

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
December 15, 2020

1. ROLL CALL

Casper City Council met in regular session at 6:05 p.m., Tuesday, December 15, 2020. Present: Councilmembers Bates, Cathey, Hopkins, Huber, Pacheco, Powell and Mayor Freel. Councilmember Johnson and Vice Mayor Lutz attended via conference call.

2. PLEDGE OF ALLEGIANCE

Mayor Freel led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Pacheco, seconded by Councilmember Hopkins, to, by minute action, approve the minutes of the December 1, 2020, regular Council meeting, as published in the Casper-Star Tribune on December 9, 2020. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the December 1, 2020, executive session. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Powell, seconded by Councilmember Hopkins, to, by minute action, approve payment of the December 15, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 12/15/20

307Cllsn	Services	300.00
6HGrp	Goods	971.50
71Const	Services	178,559.78
AMBI	Services	15.80
AAALndscpng	Services	170.00
AccntPkg	Goods	1,156.32
AceHrdwr	Goods	119.90
Adbay	Services	2,347.50
Adecco	Services	1,542.30
AecomTech	Services	1,500.00
AirInnvtns	Services	970.00
Airgas	Goods	347.40
Alsco	Services	911.18
Ameri-Tech	Goods	310.00
Amerigas	Goods	3,674.78
AtlntcElect	Services	4,386.00
AtlasOffice	Goods	3,805.86
B32Eng	Services	1,515.01
BnkofAmerica	Goods	74,767.60

BigHrnTire	Goods	943.00
BLockwood	Reimb	150.00
Bloedorn	Goods	409.32
CarahsoffTech	Services	6,863.12
Caselle	Services	75.00
CsprAreaChmbr	Funding	1,000.00
CsprAreaConvention	Services	99,500.00
CATC	Funding	143,540.37
CsprElect	Goods	289.30
CsprFireExt	Services	519.00
CsprStar	Services	2,208.14
CsprTire	Goods	203.00
CntrlWyRglWtr	Services	322,086.53
CenturyLink	Utilities	12,424.78
CAsbe	Services	1,400.00
CtyofCspr	Services	149,204.14
CtySvcElect	Services	158,650.00
CMITeco	Goods	323,484.65
CollectionCtr	Services	579.13
CommunicationTech	Goods	12,814.96
Comtronix	Goods	667.80
ConsltdElect	Goods	269.50
Convergeone	Services	56,040.36
CompProf	Goods	17,574.95
CrownConst	Services	44,063.00
DavidsonFxdInc	Services	3,713.64
DCFrost	Goods	6,139.98
DeckerAuto	Goods	3,206.59
Dell	Goods	11,217.01
DennisSply	Goods	147.20
DFinn	Reimb	109.79
DiamondVogel	Goods	67.58
DooleyOil	Goods	714.00
DPCInd	Goods	7,622.45
EatonSls	Goods	620.14
EJacobs	Reimb	150.00
Emaint	Services	3,300.00
EmrgncyMedDir	Services	899.40
EnergyLbs	Services	1,982.00
EngDsgn	Services	1,062.50
FergsnEnt	Goods	5,632.70
FirstData	Services	19.95
FugroUSA	Services	4,749.42
GCBldgSply	Goods	4,972.00
Galls	Goods	1,461.90

GarrettElect	Goods	22,139.81
GlobalSpect	Funding	83,059.91
Golder	Services	51,420.40
GvmntJobs.com	Services	11,414.67
HaassConst	Services	308,390.54
HDREng	Services	2,358.90
Hercules	Goods	869.64
HighPlnsConst	Services	289,013.60
HitekCom	Goods	1,820.00
Homax	Goods	47,481.67
HydroProd	Goods	12,400.00
IndCont	Goods	212.70
ISCO	Services	66,132.29
ITC Elect	Services	218.10
Itron	Goods	2,452.38
JacobsEng	Services	144,913.08
JKCEng	Services	1,331.75
JsnBrown	Reimb	157.98
JGreenwood	Reimb	160.23
JPike	Reimb	150.00
JSponsler	Reimb	143.99
JWilhelm	Reimb	1,230.47
KnifeRiver	Goods	276.77
KVDavis	Services	700.00
LwoffHmptonYng	Services	2,228.00
Lisa'sSpnSpn	Services	2,420.00
LongBldg	Goods	600.00
MercerHse	Funding	6,401.10
MichaelsFnc	Goods	127.55
MblCnrt	Goods	247.50
MonsonJnt	Services	5,129.80
MotionFlow	Goods	844.11
MtnStatesLitho	Services	237.54
MtnWest	Utilities	2,000.00
MtnWestVal	Services	2,900.00
Napa	Goods	155,721.76
Nelson/Nygaard	Services	21,917.97
NrthrnLghts	Goods	1,080.00
OneCall	Services	633.00
NCHCorp	Goods	900.00
Pedens	Goods	5,019.00
PMCH	Services	60,000.00
PostalPros	Services	26,986.71
PrfClning	Services	1,395.00
ResoluteInd	Goods	3,000.00

