornSullivan	Services	\$4,440.00
WesternWaterConsult	Services	\$13,500.06

WH LLC	Services	\$5,193.75
WilliamsPorterDay	Services	\$1.50
WorthingtonLenhart&Carpenter	Services	\$2,824.17
WstrnStsFire	Supp	\$54,630.00
WTriplett	Refund	\$10.40
WyDEQ	Services	\$1,400.00
WyDoorSvc	Reprs	\$1,020.22
WYDOT	Services	\$3,933.38
WyWrkrsComp	Fees	\$6,987.03
ZKolman	Refund	\$75.00
		\$1,904,733.32

5. COMMENTS BY AND PRESENTATION TO OUTGOING COUNCILMEMBERS

Mayor Pacheco presented Councilmembers Humphrey, Morgan, and Laird with plaques of appreciation for their service. Councilmember Humphrey shared a video of her Council experiences. Councilmembers Morgan and Laird also bid farewell to Councilmembers and City staff.

6. SEATING OF 2019 COUNCIL

The 2019 City Council was seated.

7. OATH OF OFFICE

Mayor Pacheco issued the oath of office to newly-elected Councilmembers Bates and Freel.

8. COMMENTS BY NEW COUNCILMEMBERS AND INTRODUCTIONS

Councilmembers Bates and Freel introduced family members and thanked people for their support.

9. ROLL CALL

A roll call resulted in the presence of Councilmembers Kenneth Bates, Steven Freel, Bob Hopkins, Michael Huber, Shawn Johnson, Charles Powell, Chris Walsh, and Mayor Ray Pacheco. Absent Khrystyn Lutz. Moved by Councilmember Huber, seconded by Councilmember Powell, to, by minute action, excuse the absence of Councilmember Lutz. Motion passed.

10. ELECTION OF MAYOR

Moved by Councilmember Hopkins, seconded by Councilmember Johnson, to, by minute action, nominate Charles Powell as Mayor of the City of Casper, Wyoming, for calendar year 2019. Motion passed.

11. ELECTION OF VICE-MAYOR

Moved by Councilmember Huber, seconded by Councilmember Hopkins, to, by minute action, nominate Shawn Johnson as Vice-Mayor of the Casper City Council for calendar year 2019. Motion passed.

12. OATH OF OFFICE

Fleur Tremel, City Clerk, issued the oath of office to newly-elected Mayor Charles Powell and Vice-Mayor of Council Shawn Johnson.

13. COMMENTS BY NEWLY-ELECTED

Vice-Mayor Johnson thanked Council and others for their support. Mayor Powell introduced members of his family and thanked them as well as others for their support. Mayor Powell also shared his goals for the future.

14. COMMENTS BY AND PRESENTATION TO 2018 MAYOR

Mayor Powell presented former Mayor Pacheco with a plaque of appreciation for his service as Mayor. Former Mayor Pacheco thanked his family and City staff for their support during his tenure as Mayor and encouraged the Council and the community to continue to work together.

15. RECESS

Mayor Powell called for a brief recess at 6:53 p.m., and reconvened at 7:02 p.m.

16. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Mary Price, with the Friends of CATC and Public Transportation, providing an update on the progress made by the group; Dennis Steensland, 533 S. Washington, greeting the new Council; and Keith Goodenough, 333 S. Socony, regarding the budget and the Rocky Mountain Power franchise fee.

17.A PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the vacation and replat creating the Elkhorn Village Addition and rezoning of said Addition. City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated December 26, 2018 and an affidavit of publication, as published in the Casper-Star Tribune, dated December 26, 2018. City Manager Napier provided a brief report. Speaking in support was Brandon Daigle on behalf of Blackmore Homes. Mr. Daigle addressed questions presented by Council. There being no others to speak for or against the issues involving the Elkhorn Village Addition, the public hearing was closed. Following ordinance read:

ORDINANCE NO. 25-18

AN ORDINANCE APPROVING A REPLAT, SUBDIVISION AGREEMENT AND ZONE CHANGE FOR THE ELKHORN VILLAGE ADDITION SUBDIVISION IN THE CITY OF CASPER, WYOMING.

Councilmember Walsh presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Pacheco. Motion passed.

