

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
March 19, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, March 19, 2019. Present: Councilmembers Bates, Freel, Hopkins, Huber, Johnson, Lutz, Pacheco, and Mayor Powell. Absent: Councilmember Walsh. Moved by Councilmember Pacheco, seconded by Councilmember Freel, to, by minute action, excuse the absence of Councilmember Walsh. Motion passed.

2. PLEDGE OF ALLEGIANCE

Tim Cortez led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Hopkins, to, by minute action, approve the minutes of the March 5, 2019, regular Council meeting, as published in the Casper-Star Tribune on March 15, 2019. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Huber, seconded by Councilmember Pacheco, to, by minute action, approve the minutes of the March 5, 2019, executive session. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Hopkins, seconded by Councilmember Freel, to, by minute action, approve payment of the March 19, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 03/19/19		
5TrailsRotary	Services	\$700.00
AAALandscaping	Services	\$420.00
ABaedke	Reimb	\$56.25
AMBI	Services	\$1,485.74
AndrnHunt	Services	\$91,007.00
Arcadis	Services	\$11,728.40
ArrowheadHeating	Services	\$552.50
Balefill	Services	\$43,419.47
BankOfAmerica	Goods	\$299,682.83
BHollenback	Refund	\$23.53
BigWestLndscp	Services	\$400.00
Caselle	Services	\$75.00
CasperElectric	Services	\$1,534.00
CasperPubSafetyComm	Services	\$5,624.50
CasperPubUtilities	Services	\$144.06
CDWGvmt	Goods	\$1,512.85

Centurylink	Services	\$16,884.85
CivilEngineeringProfessionals	Projects	\$28,872.25
CJCrowe	Reimb	\$75.00
CobanTech	Services	\$2,878.00
CollectionCenter	Services	\$1,174.92
CommTech	Goods	\$778.00
Comtronix	Services	\$732.00
CrimeSceneInfo	Services	\$109.87
CsprPD	Funding	\$94.16
D Jordan	Reimb	\$62.84
Dell	Goods	\$1,251.65
DesertMtn	Goods	\$33,456.94
DPCIndustries	Goods	\$7,064.48
DRuiz	Services	\$65.00
DvdsnFxdMgmt	Services	\$4,054.53
EconoliteControlProducts	Goods	\$19,645.60
EngDsgnAssoc	Services	\$500.00
EnvisionElect	Services	\$15,735.00
FirstData	Services	\$5,359.40
FirstInterstateBank	Services	\$464.64
GlobalSpect	Funding	\$111,682.77
GMonroe	Services	\$375.00
GolderAssociates	Services	\$7,129.47
GSGArchitecture	Services	\$15,078.21
GWilliamsInvst	Services	\$200.00
HDR Engineering	Projects	\$7,147.27
Hitek	Services	\$109.50
Homax	Goods	\$36,623.07
IndstrlContnrSvc	Goods	\$4,104.89
Installation&Svc	Projects	\$82,739.42
ISC	Supplies	\$25,060.62
JTLGroup	Services	\$163.35
KubwaterResources	Goods	\$5,398.90
LawOffHMYoungJr	Services	\$1,350.00
LisasSpicnSpan	Services	\$420.00
LongBuildingTech	Services	\$3,112.44
Lower&Co	Svc	\$1,000.00
MAnderson	Services	\$550.00
MBacca	Refund	\$32.04
MDay	Reimb	\$348.72
Motorola	Services	\$3,725.99
MthrSetonHsing	Funding	\$2,034.39
Nalco	Supp	\$16,330.32