RckyMtnAir	Goods	21.47
RckyMtnPwr	Utilities	90,340.61
RMoore	Reimb	31.42
RooterSwr	Services	415.32
SDaley	Reimb	175.55
ShamrockEnv	Services	254,398.11
ShtMtlSpec	Goods	42.58
SkylineRnchs	Services	463.81
Smarsh	Services	1,852.50
SolsburyHill	Services	4,254.00
SterlingInfo	Services	466.66
SuperiorInd	Goods	2,593.00
Swi	Retainage	425.00
TheActiveNW	Services	920.00
TopOffice	Goods	96.15
TretoConst	Services	181,391.40
TriStateTrck	Goods	2,214.84
Trihydro	Services	1,371.80
TylerTech	Goods	3,473.00
Uniforms2gr	Goods	3,600.80
Verizon	Services	2,531.83
Wamco	Services	1,800.00
WardwellWtr	Services	163.66
WasteWater	Services	359,541.90
WesternSgn	Goods	599.94
WestlandPrk	Services	5,967.96
WWCEng	Services	18,574.93
WhartonAsphlt	Goods	2,386.15
WLCEng	Services	2,840.20
WyAssocRuralWtr	Dues	450.00
WyMachinery	Goods	30,254.16
WyLowVltg	Goods	885.00
WySteel	Services	192.00
Total		4,013,092.90

6. COMMUNICATIONS FROM PERSONS PRESENT

Desirée Tinoco addressed Council about missing persons in Wyoming and requested further training for law enforcement staff, better communication with people living on reservations, and the development of a Wyoming missing persons database.

7. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Cathey, seconded by Councilmember Pacheco, to, by minute action: establish January 5, 2021, as the public hearing date for the consideration of: an ordinance amending Chapter 9.24 of the Casper Municipal Code – Offenses Against Public Decency, modifying certain sections and creating new sections thereof (Prostitution); and an ordinance amending Section 10.24.010 of the Casper Municipal Code (Speed Zones). Motion passed.

8.A ORDINANCE– THIRD READING

Following ordinance read:

ORDINANCE NO. 24-20 AMENDED
AN ORDINANCE TO LIMIT THE PRACTICE OF MASSAGE
THERAPY TO LICENSED MASSAGE THERAPISTS, LICENSE
REQUIRED.

Councilmember Cathey presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Huber.

Individuals addressing the Council were: Michael Siek, 932 S. Spruce, requesting several small changes to the ordinance; Elizabeth Scott, 337 S. Conwell, also pointing out concerns with the ordinance; Leah Juarez, 2241 Farnum, thanking Council for working with massage therapists to license the profession; and a citizen (unintelligible name/address) who wanted more information on the ordinance. Councilmember Cathey addressed several questions presented by citizens.

Councilmembers discussed the ordinance briefly.

Five proposed amendments to the ordinance were prepared and included in the Council meeting packet. Each amendment is summarized below, with the complete language having been incorporated into the final ordinance.

Moved by Councilmember Cathey to amend the ordinance by adding the definition of “licensed massage therapist”. Seconded by Councilmember Huber. Motion to amend passed.

Moved by Councilmember Cathey to amend the ordinance to allow traveling massage therapists to practice on a temporary basis. Seconded by Councilmember Huber. Motion to amend passed.

Moved by Councilmember Cathey to amend the ordinance to add a time limit to the grandfather clause, with the term “prior to” instead of “from”. Seconded by Councilmember Huber. Councilmembers had questions about the end of the grandfather clause and City Attorney Henley confirmed that the amendment did clearly limit the clause. Motion to amend passed.

Moved by Councilmember Cathey to amend the ordinance to remove some language from Section 8.04.090 Subsection B. Seconded by Councilmember Huber. Motion to amend passed.

Moved by Councilmember Cathey to amend the ordinance to create Section 8.04.250. Seconded by Councilmember Huber. Motion to amend passed.

Councilmembers Huber and Cathey expressed their gratitude to the various people that worked on drafting this ordinance. Council voted on the ordinance, on third reading, as amended. Motion passed. Ordinance as amended follows:

ORDINANCE NO. 24-20 AMENDED
AN ORDINANCE TO LIMIT THE PRACTICE OF MASSAGE
THERAPY TO LICENSED MASSAGE THERAPISTS, LICENSE
REQUIRED.