17.B PUBLIC HEARING - RESOLUTION

Mayor Powell opened the public hearing for the consideration of the appeal of the decision of the Planning and Zoning Commission to deny a conditional use permit for an off-premise sign (billboard) in a C-2 (General Business) Zoning District on Lot 4, Block 159, Casper Addition, located at 1329 S. Poplar for applicants David DeWald and Lamar

Advertising. City Attorney Henley entered the following exhibits:

- 1.A Conditional Use Permit Application.
- 1.B Map of the 300' Notification Zone.
- 1.C Legal Notice sent to the Casper Star-Tribune advertising the date of Public Hearing
- 1.D Notice of Public Hearing sent to Property Owners within a 300' Radius and List of Addresses.
- 1.E Public comment from Valerie White, 504 Milton Avenue.
- 1.F Memo to the Chairman & Members of the Planning and Zoning Commission Exhibit No. 2, Findings of Fact and Conclusions of Law, for Case PLN-018-022-C, dated October 18, 2018.
3. Appeal request, from Timothy M. Stubson to Craig Collins Casper City Planner and Carter Napier City Manager, dated October 26, 2018.
- 4.a, Minutes from the Planning and Zoning Meeting, dated October 18, 2018.
- 4.b, Video of the Planning and Zoning Meeting, dated October 18, 2018 <https://www.youtube.com/watch?v=jKl8bGXKKBQ&feature=youtu.be>
5. RMG Outdoor, Inc., assessment dated May, 2018.
6. Copy of Section 17.12.240 of the Municipal Code.
7. Aerial Map.
8. Property Photos.
9. Plot Plan.
10. Affidavit of Publication, as published in the Casper-Star Tribune, dated December 26, 2018.
11. Correspondence from Liz Becher, to J. Carter Napier, dated December 21, 2018. City Manager Napier asked for procedural direction on this appeal. City Attorney Henley described the public hearing process. Speaking in favor of the appeal and the issuing of the conditional use permit was Tim Stubson, representing Lamar Outdoor Signs. Council asked several questions, which Mr. Stubson addressed. Also speaking in favor were: David Dewald, owner of 1329 S. Poplar, and Mary Price. Speaking in opposition to the appeal and to the issuing of the conditional use permit were: Valerie White, owner of 1321 S. Poplar; Tony Padilla, tenant at 1329 S. Poplar; JP Cavagelli 637 E. 11th; and Tristie Ross, 1316 S. Cedar. There being no others to speak for or against the issue, the public hearing was closed. Following resolution read:

RESOLUTION NO. 19-1

A RESOLUTION DENYING THE APPEAL AND DENYING A
CONDITIONAL USE PERMIT FOR AN OFF-PREMISES
SIGN (BILLBOARD) IN A C-2 (GENERAL BUSINESS)
ZONING DISTRICT, ON LOT 4, BLOCK 159, CASPER
ADDITION, LOCATED AT 1329 SOUTH POPLAR STREET.

Councilmember Huber presented the foregoing resolution for adoption. Seconded by Councilmember Hopkins. Councilmembers Hopkins and Walsh had questions which Craig Collins, City Planner, and City Manager Napier addressed. Councilmembers Freeland and Johnson voted nay. Motion passed. Because Resolution No. 19-1 passed, no action was taken on Resolution No. 19-2.

17.C PUBLIC HEARING

Mayor Powell opened the public hearing for the consideration of the proposed bus route changes. City Attorney Henley (2) exhibits: Correspondence from Liz Becher, to J. Carter Napier, dated December 26, 2018, and an Affidavit of Publication, as published in the Casper-Star Tribune, dated December 26, 2018. City Manager Napier asked Aaron Kloke, City of Casper Associate Planner, to provide further information. Mr. Kloke provided an overview of the feedback process and the proposed changes to the various routes which are designed to increase safety, ridership, and efficiency. Council asked many questions, which Mr. Kloke addressed. The following citizens addressed Council: Carol Crump, 731 Kirk, providing further information and addressing several questions from Council; Mary Price, expressing concern that the blue route is often full; and Val Wilson, Gail Gardens, also sharing that the blue bus is often full and expressing gratitude for the service. There being no others to speak for or against the report, the public hearing was closed. Mayor Powell stated that no action was required by Council this evening on this matter, and Council would receive further information at the January 29, 2019 work session with final proposals coming before Council at the February 5, 2019 Council meeting.

18. ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 24-18

AN ORDINANCE AMENDING CHAPTER 5.08 OF THE
CASPER MUNICIPAL CODE TO PERMIT DISTILLERY
SATELLITE TASTING ROOMS.

WHEREAS, state law now allows for distillery satellite tasting rooms; and,
WHEREAS, it would be in the best interest of the City of Casper to amend its ordinances to conform to these changes in state law; and,
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 5.08 of the Casper Municipal Code is hereby amended as follows:

Section 5.08.010(11)(i) is created to read as follows:

Any other liquor or alcoholic beverage permit issued by the City or allowed by State law.

Section 5.08.028 is created to read as follows:

Manufacturing and rectifying.

a. A holder of a manufacturer's license who is a federally licensed distiller or rectifier may dispense free of charge at the site identified on the manufacturer's license samples in quantities not to exceed one and one-half (1.5) ounces of their product manufactured at the site identified on the manufacturer's license and no more than three (3) ounces of samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions provided in W.S. 12-5-201.

b. The local licensing authority may issue to the holder of a manufacturer's license granted under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell product manufactured at the site identified on the manufacturer's license at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the

appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201.

c. For purposes of this section:

(i) "Distiller" includes any person who:

(A) Produces distilled spirits from any source or substance;

(B) Brews or makes mash, wort or wash fit for distillation or for the production of distilled spirits, other than the making or using of mash, wort or wash in the authorized production of wine or beer, or the production of vinegar by fermentation;

(C) By any process separates alcoholic spirits from any fermented substance; or

(D) Making or keeping mash, wort or wash, has a still in operation at the site identified on the manufacturer's license.