Napa	Goods	\$159,584.69
NC Sheriffs Office	Funding	\$108,720.15
Nicolaysen Museum	Funding	\$43,508.54
Nlsn/Gaard Cnslt	Services	\$50,028.97
Office State Lands	Services	\$3,434.22
PCN	Services	\$19,601.30
Pepsi	Goods	\$188.30
Postal Pros	Services	\$14,881.88
Power Screening	Services	\$329.63
Proforce Law Enforcement	Goods	\$12,331.00
Ram Insulation	Services	\$500.00
Region 8 Pretreatment	Services	\$225.00
Regional Water	Services	\$247,674.14
Rocky Mtn Power	Services	\$295.72
Smarsh	Services	\$1,789.50
Spitzer Elect	Refund	\$16.08
Stealth Partner Group	Services	\$49,625.55
Stellar Programming	Services	\$2,281.25
Strata	Services	\$20,174.12
Thatcher Co	Goods	\$8,400.02
Top Office	Goods	\$133.30
Treto Construction	Projects	\$115,214.75
Trihydro Corp	Projects	\$125.00
Urgent Care	Services	\$1,480.00
Wardwell Water & Sewer	Services	\$14.00
WERCS Communications	Services	\$1,507.28
West Plains Engineering	Services	\$1,000.00
Wstrn Sts Fire	Supp	\$71,859.30
Wy Dept Revenue	Taxes	\$696,049.67
Wy Fire Chiefs Assoc	Services	\$250.00
Wy Law Enforcement Academy	Services	\$6,269.00
Wy Machinery	Goods	\$394,651.61
Wy Retirement	Funding	\$200.79
Wy Retirement PD	Svc	\$97,620.24
WY Trnsfr	Services	\$1,000.00
Zoll Medical	Supplies	\$196,449.81
Zunesis	Services	\$10,111.19
		\$3,259,867.63

6. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Henry Cundy, 412 S. Jefferson, requesting Council reconsider the speed limit change in the vicinity of the hospital; and Keith Rolland, 542 S. Durbin, inquiring about taxicab meter rates and policies.

7. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Johnson, seconded by Councilmember Hopkins, to, by minute action, establish April 2, 2019, as the public hearing date for the consideration of:

a. annexation and plat a portion of a previously abandoned WYDOT right-of-way located, and in the SE1/4SW1/4 of Section 18, Township 33 North, Range 79 West, 6th P.M., Natrona County Wyoming a vacation and replat of Lot 1, McNamara Heights Addition, to create the West Casper Commerce Center Addition, comprising 1.68 Acres, more or less, generally located at the North East Corner of CY Avenue and South West Wyoming Boulevard; and consideration of a request to establish the Zoning as C-2 (General Business);

b. adoption of the fiscal year 2019 budget amendment #2;

c. transfer of location for Retail Liquor License No. 21, from Modern Electric Co, d/b/a Wyoming Bootlegger Liquor, located at 240 & 242 West 1st Street to Modern Electric Co, d/b/a Wyoming Bootlegger Liquor, located at 100 North Ash; and

Establish April 16, 2019, as the public hearing date for the consideration of the sale of City -owned property located at 560, 542, 524 and 518 North Center Street, described as Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 2, Liberty Addition to the City of Casper, Wyoming, for economic development purposes pursuant to W.S. § 15- 1- 112(b)(i)(D).

Motion passed.

8.A ORDINANCE– THIRD READING

Following ordinance read:

ORDINANCE NO. 5-19

AN ORDINANCE AMENDING CHAPTER 10 OF THE
CASPER MUNICIPAL CODE PERTAINING TO
ABANDONED VEHICLES

WHEREAS, the presence of abandoned vehicles on the streets of the City of Casper is a detriment to the health, welfare, and safety of the public; and,

WHEREAS, the removal of abandoned vehicles will be better accomplished with the aid of a more clearly worded ordinance pertaining thereto.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 10 of the Casper Municipal Code is hereby amended as follows:

Chapter 10.12.020 State registration and licensing required.

It is unlawful for any person to own or operate a mote vehicle upon the public streets, alleys or highways of the city without first having registered the vehicle, obtained a license therefore and affixed thereto such license plates as are required, all in accordance with the applicable laws of the state pertaining to the licensing and registering of vehicles, as such laws now exist and as the same may from time to time be amended.

Chapter 10.60 – REMOVAL OF ABANDONED VEHICLES

Article I. – General Removal Procedures

Pursuant to W.S. 31-13-103, the following Code provisions are adopted.

10.60.010 – Authorization to remove and store vehicles.

Whenever any police officer finds a vehicle unattended upon any street, alley or other public property where such vehicle constitutes an obstruction to traffic or for other reasons set forth in Section 10.60.020, such officer is authorized to provide for the removal of such vehicle to the nearest city garage or other place of safety designated by

the chief of police or his appointed authority, at the expense of the registered owner thereof. (Prior code § 24-116)

10.60.020 — Circumstances requiring removal of vehicle.