WHEREAS, the governing body of the City of Casper may perform all acts in relation to the concerns of the city necessary to the exercise of its corporate powers; and,

WHEREAS, the governing body of the City of Casper desires to establish a licensing and permit process for professionals and businesses providing massage therapy and bodywork services within the Casper City limits.

WHEREAS, the governing body of the City of Casper has the authority by Wyoming State Statutes §15-1-103(a)(xiii) and (xli) to adopt ordinances, resolutions and regulations including regulations necessary for the health, safety and welfare of the city and necessary to give effect to the powers conferred by the state legislature.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that Chapter 8.04 Business Affecting Public Health, is hereby amended to encompass the licensing and operation of massage businesses and the practice of massage therapy and bodywork:

Amendments for existing Sections:

8.04.010 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. Adequate. "Adequate" is to be determined by the health officer according to the provisions of this chapter.

B. "Businesses affecting the public health" means any business other than mobile food vehicles and their operators, within the city furnishing to the public any food and drink, lodging, body art and permanent cosmetic establishments, massage establishments and massage therapists, supervision and care of children and all like services or business, whether such services or businesses are on or off the premises.

C. "Health officer" means the health officer of the Casper -Natrona County Health Department or his/her representative, whose duty it is to inspect all businesses affecting the public health.

D. "Massage Therapy" "Massage" and "Bodywork" mean, for the purposes of this ordinance, the application of a system of structured touch, pressure, movement and holding of the soft tissues of the human body. The application may include pressure friction stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement. Complementary methods, including the external application of water, heat, cold, lubricants and other topical preparations; or the use of mechanical devise that mimic or enhance actions may be done by the massage therapist.

E. "Permit" means the permit needed to engage in the activities of a massage and/or body work therapist required by this Ordinance; the permit fee is sixty dollars, F. "Public" means four or more people not related to the operator of the business affecting the public health.

G. "School" means a school or educational institution, as approved by the City Clerk's Office that issues or has issued an official diploma or certificate of completion to successful students completing a massage therapy affiliated curriculum consisting of not less than five hundred hours of instruction, including in class hands-on practicum under the supervision of staff instructors. The

school must be licensed, if required, through the applicable state agency in the state in which the school is located.

1. If a state license is not required, the school must meet one of the following requirements:
 - a. The school's massage therapy affiliated curriculum must be reviewed, evaluated and approved by a national or international professional massage therapy organization; or
 - b. The school must have current accreditation status issued by an accreditation organization recognized by the U.S. Department of Education or the Wyoming Department of Education; or have current accreditation status issued by a national accreditation organization or have current accreditation status accepted by the City Clerk's Office.

8.04.020 - License—Fee.

A. Every business affecting the public health shall, before beginning business, apply to the city for a license pursuant to this Chapter, and, after the business and premises are inspected and approved by the health officer and payment of the proper fee, such license shall be issued. The license fee and health officer inspections for those businesses other than massage therapy and bodywork establishments and massage therapists shall be:

1. Seventy-five dollars for swimming pools, food manufacturers, food distributors, food processors, groceries, bakeries, meat markets and delicatessens; provide, however, that groceries or supermarkets shall be charged a base license fee of seventy-five dollars, plus twenty-five dollars each for meat markets, bakeries and delicatessens;
2. Twenty-five dollars for campground facilities, motels, hotels, bed and breakfasts and body art and permanent cosmetic establishments;
3. Fifty dollars for child day care facilities;
4. One hundred dollars for bars. If a bar provides food, an additional license fee of twenty-five dollars is required;
5. One hundred dollars for restaurants. If a restaurant provides alcoholic liquor or malt beverage, an additional license fee of twenty-five dollars is required;
6. No license fee shall be required for food service facilities on any parochial, private or public school property.
7. The fees and requirements for massage and bodywork establishments and massage therapists are set forth beginning at Section 8.04.090; those specific provisions shall control when they are in conflict with the earlier provisions of this Chapter.

B. Unless otherwise provided, if a business enterprise involves more than one of the above-named services or businesses, a license must be obtained for each fee classification.

Newly Created Sections:

8.04.090 Purpose and intent for including massage therapy and bodywork businesses and practice.

A. It is the intent of the City of Casper that all entities and establishments which provide massage therapy services within the Casper City limits, shall be licensed by the City of Casper as well as all individuals who provide the services for such businesses.

B. To obtain such a license the business must hire only licensed massage therapists.

C. The purpose of this Chapter is to comply with the statutory authority given to the governing body of cities within Wyoming to protect the health, safety and general welfare of its citizens.