(ii) "In operation" means is currently being operated or has been operated in the preceding twelve (12) months with all necessary permits;

(iii) "Manufacture" or "manufactured" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent (.5%) alcohol by volume;

(iv) "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

Section 5.080.030 is amended to read as follows:

It is unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or give away to the public, as an inducement to the public to patronize any business, place or person within the city, any alcoholic liquor or malt beverage as defined in this chapter, or to operate a microbrewery, **winery, or manufacturing operation or tasting room** within the city without first obtaining a license to do so and paying the license fees therefor.

The first sentence of Section 5.08.070(A) — License application — Notice, hearing and appeals procedure — shall be amended to read as follows:

When an application for a license, special malt beverage permit, **satellite manufacturer's permit**, renewal, or a transfer of location or ownership thereof has been filed with the city clerk, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale, and publish the notice in a newspaper of local circulation once a week for two consecutive weeks.

PASSED on 1st reading the 4th day of December, 2018

PASSED on 2nd reading the 18th day of December, 2018.

PASSED, APPROVED AND ADOPTED on 3rd and final reading the 8th day of January, 2019. The effective date of this Ordinance is 21 days after approval on 3rd reading.

Councilmember Pacheco presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Huber. Amber Polluck, 229 W. 11th offered to address any questions from Council. There being no questions and no one else to speak regarding the ordinance, and no discussion or amendments, motion passed.

19. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-3

A RESOLUTION AUTHORIZING RELEASE OF LOCAL ASSESSMENT DISTRICT LIENS.

RESOLUTION NO. 19-4

A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE.

RESOLUTION NO. 19-5

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH 71 CONSTRUCTION, LLC FOR THE K STREET IMPROVEMENTS PHASE 1, PROJECT NO. 15-51.

RESOLUTION NO. 19-6

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH STRATA, INC. FOR ENGINEERING SERVICES FOR THE 2019 GEOTECH FOR CAPITAL PROJECTS, PROJECT NO. 18-085.

RESOLUTION NO. 19-7

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH DAN HART PATROL SERVICE, LLC, FOR AN INCREASE IN FUNDS AND AN EXTENSION OF THIRTY-EIGHT DAYS FOR THE CASPER BALEFILL CLOSURE, EARTHWORKS, PROJECT NO. 17-039.

RESOLUTION NO. 19-8

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH WWC ENGINEERING FOR DESIGN, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE MIDWEST AVENUE RECONSTRUCTION PROJECT—ELM STREET TO WALNUT STREET.

RESOLUTION NO. 19-9

A RESOLUTION AUTHORIZING AN AGREEMENT WITH ANDREEN HUNT CONSTRUCTION, INC., FOR THE HIGHLAND PARK CEMETERY ADDITION, PHASE II, PROJECT NO. 16-051.

RESOLUTION NO. 19-10

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH WLC ENGINEERING AND SURVEYING FOR CONSTRUCTION ADMINISTRATION AND SURVEYING SERVICES FOR THE HIGHLAND PARK CEMETERY ADDITION, PHASE II.

Councilmember Johnson presented the foregoing eight (8) resolutions for adoption. Seconded by Councilmember Hopkins. Motion passed.

20. MINUTE ACTION— CONSENT

Moved by Councilmember Walsh, seconded by Councilmember Johnson, to, by consent minute action:

1. designating the following banks as approved depositories of City of Casper funds for calendar year 2019: First Interstate Bank, Hilltop National Bank, Jonah Bank of Wyoming, USbank, and ANB Bank;
2. designating the Casper Journal and the Casper Star-Tribune as the City's official newspaper for the calendar year 2019;
3. reappointing Jennifer Rohrer and Errol Miller to the Central Wyoming Senior Services Advisory Board, each for one additional three year term, expiring December 31, 2021; and,
4. authorizing the appointment of James W. "Tim" Monroe to the Civil Service Commission for a three (3) year term expiring December 31, 2021.

Motion passed.

21. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmember Freel asked about the employee wage freeze and the Police Department's public information officer (PIO) position. Police Chief McPheeters addressed the questions about the PIO position. Mayor Powell indicated that these topics could be considered for a future work session.

22. ADJOURNMENT

Mayor Powell noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, January 15, 2019, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, January 22, 2019, in the Council Chambers. Moved by Councilmember Pacheco, seconded by Councilmember Johnson, to, by minute action adjourn. Motion passed. The meeting was adjourned at 8:41 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Charles Powell
Mayor