

COUNCIL PROCEEDINGS
Casper City Hall – Video Conference Call
May 5, 2020

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, May 5, 2020. Present at City Hall: Vice-Mayor Lutz and Mayor Freel. Councilmembers Councilmembers Bates, Cathey, Hopkins, Huber, Johnson, Pacheco, and Powell attended via conference call.

2. MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Lutz, to, by minute action, approve the minutes of the April 21, 2020, regular Council meeting, as published in the Casper-Star Tribune on April 30, 2020. Motion passed.

3. EXECUTIVE SESSION MINUTES

Moved by Councilmember Huber, seconded by Councilmember Johnson, to, by minute action, approve the minutes of the April 21, 2020, executive session. Motion passed.

4. MINUTES

Moved by Councilmember Cathey, seconded by Councilmember Hopkins, to, by minute action, approve the minutes of the April 28, 2020, special Council meeting, as published in the Casper-Star Tribune on May 4, 2020. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Johnson, seconded by Councilmember Bates, to, by minute action, approve payment of the May 5, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 05/05/20		
AMBI	Services	410.67
Adecco	Services	327.38
Ahern	Services	1,796.12
AirInnov	Services	375.00
Airgas	Goods	718.71
Alsco	Services	45.00
Ameritech	Goods	5,031.35
AmTitle	Services	125.00
Amerigas	Goods	621.54
AtlanticElect	Services	8,740.24
AtlasOffice	Goods	748.49
AtlasRepro	Services	313.80
BnkofAmerica	Goods	113,338.54
BlckHillsEnrgy	Utilities	17,750.49
BloedornLmbr	Goods	581.53
Boys&GirlsClub	Funding	14,372.75
Brenntag	Goods	11,194.36

CsprStarTrib	Ads	2,300.80
CsprTire	Goods	370.00
CsprWinnlson	Goods	568.65
CenturyLink	Services	114.42
CtyofCspr	Services	72,029.41
CivilEng	Services	50,994.46
CMITeco	Goods	2,326.27
CommTech	Goods	677.67
Comtronix	Goods	2,642.57
CPU	Goods	3,732.76
CrimeScnInfo	Services	109.87
DanaKepner	Goods	24,133.70
DCFrost	Services	755.64
Decker	Services	1,156.31
Dell	Services	453.00
DennisSply	Goods	5,081.47
DesertMtn	Goods	46,347.23
DTanner	Reimb	75.43
FirstData	Goods	19.95
Galls	Services	339.30
GarageDrDudes	Services	8,900.00
Geosyntec	Services	3,793.64
GolderAssoc	Services	10,712.09
Grainger	Goods	643.33
HaassConst	Services	457,528.89
HardlineEquip	Goods	269,332.00
HDREng	Services	8,777.65
HilltopNtlBk	Services	120.00
HitekComm	Services	450.00
Homax	Goods	23,463.86
HydroOpt	Services	409.44
ITCElect	Services	2,687.11
JDykes	Reimb	311.83
KKraft	Reimb	150.00
KnifeRiver	Goods	59,694.41
LisasSpnSpn	Services	1,050.00
MJButcher	Services	1,125.00
McMurry	Goods	1,850.50
MichaelsFence	Goods	21,050.00
MillsPD	Services	582.50
ModernElect	Services	90.00
Motorola	Goods	13,101.74
MtnStatesLitho	Services	1,179.39
Napa	Goods	94,964.82
NCHCorp	Goods	375.00

NCSheriff	Services	8,234.30
NCWeedPest	Services	65,000.00
Nicolaysen	Funding	38,789.51
NWContractors	Services	195.71
OlsonAuto	Services	9,662.49
Pantheon	Goods	368.10
PCNStrtgs	Goods	11,762.30
PeakGeo	Services	6,829.99
PMCH	Services	80,000.00
PstlPros	Services	2,408.57
RCasados	Reimb	91.55
RDG IA	Services	9,000.00
ReebWldng	Services	155.00
RJsCarpet	Services	175.00
RSchwahn	Services	500.00
RTasler	Reimb	150.00
RckyMtnPwr	Utilities	49,311.22
RouterSwr	Services	373.68
Serpentix	Goods	5,438.80
SftDr	Goods	60.10
Sprt&Ftnss	Goods	22,189.18
StofWY	Services	5,937.83
Thatcher	Goods	9,207.00
Trihydro	Services	3,368.25
TylerTech	Goods	4,200.00
Uniforms2Gear	Goods	500.02
UVDr	Goods	8,175.28
Verizon	Services	253.12
VRCCo	Goods	203.00
WearPrts	Goods	326.57
WstPlnsEng	Services	2,260.00
WstrnSling	Goods	433.20
WWCEng	Services	9,531.00
WiredElect	Services	17,662.20
WLCEng	Services	23,390.94
WyLowVltg	Goods	395.00
WyMachinry	Goods	5,098.37
YouthCrisisCtr	Funding	17,452.50
Total		1,792,152.86