8.04.100 Definitions applicable to Sections 8.04.110 through 8.04.280 concerning massage therapy.

A. "Business Entity" means a sole proprietorship, corporation, partnership, association, limited partnership, or LLC.

B. "Massage Establishment" means any establishment having a fixed place of business wherein any person, firm, association or corporation engages in or carries on or permits to engage in or carry on any of the activities mentioned in this Ordinance. Any establishment engaged in or carrying on, or permitting any type of massage for any payment or consideration shall be deemed a massage establishment.

C. "Massage Therapist" means any person, who gives or administers to another, for any form of payment or consideration, a "massage", as that word is defined in this chapter. This shall include but not be limited to those persons calling themselves massage therapists, massagists, masseuses, or masseurs.

D. "License" means the license to engage in the activities of a massage establishment required by this Ordinance; the license fee is One Hundred Dollars except for a sole proprietorship. A sole proprietorship shall not be assessed a separate fee for the business, but shall receive a license if the sole proprietorship is the holder of a massage therapist permit.

E. "Licensed Massage Therapist" means a person who has obtained a permit to practice massage therapy or bodywork from the City of Casper."

F. "Person" means any proprietorship, individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

8.04.110 Massage Bodywork Therapist Permit.

A. No person shall practice as a massage and/or bodywork therapist, proprietor, employee or otherwise, unless he/she has a valid and subsisting massage therapist permit issued by the City Clerk's Office, pursuant to the provisions of this Chapter. An application for a permit shall be submitted to the Clerk of the City of Casper who will forward the application to the Casper Police Department for the purpose of conducting background checks and fingerprinting.

8.04.120 Application for Massage Establishment License.

A. Any person desiring to engage in the business, trade, profession, operation or conduct of a massage establishment as provided in this Chapter shall, before engaging in such business, file an application and pay an application fee of One Hundred Dollars for a license in the Office of the Casper City Clerk. The application once accepted shall be referred to the Casper Police Department for investigation of the applicant's background including the submission of fingerprints.

The requirements of the application are:

1. The full and true name(s) and any other name(s) used by each applicant (hereinafter all provisions which refer to the applicant include any applicant which may be a corporation or partnership, LLC, etc.);
2. The present address and telephone number and a valid driver's license or social security number of each applicant.
 - a. If the applicant is a corporation, partnership, limited partnership, LLC, etc., hereafter business entity, the names and residence addresses of each of the officers and directors of said business entity owning more than ten percent of the business entity, and the address of the business entity, if different from the address of the massage establishment;
3. The location, mailing address, and all telephone numbers where the massage establishment is to be conducted;
4. The prior addresses for three years immediately prior to the date the application for a business license and/or permit of the applicant is submitted to the City Clerk's Office;
5. Proof that the applicant is over the age of majority;
6. The massage or similar business history of each applicant; whether such person, in previously operating in this or another city, county or state, has had a business license or permit revoked or

suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation;

7. The name and address of each massage therapist who is or will be employed in such establishment;

8. Authorization for the Casper Police Department, its agents and employees to seek information and conduct a national background investigation with fingerprinting, and an investigation into the truth of the statements set forth in the application. The applicant shall be fingerprinted at the Casper Police Department; and

9. The applicant shall notify the Clerk's Office, who in turn will notify the Casper Police Department, of any change in any of the data required to be furnished by this section within seven business days after such change occurs.

Upon completion of the application and the furnishings of all the foregoing information, the Casper City Clerk's Office shall accept the application for processing and forward the application to the Casper Police Department to begin the background check process.

8.04.130 Application for Massage and/or Bodywork Therapist Permit.

A. The Application, and Application fee of Sixty Dollars to apply for a massage therapist permit shall be made to the City Clerk's Office with the same requirements, and in the manner, as provided in Section 8.04.120, for a massage establishment license. In addition, the application shall contain the following:

1. Proof of not less than three hundred thousand dollars in general liability insurance coverage;
2. Proof that the applicant has graduated from a massage therapy school as defined by this Chapter;
3. Proof that the applicant has passed the MBLEx Examination administered by the Federation of State Massage Therapy Boards or administered by an organization approved by the City Clerk's Office.