Members of the police department are authorized to remove a vehicle from a street or highway or restricted parking area to the city garage or other place of safety under the circumstances hereinafter enumerated:

A. When any vehicle is left unattended upon any bridge or viaduct or in any subway, where such vehicle constitutes an obstruction to traffic;

B. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

C Reserved;

D. When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street, highway or restricted parking area;

E. When such vehicle is found being driven on the streets or highways and is not in proper condition to be driven; (Prior code § 24-117) (Ord. No. 10-11, § 1, 3-1-2011)

10.60.030 — Private wrecker service and places of storage — Charges set by council resolution.

The chief of police is authorized to provide for the removal of vehicles under this chapter by private wrecker services and to provide for places of storage. No vehicle removed under this chapter shall be released therefrom until such charges for towing such vehicle into storage and storage charges have been paid by the registered owner thereof. The charge for towing, storage or removal of such vehicle shall be fixed by the city council by resolution from time to time; provided, however, that when in the judgment of the chief of police a vehicle has been removed through no fault of the owner, and where the levying of such charges would be unjust, such towing, storage and removal charges shall be paid out of the city's general fund if such charges were incurred through the towing, storage or removal by a private service. (Prior code § 24-118)

10.60.040 — Notice to owner.

Whenever an officer removes a vehicle from a street as authorized in this chapter and the officer knows or is able to ascertain from the registration or other records in the vehicle or otherwise the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefor and of the place to which such vehicle has been removed.

(Prior code § 24-119)

10.60.050 — Procedure when owner unknown.

Whenever an officer removes a vehicle from a street under this chapter and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the chief of police may consider that the vehicle may have been stolen and shall immediately send or cause to be sent a written report of such removal by mail to the state department, whose duty it is to register vehicles. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored, with the request that the owner of such vehicle be notified immediately. (Prior code § 24-120)

10.60.060 — Disposal of vehicles.

Any vehicle left unattended on public or private property without the express consent of the owner or person in lawful possession or control of such property, for a period in excess of five days, shall be deemed to be abandoned and shall be disposed of in the manner provided in this chapter. (Prior code § 24-121)

Article II. — Abandoned Vehicles

10.60.070 — Prohibited where — Exceptions — Removal procedure.

A. No person shall abandon a vehicle on the streets, alleys or public property of the city.

B. Reserved.

C. Any police officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed at the expense of the owner. Removal of an abandoned vehicle from private property shall be upon the written request, upon a form prescribed by the department of revenue, of the owner or person in lawful possession or control of the property. The police department shall immediately send, or cause to be sent, a written report of such removal to the department of revenue, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal and the place of impoundment of such vehicle.

D. For purposes of this section, a vehicle shall be presumed to be abandoned if it is left unattended on a street, alley or other public ground for more than twenty-four hours after a notice of intent to remove has been placed on it pursuant to paragraph E of this section, or private property without express consent of the owner or person in lawful possession or control of the property more than five days after a notice of intent to remove has been placed on it pursuant to paragraph E of this section.

E. A notice of intent to remove an abandoned vehicle by a police officer shall be placed in a prominent position on a vehicle when a police officer reasonably believes it is abandoned. The notice of intent shall remain on the vehicle at least twenty-four hours prior to removal by a police officer if abandoned on a street, alley, or any other public ground, and five days if abandoned on private property. (Prior code § 24-121.1)

(Ord. No. 10-11, §§ 2, 3, 3-1-2011)

10.60.080 — Abandonment presumed when — Exceptions.

A. For the purpose of this section, a vehicle shall be presumed to be abandoned if it is in an inoperable condition and is not currently registered, or shows other indicia leading a reasonable person to believe the vehicle has been abandoned, including, but not limited to obvious signs of inoperability such as flat or missing tires, obvious mechanical defects, the accumulation of weeds or detritus around the vehicle, or the fact that the vehicle is not parked within one hundred (100) feet of the registered owner's address and has not moved for a period of five (5) days or more.