6. BRIGHT SPOT – DRINKING WATER WEEK PROCLAMATION

Mayor Freel read a proclamation honoring Drinking Water Week and thanked the water professionals of the public utilities division for providing high quality tap water for our community.

7. COMMUNICATIONS VIA TELEPHONE

Linda Bergeron, 2355 S. Larkspur, requested the text amendment to unsafe structures and equipment be delayed so it can be re-worked to remove private homes from the code.

8. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Powell, seconded by Councilmember Hopkins, to, by minute action, establish May 19, 2020, as the public hearing date for the consideration of:

- a. approving a Municipal Code Text Amendment to Sections 15.02.120 and 15.04.070 regarding unsafe structures and equipment;
- b. approving a zone change of Lots 344 and 345, Kenwood Addition Subdivision, from R-2 (One Unit Residential) to C-2 (General Business);
- c. vacation and replat of Lot 1, Block 1, Cemetery Addition, to create the Gorgan Hills Addition Subdivision, comprising 31.52-Acres, more or less, generally located south of west 46th Street and east of Moose Street; and
- d. new Restaurant Liquor License No. 44 for Occasions by Cory, LLC, d/b/a Occasions Entertainment Group, located at 303 South Wolcott Street.

Councilmember Bates voted nay on the text amendment regarding unsafe structures. Motion passed.

9. PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the ordinance amending Chapter 8.40 pertaining to litter control.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated April 22, 2020 and an affidavit of publication, as published in the Casper-Star Tribune, dated April 14, 2020. City Manager Napier provided a brief report.

Speaking in support was Joe Toups, Centennial Hills Home Owners Association.

Speaking in opposition were: Leroy Erickson, Waste Connections, and Margaret Bloom (who directed a message through the City Clerk). Council had questions for Mr. Erickson, which he addressed. There being no others to speak for or against the issues involving litter control, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 11-20
AN ORDINANCE AMENDING CHAPTER 8.40 OF THE
CASPER MUNICIPAL CODE, PERTAINING TO LITTER
CONTROL.

Councilmember Bates presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Pacheco. Moved by Councilmember Cathey, to amend the ordinance to replace “with covers” with “maintain containers in such a manner to prevent wind-blown litter as stated in Chapter 8.32 of the code”. Seconded by Councilmember Bates. City Manager Napier asked who is currently responsible for site maintenance, and Liz Becher, Community Development Director, stated that the contractor or owner is responsible. Councilmember Powell requested that City staff be consulted about the practicality of this change, and that he would like to hear their response at

the next work session. Councilmembers shared their thoughts on the responsibility of litter control and the changes to the language of the ordinance. Mayor Freel and Councilmembers Huber and Pacheco voted nay. Motion to amend passed. Council then voted on the ordinance, on first reading, as amended. Motion passed. Councilmember Powell asked if this item could be discussed at the next work session, and City Manager Napier indicated that it could.

10. ORDINANCE– THIRD READING

Following ordinance read:

ORDINANCE NO. 8-20

AN ORDINANCE CREATING CITY OF CASPER, WYOMING, LOCAL ASSESSMENT DISTRICT NO. 157 (HEREINAFTER CALLED THE "DISTRICT"); ORDERING THE CONSTRUCTION OF IMPROVEMENTS THEREIN; DESCRIBING THE SAME, DIRECTING THE PREPARATION OF PLANS AND SPECIFICATIONS THEREFOR; PROVIDING FOR THE PUBLICATION OF NOTICE TO CONTRACTORS; FIXING THE BOUNDARIES OF SAID DISTRICT; RATIFYING ACTION PREVIOUSLY TAKEN; AND, PRESCRIBING DETAILS IN CONNECTION WITH SAID DISTRICT.