8.04.140 Issuance of License for a Massage Establishment or Permit for a Massage Therapist.

A. Upon completion of the application review, the City Clerk may issue a license for a massage establishment and/or a permit for a massage and/or bodywork therapist to any person if all requirements for a massage establishment license or massage therapist permit as described in this Chapter are met unless the City Clerk's Office finds:

The operation, as proposed by the applicant, if permitted, would not comply with this Code Chapter; or

2. The applicant, if an individual or if a business entity owner owning ten percent or more of the entity and the officers, members, partners and directors of the entity, or the holder of any lien, of any nature, upon the business and/or the equipment used therein, and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense, that would have constituted any of the following offenses if committed within the last ten years within the State of Wyoming:

- a. An offense involving the use of force and violence upon the person of another that amounts to a felony or would qualify as domestic violence; or
 - b. An offense involving sexual misconduct; or
 - c. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony;
- or

3. The applicant, if an individual, or business entity owner owning ten percent or more of the entity, and the officers, members, partners, and directors of the entity, or the holder of any lien, of any nature upon the business and/or the manager or other person principally in charge of the business has after reaching the age of majority been convicted, including pleas of guilty or nolo contendere,

or any offense in Wyoming or any other jurisdiction containing the same elements, or arising out of the same or similar facts or circumstances which requires registry as a sex offender; or

4. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the license or permit application or in any document required by the applicant; or

5. The applicant, if an individual, or any of the officers, directors, members or owners owning ten percent or more of the business entity, or manager or other person principally in charge of the operation of the business, is not over the age of eighteen years old.

8.04.150 Approval or Denial of Application.

The City of Casper Clerk's Office (hereafter Clerk's Office) shall act to approve or deny an application for licenses and permits under this section within ten business days, after the reception of recommendation letter from the Chief of Police, or his or her designee, based on the applicant's ability to meet and maintain the requirements regarding the applicant's criminal background and history as required in this Chapter.

8.04.160 Reserved.

8.04.170 Reserved.

8.04.180 Massage Establishment Operating Requirements.

No person or business entity shall engage in, conduct or carry on, or permit to engage in, conduct or carry on, the operation of a massage establishment unless each and all of the following requirements are met. If the requirements are not met or violated such act or omission is a violation of this Chapter and is unlawful;

A. Each person employed or acting as a massage and/or bodywork therapist shall have a valid permit issued pursuant to the provisions of this Chapter, and it shall be a violation of this Chapter for any owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a massage establishment to employ or allow a person to act as a massage and/or bodywork therapist who is not in possession of a valid permit;

B. When a Health Officer or his or her designee has reasonable cause to suspect possible disease transmission by an employee of a massage establishment, he/she may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action.

8.04.190 Massage Therapist Operating Requirements.

No person will engage in, conduct or carry on the practice of a massage therapist unless each of the following requirements are met; if the requirements are not met or violated such act or omission is a violation of this Chapter and is unlawful:

A. Possession of a valid permit issued pursuant to the provisions of this chapter, a copy of which will be made available upon request.

8.04.200 Transfer of Permit.

No license or permit shall be transferable.

8.04.210 Sale or Transfer Location.

Upon an application for sale or relocation of a massage establishment, the application shall be treated as a new facility.

8.04.220 Name and Place of Business.

No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in his/her license, nor shall he/she conduct business under any designation or location not specified in his/her license. Off premises massage service can be included in approved establishment's or permittee's permit.

8.04.230 Traveling massage therapists; exceptions.

A. The practice of massage therapy by a person who is a resident of another state and is licensed by the state or local government of such residency or who can legally practice massage therapy in such state, or a person who is a Wyoming resident practicing massage therapy but is not a resident of the City of Casper, who is in Casper temporarily may practice massage therapy no more than ten days in any one calendar year, under one of the following circumstances:

1. The person is traveling with and administering massage therapy to members of a professional, collegiate, or amateur sports organization, or dance troupe, music, theatrical or other performing arts group, or other athletic organization;
2. The person provides massage therapy at a public athletic event such as the Olympic games, Special Olympics, youth Olympics, or marathons if the massage therapy is provided no earlier than forty-eight hours prior to the commencement of the event and no later than twenty-four hours after the conclusion of the event;
3. The person is part of an emergency response team or is otherwise working with or for disaster relief officials to provide massage therapy in connection with a disaster situation; or
4. The person is participating as a student in or instructor of an educational program which meets the requirements of "school" as defined under this Chapter.

8.04.240 Denial, Suspension or Revocation of License or Permit.

A. 1. Within three business days of the denial of an application for a massage establishment license, or a massage therapist permit, the applicant may file with the City Clerk's Office a written request for an appeal hearing. At such hearing, to be held at a reasonable time after receipt of request, evidence shall be received for the purpose of determining whether or not such denial shall be upheld. During the hearing, all requirements of the Wyoming Administrative Procedures Act shall be followed and an independent hearing officer, a member of the Wyoming State Bar, shall be retained to conduct such hearing and render a decision on the issue(s).

2. Any individual who has practiced massage therapy, or has owned a massage establishment in Casper, Wyoming, for at least twelve months preceding the denial of their application for permit or license, may continue to practice massage therapy and/or operate their massage establishment throughout their appeal process.

B. The notification of the reasons for such decisions shall be set forth in writing and sent to the applicant by means of registered or certified mail or hand delivery.

C. Suspension or Revocation. Any massage establishment license or massage therapist permit shall be subject to a non-arbitrary suspension or revocation by the City Clerk's Office for a violation in the issuance of such permit in the first instance, or for the violation of any law regulating massage establishments or massage therapists. A suspension of five days or more or a revocation may be appealed pursuant to the procedure referred in the preceding two paragraphs.

D. Grandfather provision. Any individual who has practiced massage therapy or bodywork, may upon paying a fee of Sixty Dollars, be granted a massage therapist permit to practice in this City without being required to have five hundred hours of schooling and to take an examination, if the applicant provides evidence satisfactory to the clerk as follows:

1. Actively practiced in Casper, Wyoming for at least two of the last three years prior to the effective date of this Ordinance; and
2. Graduated from a school of massage or massage therapy program approved by the clerk's office which may be proven by presentation of a diploma or by providing credentials or a professional portfolio or passed an examination acceptable to the clerk; and
3. Is not subject to suspension, revocation, or otherwise restricted in any manner for disciplinary purposes; and

4. Qualifies for licensure or permit under this section pursuant to the background check and fingerprinting provisions; and
5. Denial of an application or suspension, or revocation of a permit issued pursuant to the grandfather provision shall follow the same appeal process as set out subsections A. through C above.

8.04.250 Exemptions for professional practices.

The following persons practicing massage therapy or bodywork while providing one of the professional services as set out in this section are exempt from the provisions of this Chapter concerning massage therapy:

- A. Physicians, physician's assistants, surgeons, chiropractors, osteopaths, occupational therapists, or physical therapists who are licensed to practice their respective profession in the State of Wyoming.
- B. Registered nurses, licensed practical nurses, and certified nursing assistants performing massage services in the course of their usual nursing duties.
- C. Barbers or beauticians who are licensed under the laws of this state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic beautifying purposes.
- D. Cosmetologists and nail technicians who are licensed under the laws of this state, except that this exemption shall solely apply to the massaging of the customer or client's lower leg, starting at the section of the leg at and below the customer or client's kneecap and including their ankles, and feet; and the customer or clients' arms, starting at the customer or client's shoulder to their fingertips.
- E. Hospitals, clinics, nursing and convalescent homes, and other similarly licensed health care facilities.

8.04.260 Renewal Procedures.

- A. Any massage establishment license or massage therapist permit issued under the provisions of this chapter shall be valid for two years from the date of issuance.
- B. Any person holding a valid massage establishment license or a valid therapist permit who wishes to renew the same shall submit to the City Clerk's Office no less than sixty days, but no more than ninety days prior to the renewal date the same information and documentation as required for the initial issuance as previously set forth herein.
- C. The City Clerk's Office shall act to approve or deny an application for renewal of a permit under this Ordinance within a reasonable period of time and in no event shall the City Clerk's Office act to approve or deny said permit later than thirty days from the date and said renewal application was accepted and found to be complete by the City Clerk's Office.

8.04.270 Severability and Effective Date.

- A. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- B. This Ordinance shall be in full force and effect six months after its passage.

8.04.280 Violation — Penalty.

- A. Any person or business entity violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and may be punishable by a fine up to Seven Hundred and Fifty Dollars, six months incarceration or both. Ongoing violations are separate occurrences and may result in additional charges.

PASSED on 1st reading the 3rd day of November 2020.
PASSED on 2nd reading the 17th day of November 2020.
PASSED, APPROVED, AND ADOPTED on third and final reading the 15th day of December 2020.

8.B ORDINANCE– THIRD READING

Following ordinance read:

ORDINANCE NO. 25-20
AN ORDINANCE APPROVING A ZONE CHANGE OF LOTS 3
AND 4, HEMBREE ADDITION NO. 2 IN THE CITY OF CASPER,
WYOMING.

WHEREAS, an application has been made to rezone Lots 3 and 4, Hembree Addition No. 2, located east of Robertson Road, and directly north of 2671 South Robertson Road, from zoning classification R-2 (One Unit Residential) to C-2 (General Business); and,

WHEREAS, after a public hearing on October 15, 2020, the City of Casper Planning and Zoning Commission passed a motion recommending that City Council approve the zone change request; and,

WHEREAS, the governing body of the City of Casper finds that the above described zone change should be approved.

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

SECTION 1:

Lots 3 and 4, Hembree Addition No. 2, are hereby rezoned from R-2 (One Unit Residential) to C-2 (General Business).

SECTION 2:

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

PASSED on 1st reading the 17th day of November, 2020.

PASSED on 2nd reading the 1st day of December, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 15th day of December, 2020.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Powell.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

8.C ORDINANCE– THIRD READING

Following ordinance read:

ORDINANCE NO. 26-20
AN ORDINANCE APPROVING THE MESA DEL SOL IV
SUBDIVISION AGREEMENT AND THE VACATION AND
REPLAT CREATING MESA DEL SOL IV ADDITION.

WHEREAS, an application has been made to vacate and replat Mesa Del Sol III Addition, located at the intersection of Jordan and Central Drives, to create the Mesa Del Sol IV Addition, comprising 12 -acres, more or less; and,

WHEREAS, after a public hearing, the City of Casper Planning and Zoning Commission passed a motion recommending that the City Council approve the requested vacation and replat; and,

WHEREAS, the vacation and replat requires approval by ordinance, following a City Council public hearing; and,

WHEREAS, a written subdivision agreement will be executed between the City of Casper and the property owner, Mesa 3, Inc., which will be approved with the vacation and replat upon third reading of this ordinance; and,

WHEREAS, the governing body of the City of Casper finds that the above-described vacation and replat, and the associated subdivision agreement should be approved.

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

SECTION 1:

That the Mayor is hereby authorized and directed to execute, and the City Clerk to attest, the Mesa Del Sol IV Addition Subdivision Agreement.

SECTION 2:

That the vacation and replat creating the Mesa Del Sol IV Addition is hereby approved under terms and conditions of the Mesa Del Sol IV Addition Subdivision Agreement.

SECTION 3:

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

PASSED on 1st reading the 17th day of November, 2020.

PASSED on 2nd reading the 1st day of December, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 15th day of December, 2020.

Councilmember Cathey presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Pacheco.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

8.D ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 27-20

AN ORDINANCE APPROVING THE KINCO ADDITION NO. 2
SUBDIVISION AGREEMENT AND THE FINAL PLAT
CREATING KINCO ADDITION NO. 2.

WHEREAS, an application has been made to plat a portion of SE1/4NW1/4, Section 3, T33N, R79W, 6th P.M., Natrona County, Wyoming, located at 813 North Elma Street, and comprising 0.77 -acres, more or less, to create the Kinco Addition No. 2 (the "plat"); and,

WHEREAS, after a public hearing, the City of Casper Planning and Zoning Commission passed a motion recommending that the City Council approve the requested plat; and,

WHEREAS, the final plat requires approval by ordinance, following a City Council public hearing; and,

WHEREAS, a written subdivision agreement will be executed between the City of Casper and the property owner, Wade Kindel, which will be approved with the plat upon third reading of this ordinance; and,

WHEREAS, the governing body of the City of Casper finds that the above-described plat and subdivision agreement should be approved.

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

SECTION 1:

That the Mayor is hereby authorized and directed to execute, and the City Clerk to attest, the Kinco Addition No. 2 Subdivision Agreement.

SECTION 2:

That the final plat creating the Kinco Addition No. 2 is hereby approved under terms and conditions of the Kinco Addition No. 2 Subdivision Agreement.

SECTION 3:

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

PASSED on 1st reading the 17th day of November, 2020.

PASSED on 2nd reading the 1st day of December, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 15th day of December, 2020.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Cathey.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

8.E ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 28-20

AN ORDINANCE AMENDING ORDINANCE NO. 11-11, AN ORDINANCE GRANTING TO SOURCEGAS DISTRIBUTION LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITH THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF CASPER, WYOMING; FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING,

HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID CITY AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE; AND, REPEALING ORDINANCE NOS. 20-00 AND 16-04.

WHEREAS, under Wyoming Statute Section 15-1-103(a)(xxxiii), a city may grant franchises for such terms as the governing body deems proper to any utility company; and,

WHEREAS, on March 1, 2011, City Council approved Ordinance No. 11-11, which granted a Franchise to SourceGas Distribution, LLC, a Delaware Limited Liability Company (hereafter SourceGas); and,

WHEREAS, Black Hills Utility Holdings, Inc. acquired SourceGas in 2015 operating the utility under the name Black Hills Gas Distribution, LLC d/b/a Black Hills Energy; and

WHEREAS, Black Hills Gas Distribution, LLC transferred its Wyoming natural gas utility assets to its affiliate Black Hills Gas Distribution Wyoming, LLC in June of 2019; and

WHEREAS Black Hills Gas Distribution Wyoming, LLC was merged with and into Black Hills Wyoming Gas, LLC, d/b/a Black Hills Energy; and,

WHEREAS, the City of Casper and Black Hills Wyoming Gas, LLC, wish to extend the Franchise term, established by Ordinance 11-11, an additional twenty (20) years, for a total term of thirty (30) years.

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

SECTION 1:

The party identified in Ordinance No. 11-11 as "SourceGas Distribution LLC, a Delaware Limited Liability Company", and "Franchisee" was purchased by Black Hills Utility Holdings, Inc. which subsequently transferred all interests in the Wyoming natural gas utility to Black Hills Wyoming Gas, LLC. Black Hills Wyoming Gas, LLC, is the successor in interest and the party name is updated as such.

SECTION 2:

SECTION 3. TERM. of Ordinance No. 11-11 is amended, and replaced to read as follows:

The right and authority herein granted shall continue for a period of thirty (30) years from and after the date of final passage of this Agreement (Ordinance), subject to the City's right to renegotiate the franchise fee as described in Section 5.d. below.

SECTION 3:

The first sentence of SECTION 5. FRANCHISE FEE AND PERMITTING, paragraph (d) is amended to read as follows:

The City reserves the right to renegotiate the franchise fee up to and no more than six times during the thirty (30) year term of this Agreement, subject to the following limitations.

PASSED on 1st reading the 17th day of November, 2020.

PASSED on 2nd reading the 1st day of December, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 15th day of December, 2020.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Powell.

Speaking in support were Michael Howe, Consumer Affairs Manager for Black Hills Energy (BHE) and Jonathan Boudreaux, Area Manager BHE. Motion passed.

9. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-233

A RESOLUTION CHANGING THE NAME OF CONWELL PARK LOCATED AT 180 SOUTH CONWELL STREET TO HEALING PARK ON CONWELL.

RESOLUTION NO. 20-234

A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH GEOSYNTEC CONSULTANTS, INC., FOR THE CASPER REGIONAL LANDFILL LIFETIME PERMIT ANNUAL REPORTING & MONITORING, PROJECT NO. 19-005.

RESOLUTION NO. 20-235

A RESOLUTION INITIATING THE ANNEXATION OF 24.01-ACRES, MORE OR LESS, DESCRIBED AS THE EAST ROBERTSON ROAD ADDITION.

RESOLUTION NO. 20-236

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CASPER HISTORIC PRESERVATION COMMISSION ANNUAL REPORT.

RESOLUTION NO. 20-237

A RESOLUTION AUTHORIZING A RATIFICATION AGREEMENT BETWEEN WOLD BROS., INC. AND THE CITY OF CASPER FOR A LONG-TERM LEASE IN THE DOWNTOWN PARKING GARAGE.

Councilmember Pacheco presented the foregoing five (5) resolutions for adoption. Seconded by Councilmember Huber.

Mayor Freel abstained from voting on Resolution No. 20-235. Motion passed.

10. MINUTE ACTION— CONSENT

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

- 1) Approval of the creation of a Coronavirus Aid, Relief, and Economic Security (CARES) Act Fund.
- 2) Authorizing the reappointment of Mark Pepper to the Economic Development Joint Powers Board.

- 3) Authorizing the reappointment of Charles Moore to the Hall of Justice/Detention Center Joint Powers Board.
- 4) Appoint Ronald Shosh, Jr. AIA, as the Architect to the Old Yellowstone District Architectural Design Review Committee.
- 5) Appointment of Property Owners to the Old Yellowstone District Advisory Committee.
- 6) Appointment of Vickery Hall, Michael McIntosh, and Ken Bates to the Casper Planning and Zoning Commission.

Motion passed.

11. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke on meetings they attended and thanked outgoing Councilmembers for their dedication and hard work. Mayor Freel shared that the Natrona County Commissioners were considering requesting a variance from the State of Wyoming to allow bars and restaurants to be open normal business hours. He also stated that Council would be considering expanding serving areas for package liquor.

12. ADJOURN INTO EXECUTIVE SESSION

Mayor Freel noted the next meetings of the City Council will be a regular Council meeting to be held at 6:00 p.m., Tuesday, January 5, 2021, in the Council Chambers; and a work session to be held at 4:30 p.m., Tuesday, January 12, 2021, in the Council Chambers. He also added that a special meeting will be held on Tuesday, December 22, 2020 at 4:30 p.m., in the Council Chambers.

At 7:12 p.m., it was moved Councilmember Cathey, seconded by Councilmember Hopkins, to adjourn into executive session to discuss personnel. Motion passed.

At 8:48 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Pacheco, to adjourn the executive session. Motion passed.

13. ADJOURNMENT

At 8:49 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Hopkins, to adjourn the regular Council meeting. Motion passed.