B. This section and the provisions contained in this code concerning storage of wrecked, disabled vehicles and junk, shall not apply to:

1. Antique or historic motor vehicles as defined in Section 31-1-101 of the Wyoming Statutes; provided same are licensed pursuant to Section 31-3-102 of the Wyoming Statutes;
2. Vehicles kept in an enclosed garage or storage building; provided same are not visible from any other land or public way;
3. Vehicles used for riprap on rivers, streams or reservoirs, or for erosion control;
4. Vehicles used for educational or instructional purposes at any public school;
5. Vehicles or junk in the custody of the city being stored pending disposal;

6. Vehicles and junk at junkyards which are licensed under, and in compliance with, the laws of the city. (Ord. 19-86, 1986: prior code § 24-121.2)

10.60.090 — Storage and towing fees set by council resolution.

All storage and towing fees shall be established by the city council by resolution.

(Prior code § 24-121.4)

10.60.100 — Disposal of vehicles.

All abandoned vehicles removed under the provisions of this chapter may be disposed of in accordance with Section 31-13-106 et seq., of the Wyoming Statutes, 1977, as amended.

PASSED on 1st reading the 19th day of February, 2019.

PASSED on 2nd reading the 5th day of March, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the 19th day of March, 2019.

Councilmember Johnson presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Freel. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

8.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 6-19

AN ORDINANCE ADOPTING AND APPROVING THE RIGHT-OF-WAY SMALL WIRELESS FACILITY IMPLEMENTATION COST STUDY AND FEE STRUCTURE DEVELOPMENT REPORT; AND, THE SMALL WIRELESS FACILITIES RECOMMENDED REQUIREMENTS.

WHEREAS, last year, Council passed an ordinance updating section 17.12.124 of the Casper Municipal Code (*Wireless Communication Facilities Regulations*); and,

WHEREAS, on September 27, 2018, the FCC released a *Declaratory Ruling and Third Report and Order* ("Order") that limits state and local management of wireless communication facilities, and the associated fees for use of the rights-of-way and public property in the rights-of-way.

WHEREAS, the Ruling and Order took effect on January 14, 2019; and,

WHEREAS, based on the Order, the City needed to perform cost study and develop implementation recommendations to determine its reasonable, non-discriminatory fees for use of its rights-of-way; and,

WHEREAS, on December 11, 2018, Council approved a contract with Thomas F. Duchon & Associates, Inc., d/b/a River Oaks Communications Corporation ("Consultant") to perform that work; and,

WHEREAS, the Consultant has completed the cost study and implementation recommendations; and,

WHEREAS, members of each City department reviewed the study and implementation recommendations; and,

WHEREAS, all City departments concur with the cost study and implementation recommendations, and recommend their adoption; and,

WHEREAS, it is important for the City to use the cost study and implementation recommendations as soon as possible, so it can be in compliance with the Order, assist

with the rapid deployment of wireless communication facilities, and collect reasonable, non-discriminatory amounts for the use of its rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the *Final Report: Right-of-Way Small Wireless Facility Implementation Cost Study and Fee Structure Development Report for the City of Casper*, dated January 30, 2019, is hereby adopted and approved.

BE IT FURTHER RESOLVED: That the *Small Wireless Facilities Recommended Requirements for the City of Casper*, Wyoming, dated January 30, 2019, is hereby adopted and approved.

BE IT FURTHER RESOLVED: That the City Manager or his designee shall implement, authorize and modify the requirements of the above-described documents as reasonably necessary in the interest of the City, and in a reasonable, non-discriminatory manner.

PASSED on 1st reading the 19th day of February, 2019.

PASSED on 2nd reading the 5th day of March, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the 19th day of March, 2019.

Councilmember Pacheco presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Hopkins. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

9. ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 7-19

AN ORDINANCE APPROVING THE CABIN CREEK ESTATES NO. 4 SUBDIVISION AGREEMENT AND THE FINAL PLAT OF CABIN CREEK ESTATES NO. 4, COMPRISING 0.22 ACRES, MORE OR LESS.

Councilmember Huber presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Johnson. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

10. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-41

A RESOLUTION AUTHORIZING AN AGREEMENT WITH CASPER ELECTRIC, INC., FOR THE DOWNTOWN PARKING STRUCTURE LIGHTING UPGRADES, PROJECT NO. 18-071.

RESOLUTION NO. 19-42

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WAYNE COLEMAN CONSTRUCTION, INC., FOR THE 2019 CPU ASPHALT REPAIR PROJECT NO. 19-001.

RESOLUTION NO. 19-43

A RESOLUTION AUTHORIZING AN AGREEMENT WITH
71 CONSTRUCTION, FOR CRL SANITARY SEWER
IMPROVEMENTS, PROJECT NO. 18-011.

RESOLUTION NO. 19-44

A RESOLUTION AUTHORIZING A CONTRACT FOR
PROFESSIONAL SERVICES WITH CIVIL ENGINEERING
PROFESSIONALS, INC., FOR DESIGN AND
CONSTRUCTION ADMINISTRATION SERVICES FOR THE
INTERSTATE 25 & CASPER MARGINAL
BEAUTIFICATION, PROJECT NO. 18-044.

RESOLUTION NO. 19-45

A RESOLUTION AUTHORIZING AN AGREEMENT WITH
TRANSMISSION DISTRIBUTION SERVICE, LLC, DBA TDS
CONSTRUCTION, FOR THE VERDA JAMES PEDESTRIAN
OVERPASS PROJECT NO. 18-010.

RESOLUTION NO. 19-46

A RESOLUTION RENAMING PARKWAY PLAZA DRIVE TO
WEST E STREET, LOCATED IN THE LIBERTY ADDITION,
AND AUTHORIZING AND DIRECTING THE RESOLUTION
TO BE RECORDED IN THE OFFICE OF THE NATRONA
COUNTY CLERK.

RESOLUTION NO. 19-47

A RESOLUTION AUTHORIZING AN AGREEMENT WITH
THE NATRONA COUNTY TRAVEL AND TOURISM
COUNCIL FOR GROUP TICKET SALES TO THE COLLEGE
NATIONAL FINALS RODEO, TO BE HELD AT THE CASPER
EVENTS CENTER.

RESOLUTION NO. 19-48

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
TO THE AGREEMENT WITH TRETO CONSTRUCTION,
LLC, FOR THE MIDWEST AVENUE RECONSTRUCTION
ELM STREET TO DAVID STREET, PROJECT NO. 17-031.

Councilmember Bates presented the foregoing eight (8) resolutions for adoption. Seconded by Councilmember Johnson. City Manager Napier provided a brief report. Motion passed.

11. MINUTE ACTION– CONSENT

Moved by Councilmember Pacheco, seconded by Councilmember Hopkins, to, by consent minute action:

1. authorize the appointment of Andrea Covert to the Leisure Services Advisory Board.
2. reject the bid for the Casper Regional Landfill Equipment GPS Project.
3. authorize the discharge of \$15,496.55 uncollectible accounts receivable balances, aged between the date of October 2, 2013 and December 31, 2013, including more recent estate liquidations and bankruptcies.
4. authorize the purchase of six (6) Zoll X Series cardiac monitors for use by the Fire-EMS Department and in the total amount of \$196,449.81.
5. application for taxicab company license for Oil City Cabs, located at 3030 East 5th Street.
6. authorize the appointment of Councilmember Bates to the Historic Preservation Commission.

Motion passed.

12. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmember Freil inquired about the school zone along 12th for Centennial Junior High School, which Councilmember Bates addressed. City Manager Napier indicated he would also follow up on the matter. Councilmembers also spoke on meetings and events they attended and complimented City staff on their efforts during the recent snow storm.

13. ADJOURN INTO EXECUTIVE SESSION

Mayor Powell noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, March 26, 2019, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, April 2, 2019, in the Council Chambers.

At 6:38 p.m., it was moved Councilmember Pacheco, seconded by Councilmember Freil, to adjourn into executive session to discuss property acquisition and property disposition. Motion passed. Council moved into the Council meeting room.

At 6:54 p.m., it was moved by Councilmember Johnson, seconded by Councilmember Lutz, to adjourn the executive session. Council returned to the Council Chambers.

X. ADJOURNMENT

At 6:54 p.m., it was moved by Councilmember Pacheco, 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

Charles Powell
Mayor