WHEREAS, pursuant to Chapter 6, Title 15, Wyoming Statutes, 1977, as amended, on the 3rd day of March, 2020, the City Council (hereinafter called the "Council") of the City of Casper, Wyoming, (hereinafter called the "City") adopted a resolution declaring the intention of said Council to establish the City of Casper, Wyoming, Local Assessment District No. 157, to authorize the construction of certain local improvements therein, and to assess the cost or portion thereof of the local improvements on the property benefited thereby; and,

WHEREAS, said resolution was duly mailed and published as a notice, affidavits of such mailing and publication being now on file in the Office of the City Clerk; and,

WHEREAS, in response to said notice, no written remonstrances were filed against the proposed improvements; and,

WHEREAS, a public hearing shall be held on the first reading of this ordinance, April 7th, 2020.

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

Section 1. Creation of District.

That there be, and there hereby is created and established within the corporate limits of the City of Casper, Wyoming, a local improvement district for the purpose of making certain local improvements consisting of asphaltic concrete pavement, combined curb, gutter, and sidewalk (hereinafter called "curbwalk"), valley gutters, and work incidental thereto, on the streets and intersections hereinafter designated, and, to assess the cost thereof (except as hereinafter provided) on the property benefited thereby and included within the Local Assessment District herein described.

Section 2. Name of District.

The Council has determined and does hereby determine that:

A. The Local Assessment District herein described, as such might hereinafter be modified, shall be known as the "City of Casper, Wyoming, Local Assessment District No. 157";

Section 3. Location of Asphaltic Concrete, Curbwalk, Water Line, Storm Drainage Line, and Sanitary Sewer Line Improvements.

The City hereby establishes infrastructure improvements for the following named streets and intersections within the District, as such as set forth on the official plats of the subdivisions or additions in said City, now on file and of record, as shown in more detail in said preliminary plans, as follows:

LOCATION OF STREET PAVING, CURBWALK, AND VALLEY GUTTER IMPROVEMENTS

STREET	WIDTH	PROPOSED IMPROVEMENT
1. Arrowhead Road	36.0'	Asphaltic Concrete Pavement
2. Jade Avenue	36.0'	Asphaltic Concrete Pavement

Section 4. Description of Paving Improvements.

The character, kind, and extent of the asphaltic concrete pavement improvements shall be as follows:

A. All streets as denoted in Section 3 shall include installation of a sub-base aggregate base course, a plant mix bituminous base, tack coat, and a plant mix pavement surface course, in accordance with approved City Standards. The work, shall include all necessary removal, excavation, filling, grading, and replacement to design elevations and appurtenant work.

Section 5. Description of Curbwalk and Valley Gutter Improvements.

Curbwalk and valley gutter improvements shall consist of Portland Cement concrete in accordance with approved City Standards. The construction of curbwalk and valley gutter shall include all necessary removal, excavation, filling, grading, and replacement to design elevations and appurtenant work.

Section 6. Boundaries of the District.

It is proposed to create the District, the boundaries of which lie entirely within the City of Casper, as follows:

Jimsville Addition	Lot 22, Block B;
Divide Addition	Lots 1, Block C; Lot 9, Block D;
E D C Addition	Block A, excluding 135 square foot parcel in northwest corner

Section 7. Estimated Costs.

The City of Casper has agreed to design the improvements in-house. With the exception of the installation of curbwalk, city crews will construct the remainder of the improvements. The properties will be assessed the full cost for a contractor to install the curbwalk and only the material cost for the remainder of the improvements.

The estimated total costs for the total improvement project (including, but not limited to, all incidental improvements or work) are as follows:

1. The estimated contract price for installation of curbside is \$37,500.
2. The estimated material cost of the remainder of the improvements is \$34,720.
3. The estimated total cost of the total improvement project is \$72,220.
4. The estimated assessable costs for each foot of frontage are as follows:
 - a. All Improvements \$96.29 per lineal foot.
5. The estimated project cost of the Local Assessment District is \$72,220 which includes all improvements.

The City Council shall accept no bids or combination of bids, which shall exceed by more than ten percent (10%) of the aforesaid curbside estimate of the contract price unless approved by the property owners, subject to a special assessment.

Section 8. Direction to Engineer to Proceed.

The City Engineer is hereby directed and authorized, immediately upon the passage of this Ordinance, to prepare and file with the City Clerk final plans, specifications, and the estimated cost of said improvements, which plans, specifications, and estimated cost shall show in detail the work to be done, the quantities of materials to be handled and the estimated cost of said improvements, which plans, specifications, and estimated cost shall be hereafter approved by the Council, by resolution.

It is hereby determined and ordered, that such improvements shall be made as soon as practical. Immediately after the approval of said plans and specifications, the City Clerk shall call for bids for the making of said improvements, by publishing notice in at least one issue of a newspaper published and of general circulation within the City of Casper, which notice shall be substantially in agreement with the provisions of Wyoming Statutes, 1977, as amended, and this Ordinance.

Section 9. Maintenance of Improvements.

The maintenance of the proposed improvements after their acceptance by the City on said streets, intersections, and parts thereof, shall not be included in the construction contract or contracts, and there shall be no charges for such maintenance included in the assessments for the proposed improvements; provided, however, that nothing herein shall be construed to preclude provision in the contract or contracts relating to the guarantee of improvements thereunder.

Section 10. Ratification.

All action heretofore taken by the City and officers thereof, directed toward the creation of the City of Casper, Wyoming, Local Assessment District No. 157, the improvement of property therein and the levy of assessments therefor, be, and the same hereby is, ratified, approved, and confirmed.

Section 11. Severability.

If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 12. Repealer.

All orders, bylaws, resolutions, and ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 13. Authorization of Officers and Employees.

The officers and employees of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

PASSED on 1st reading the 7th day of April, 2020.

PASSED on 2nd reading the 21st day of April, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd reading the 5th day of May, 2020.

Vice-Mayor Lutz presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Huber.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed. Councilmember Bates was briefly unavailable during the vote.

11. ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 10-20

AN ORDINANCE AMENDING CHAPTER 17.68 OF THE CASPER MUNICIPAL CODE, PERTAINING TO GAMING/GAMBLING IN THE C-4 (HIGHWAY BUSINESS) ZONING DISTRICT.

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

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

12. ORDINANCE— FIRST READING

This item was tabled to a date certain of May 5, 2020, after the public hearing at the April 21, 2020 Council meeting. Following ordinance read:

ORDINANCE NO. 9-20

AN ORDINANCE UPDATING AND AMENDING SECTIONS 5.08.010, 5.08.050, 5.08.080, 5.08.100, 5.08.105, 5.08.130, 5.08.140, 5.08.150, 5.08.280, 5.08.340, 5.08.480, 5.08.530 AND 5.08.535 OF THE CASPER MUNICIPAL CODE.

Councilmember Powell presented the foregoing ordinance for approval, on first reading. Seconded by Vice-Mayor Lutz. City Manager Napier provided a brief report.

No citizens spoke on the ordinance. Councilmembers discussed how to make it feasible and safe to have an open container area. Mayor Freel asked if a new, smaller open container area could be identified and brought before Council. City Manager Napier indicated that a revised map could be created. Motion passed.

13. CONSENT RESOLUTIONS

Moved by Vice-Mayor Lutz, to remove the contract extension for hosting of the College National Finals Rodeo (Resolution No. 20-96) from the consent agenda. Seconded by Councilmember Cathey. Motion passed.

Moved by Vice-Mayor Lutz, to postpone Resolution No. 20-96 to a date certain of May 19, 2020. Seconded by Councilmember Powell. Motion passed.

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-86

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF CASPER AND CASPER AREA TRANSPORTATION COALITION, INC., A WYOMING NON-PROFIT CORPORATION, FOR FISCAL YEAR 2020.

RESOLUTION NO. 20-87

A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY AS SURPLUS PROPERTY, AND AUTHORIZING SALE OF SAME TO THE HIGHEST BIDDER.

RESOLUTION NO. 20-88

A RESOLUTION AUTHORIZING A CONTRACT FOR OUTSIDE-CITY WATER AND SEWER SERVICE WITH JERECO CLEANING SYSTEMS, LLC.

RESOLUTION NO. 20-89

A RESOLUTION AUTHORIZING A CONTRACT FOR OUTSIDE-CITY WATER SERVICE WITH ASHTON J. AND JOANNA WILSON.

RESOLUTION NO. 20-90

A RESOLUTION AUTHORIZING AN AGREEMENT WITH MYERS & SONS CONSTRUCTION, LP, FOR THE SAM H. HOBBS WASTEWATER TREATMENT PLANT SECONDARY TREATMENT REHABILITATION, PROJECT NO. 19-007.

RESOLUTION NO. 20-91

A RESOLUTION AUTHORIZING AN AGREEMENT WITH SWI, LLC, FOR THE SOLID WASTE FENCING, PROJECT NO. 18-046.

RESOLUTION NO. 20-92

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE GRANT AWARD AGREEMENT BETWEEN THE WYOMING OFFICE OF HOMELAND SECURITY AND THE CITY OF CASPER.

RESOLUTION NO. 20-93

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO THE AGREEMENT WITH SHAMROCK ENVIRONMENTAL CORPORATION FOR THE NORTH PLATTE RIVER RESTORATION – 1ST STREET REACH, PROJECT NO. 12-51.

RESOLUTION NO. 20-94

A RESOLUTION CORRECTING SCRIVENER’S ERROR IN RESOLUTION NO. 20-51 PERTAINING TO THE WHITE DOG ADDITION NO. 2, AND ALSO A SCRIVENER’S ERROR IN THE LEGAL DESCRIPTION FOUND IN THE WHITE DOG ADDITION NO. 2 SUBDIVISION AGREEMENT.

RESOLUTION NO. 20-95

A RESOLUTION AUTHORIZING A CONTRACT WITH THE CASPER FIRE FIGHTERS LOCAL I.A.F.F. UNION 904 FOR THE CONTRACT PERIOD JULY 1, 2020 – JUNE 30, 2022.

Councilmember Bates presented the foregoing ten (10) resolutions for adoption. Seconded by Councilmember Hopkins. Motion passed.

14. MINUTE ACTION– CONSENT

Moved by Councilmember Bates, seconded by Councilmember Cathey, to, by consent minute action:

- 1) appointing Michael J. Cometto to the Casper-Natrona County Health Department Board of Directors, to a five-year term expiring June 30, 2020;
- 2) authorize the purchase of housing materials and supplies, for use during the Casper Serve 2013 Program, Menards (\$15,903), Sherwin Williams (\$1,714), and Casper Window a total combined amount of \$18,000 not to exceed \$28,000; and
- 3) rejecting bids for the 2013 Stuckenhoff restroom addition project.

Motion passed.

15. INTRODUCTION OF MEASURES AND PROPOSALS

Mayor Freel stated he would like to update everyone regarding the Covid-19 pandemic. He shared that a public service announcement had been created to encourage community members to wear face masks, and emphasized that it is a recommendation, not a requirement. He also spoke about a car show and cruising event that has been held for several weeks, and has unfortunately escalated into a safety and legal issue. Chief McPheeters elaborated on the problems that occurred last weekend. He also shared that police officers would monitor the situation next weekend, and if necessary, ticket people for reckless or careless driving, destruction of public property, or for open container violations. Mayor Freel then stated that even the original hosts of this event were so appalled by the behavior exhibited, that they had distanced themselves from the event. Mayor Freel then shared that at the request of a local business, arrangements had been made with the state for a variance allowing outdoor seating and for the serving of food and alcohol. The business proceeded to do so on the first day possible, but when the weather changed, they moved things inside, disregarding the health orders which prohibit this. He shared his frustration with the situation, especially because of the effort made to get the variance for outdoor seating.

Councilmembers then shared their concerns about civil liberties, urged citizens to continue to be patient and responsible, spoke about the difficulties of balancing re-opening with safety, and many thanked those working on the policies for their efforts. Councilmember Huber offered that the liquor license holder involved with the outdoor seating issue could face consequences such as having their license suspended.

Mayor Freel then proceeded to call on each Councilmember to share items of note. Councilmembers shared concerns about potential illnesses as things are re-opened, and thanked first responders for their efforts. Councilmember Bates asked about the delivery of alcohol, citizen volunteers to educate people on using the recycling bins, and off-premises liquor permits.

City Manager Napier asked for direction on the liquor license ordinance amendments. Mayor Freel requested that a new open container area map be created and brought before Council. Councilmember Powell requested that staff gather input from other communities on how they have successfully managed a large open container area.

City Attorney Henley asked Councilmember Bates for clarification on the off-premises permits, which he provided. City Attorney Henley then shared that this item had recently been addressed by the legislature, and had been included in this ordinance amendment.

City Manager Napier asked for general direction to change the open container map and to inquire about the management of open containers in other communities. Councilmembers provided a thumbs up.

Vice-Mayor Lutz shared that the City is requesting feedback on recycling and that an on-line poll is now available.

16. ADJOURNMENT

Mayor Freel noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, May 12, 2020; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, May 19, 2020, with the location of these meetings to be determined. Moved by Councilmember Bates, seconded by Councilmember Cathey, to, by minute action adjourn. Motion passed. The meeting was adjourned at 8:03 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor