

COUNCIL PROCEEDINGS  
Casper City Hall – Council Chambers  
November 17, 2020

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, November 17, 2020. Present: Councilmembers Bates, Cathey, Hopkins, Huber, Johnson, Lutz, Powell and Mayor Freel. Councilmember Pacheco attended via telephone.

2. PLEDGE OF ALLEGIANCE

Mayor Freel led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Bates, to, by minute action, approve the minutes of the October 31, 2020, special Council meeting, as published in the Casper-Star Tribune on November 7, 2020. Motion passed.

4. MINUTES

Moved by Councilmember Bates, seconded by Councilmember Johnson, to, by minute action, approve the minutes of the November 3, 2020, regular Council meeting, as published in the Casper-Star Tribune on November 8, 2020. Motion passed.

5. MINUTES

Moved by Councilmember Bates, seconded by Councilmember Johnson, to, by minute action, approve the minutes of the November 10, 2020, special Council meeting, as published in the Casper-Star Tribune on November 15, 2020. Motion passed.

6. EXECUTIVE SESSION MINUTES

Moved by Vice Mayor Lutz, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the November 10, 2020, executive session. Motion passed.

7. BILLS & CLAIMS

Moved by Councilmember Hopkins, seconded by Councilmember Bates, to, by minute action, approve payment of the November 17, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 11/17/20		
307Cllsn	Services	1,473.35
71Const	Services	4,344.20
AMBI	Services	586.36
AAALndscpng	Services	420.00
AceHrdwr	Goods	830.10
Adecco	Services	1,164.00
AirInnvtns	Goods	858.00
Airgas	Goods	5,290.01
Alluretech	Services	22.00

AlSCO	Services	974.72
Ameri-Tech	Goods	29,596.90
Amerigas	Goods	679.92
ArcofNC	Funding	2,333.35
ARS Flood	Services	4,339.60
AtlanticElect	Services	8,663.79
AtlasOffice	Goods	813.02
AtlasRepro	Services	24.20
B32Eng	Services	2,533.32
BnkofAmerica	Goods	95,920.33
Bar-DSgns	Services	2,995.00
Bloedorn	Goods	2,018.47
Bobcat	Goods	26,793.94
CarrCtns	Retain	11,000.00
CAsbe	Services	1,050.00
CATC	Funding	148,834.62
CsprChrstnSch	Refund	261.00
CsprElect	Goods	327.73
CsprStarTrib	Services	363.84
CntrlWyrGnlWtr	Services	1,110,495.37
CenturyLink	Utilities	976.95
CtyofCspr	Services	24,844.38
CMITeco	Goods	9,299.64
CmprssnLsing	Services	150.00
ConcrdanceHlth	Services	5,658.90
Convergeone	Services	681.60
CompProf	Goods	29,124.20
CrownConst	Services	51,588.00
DaveLodenConst	Services	185.00
DavidsonFxdInc	Services	3,879.74
Dell	Goods	916.55
DennisSply	Goods	88.52
DooleyEnt	Services	29,238.00
DooleyOil	Goods	13,699.44
EmrgencyMed	Services	4,973.70
EnergyLbs	Services	1,374.00
EngDsgnAssoc	Services	1,499.50
FremontMtrs	Goods	237,450.00
GCBldgSply	Goods	90.00
Galls	Goods	1,483.71
GlobalSpectrum	Services	84,558.91
Golder	Services	28,094.86
HaassConst	Services	302,303.16
HighPlnsConst	Services	35,702.38
Homax	Goods	18,021.45

Hose&Rbbr	Goods	70.80
Identisys	Services	6,128.21
Isco	Services	4,524.00
JFHDist	Goods	10,548.50
JKCEng	Services	780.00
JGall	Reimb	222.36
JGreenwood	Reimb	523.93
JStevens	Reimb	150.00
JWatson	Reimb	250.00
KnifeRiver	Goods	11,056.25
Lisa'sSpnSpn	Services	440.00
LongBldg	Goods	5,594.33
MKFraser	Services	88.17
MillsPD	Services	2,770.90
MLockwood	Reimb	148.04
Motorola	Goods	2,897.95
MtnWest	Utilities	1,073.26
Napa	Goods	103,503.65
NCHSCorp	Goods	1,800.00
NCSheriff	Services	101,891.14
Netmotion	Goods	11,379.46
Norco	Goods	10,406.00
NPT	Services	106.72
NrthrnLghts	Goods	1,080.00
NWContractors	Services	358.00
OneCall	Services	186.00
OvrhdDoor	Services	253.80
PeakGeo	Goods	690.00
PwerSvc	Goods	9,094.64
Powerphone	Services	64,398.00
ProfClning	Services	1,395.00
RCHPrking	Services	1,500.00
RDOffut	Services	46,225.00
RGurney	Reimb	117.35
Ricoh	Services	560.94
RckyMtnAir	Services	3,464.21
RckyMtnPwr	Utilities	164.85
RtrSwrSvc	Services	1,245.96
SrwinWilliams	Goods	337.09
ShoshoneDist	Goods	432.00
Smarsh	Services	1,863.00
Snowmax	Goods	4,995.00
SolidWstAssoc	Dues	446.00
StateofWy	Services	30.00
SterlingInfo	Services	176.76

SummitElect	Services	75.00
SuperiorInd	Goods	820.00
TopOffice	Goods	403.03
TretoConst	Services	55,000.00
Trihydro	Services	1,230.50
TSorensen	Services	1,740.00
Tweeds	Goods	1,244.10
Unfrms2Gear	Goods	210.75
Veolia	Goods	8,445.62
Verizon	Services	64.94
Vermeer	Goods	289.75
Volance	Services	139.75
WAhrndt	Reimb	272.95
WstPlnsEng	Services	500.00
WhartonAsphalt	Services	44,950.70
WLCEng	Services	1,156.93
WyLwVltg	Goods	1,745.00
WySteel	Services	9,325.20
Total		2,893,871.22

8. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Michael Hamel, 2504 Bonnie Brae, suggesting ways to be safe during the COVID pandemic; Dallas Laird, former Councilmember, requesting Council add the word “healing” to the name of Conwell Park; Kyle Gamroth, 6907 Columbia River Rd, informing Council that Natrona County has prepared a mask mandate and that it has been approved by state officials; and Bruce Knell, sharing his opinion on mask mandates. Vice Mayor Lutz addressed points raised by Mr. Hamel. Mayor Freel asked about the process to change the name of a park, which City Manager Napier addressed. Council provided a thumbs up for staff to prepare a resolution to change the name of Conwell Park.

9. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Cathey, seconded by Councilmember Hopkins, to, by minute action, establish December 1, 2020, as the public hearing date for the consideration of:

- a) an ordinance Amending Chapter 9.40 of the Casper Municipal Code – Offenses By or Against Minors, Article IV, Sale of Tobacco;
- b) terms of the sale and transfer of ownership of the real property, generally known as the "Former Beverly Street Ballfields Property" and more particularly described as: Lots 2 and 3, Highland Park Addition No. 6, City of Casper;
- c) transfer of ownership for Retail Liquor License No. 11 from Partytime Inc. d/b/a Partytime Liquors, located at 1335 South McKinley Street to JJBB, LLC d/b/a Partytime Liquors, located at 1335 South McKinley Street; and,
- d) transfer of ownership for Retail Liquor License No. 17 L & L Liquors, Inc., d/b/a Liquor Shed, located at 4241 East 2nd Street.

Motion passed.

10.A.1 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the zone change of Lots 3 and 4, Hembree Addition No. 2.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated November 13, 2020 and an affidavit of publication, as published in the Casper-Star Tribune, dated November 2, 2020. City Manager Napier provided a brief report.

Speaking in support was Jim Roberts, applicant. Councilmembers Bates and Huber presented questions, which Mr. Roberts addressed.

There being no others to speak for or against the issues involving Hembree Addition No. 2, the public hearing was closed.

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.

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

10.A.2 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the Mesa Del Sol IV Addition.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated November 13, 2020 and an affidavit of publication, as published in the Casper-Star Tribune, dated November 2, 2020. City Manager Napier provided a brief report.

Speaking in support was Bill Fehringer, Civil Engineering Professionals Inc., 6080 Enterprise Dr.

There being no others to speak for or against the issues involving Mesa Del Sol IV Addition, the public hearing was closed.

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.

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

10.A.3 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of Kinco Addition No. 2.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated November 13, 2020 and an affidavit of publication, as published in the Casper-Star Tribune, dated November 2, 2020. City Manager Napier provided a brief report.

Speaking in support was Wade Kindel, applicant.

There being no others to speak for or against the issues involving Kinco Addition No. 2, the public hearing was closed.

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.

Councilmember Johnson presented the foregoing ordinance for approval, on first reading. Seconded by Vice Mayor Lutz. Motion passed.

10.A.4 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the amendment to the ordinance granting a franchise agreement to SourceGas Distribution.

City Attorney Henley entered one (1) exhibit: correspondence from John Henley to J. Carter Napier, dated November 5, 2020. City Manager Napier provided a brief report.

Speaking in support was Michael Howe, Consumer Affairs Manager for Black Hills Energy. Mr. Howe addressed questions presented by Councilmembers. There being no others to speak for or against the issues involving the franchise agreement, the public hearing was closed.

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.

Councilmember Bates presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Johnson.

Councilmember Cathey asked about the term of the agreement and City Attorney Henley clarified. Motion passed.

11. ORDINANCE– THIRD READING

Following ordinance read:

Ordinance No. 20-20

AN ORDINANCE AMENDING SECTION 13.32.030 OF THE CASPER MUNICIPAL CODE PERTAINING TO DIVISION III WASTEWATER – SEWER DISCHARGE REGULATIONS.

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Casper and its environs to provide adequate water and wastewater service; and, WHEREAS, Chapter 13.32 of the Casper Municipal Code needs to be amended to comply with pollution limitations required by the Environmental Protection Agency regulations. NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 13.32 of the Casper Municipal Code is hereby amended as follows:

Section 1:

Section 13.32.030 Specific pollutant limitations designated--Local limits shall be amended to read as follows:

13.32.030 Specific pollutant limitations designated--Local limits.

A. Local Limits that can be accepted FROM SIGNIFICANT INDUSTRIAL USERS at the POTW for treatment in accordance with guidance established by federal law is limited to:

Pollutant	Local Limits (mg/4L)
Arsenic	6.42
Cadmium	3.48
Chromium Total	39.44
Copper	27.66
Lead	6.84
Molybdenum	4.11
Nickel	20.49
Selenium	3.08
Silver	18.08
Zinc	43.60
Mercury	0.49

B. Any other specific pollutants identified by the city may also have specific effluent permit limitations set by the city to restrict their discharge into the system.

C. Best Available Technology (BAT) shall be used for pretreatment of any discharges to the POTW from the cleanup activities of soil, aquifer, or groundwater table associated with leaking underground storage tanks of spills of any petroleum products. The BAT shall be capable of reducing the benzene concentration to less than 0.05 mg/l and the "total" benzene, ethyl benzene, toluene and xylene (betx) to less than 0.750 mg/l. This is in accordance with guidance established in EPA's Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989.

D. The city may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of Section 13.32.040. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this part and Section 307(D) of the Act. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludges or waste disposal, or drainage from raw materials storage.

E. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter.

Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication. PASSED on 1<sup>st</sup> reading the 1<sup>st</sup> day of September, 2020.

PASSED on 2<sup>nd</sup> reading the 3<sup>rd</sup> day of November, 2020.

PASSED, APPROVED AND ADOPTED on 3<sup>rd</sup> and final reading the 17<sup>th</sup> day of November, 2020.

Councilmember Johnson presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Bates.

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

12. ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 24-20

AN ORDINANCE TO LIMIT THE PRACTICE OF MASSAGE THERAPY TO CERTIFIED MASSAGE THERAPISTS, LICENSE REQUIRED.

Councilmember Cathey presented the foregoing ordinance for approval, on second reading. Seconded by Vice Mayor Lutz.

Thea Morton, 433 S. Park, addressed Council to request an exception or temporary license for massage therapists for special events. Councilmembers asked several questions, which Ms. Morton addressed. Traci Aguillar, 1541 Diamond Dr., also spoke in favor of a temporary license. Michael Seek, 932 S. Spruce, expressed concern about several definitions within the ordinance. Councilmember Cathey provided further explanation. Elizabeth Scott, 337 S. Conwell, expressed her concerns with the ordinance. Mayor Freel requested that Ms. Scott adhere to the time limit for speakers and when she did not, Police Chief McPheeters requested to speak with her in the lobby.



Council discussed the ordinance and when further discussion could be scheduled. Councilmember Huber moved to amend the ordinance to replace “certified” with “licensed” in the title as well as throughout the ordinance. Seconded by Councilmember Bates. Motion to amend passed. Council then voted on the ordinance, on second reading, as amended. Councilmembers Hopkins and Johnson voted nay. Motion passed.

13.A RESOLUTION

Following resolution read:

RESOLUTION NO. 20-215  
A RESOLUTION OF SUPPORT FOR ALL HEALTHCARE  
WORKERS.

Councilmember Bates presented the foregoing resolution for adoption. Seconded by Councilmember Johnson. City Manager Napier provided a brief report.

Addressing Council were: Linda Bergeron, 2355 S. Larkspur, urging personal responsibility; and Pam Elrod, 12920 Dusty Lane, sharing her concerns for health and safety during the COVID pandemic.

Moved by Councilmember Bates to add “and first responders” anywhere that healthcare workers are referenced. Seconded by Councilmember Powell. Motion to amend passed. Motion on the resolution, as amended, passed.

13.B CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-211  
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE  
EDWARD BYRNE BUREAU OF JUSTICE ASSISTANCE  
GRANT.

RESOLUTION NO. 20-212  
A RESOLUTION AUTHORIZING THE PURCHASE OF ONE  
ADA COMPLIANT LIFT EQUIPPED VAN FOR USE IN THE  
CITY’S TRANSIT SYSTEM FROM CREATIVE BUS SALES IN  
AN AMOUNT OF \$62,742, AND OPTIONS TO PURCHASE  
TWO ADDITIONAL, IDENTICAL VEHICLES OVER THE  
NEXT FIVE YEARS.

RESOLUTION NO. 20-213  
A RESOLUTION AUTHORIZING AN AMENDMENT TO THE  
CONTRACT FOR PROFESSIONAL SERVICES BETWEEN  
THE CITY OF CASPER AND FUGRO USA, LAND, INC.

RESOLUTION NO. 20-214

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF CASPER AND AECOM TECHNICAL SERVICES, INC.

RESOLUTION NO. 20-216

A RESOLUTION NAMING THE PARK LOCATED AT 1201 VENTURE WAY HORIZON PARK.

RESOLUTION NO. 20-207

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH WESTNET, INC., FOR THE FIRE STATION NO. 1 ALERTING SYSTEM PROJECT.

RESOLUTION NO. 20-217

A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENT WITH THE WYOMING DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ALTERNATIVES PROGRAM FUNDED MORAD PARK TO WALMART TRAIL, PROJECT NO. 18-050.

RESOLUTION NO. 20-218

A RESOLUTION AUTHORIZING A CONTRACT FOR OUTSIDE-CITY WATER SERVICE WITH MARY ROBINETT.

RESOLUTION NO. 20-219

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WYOMING STATE PARKS AND TRAILS FOR THE FISCAL YEAR 2021 RECREATIONAL TRAILS PROGRAM GRANT FOR THE CASPER RAIL TO TRAIL EXTENSION TO EDNESS KIMBALL WILKINS STATE PARK PROJECT.

RESOLUTION NO. 20-220

A RESOLUTION SUPPLANTING RESOLUTION NO. 20-173 AND AUTHORIZING SUBMISSION OF A CORONAVIRUS RELIEF GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE CITY OF CASPER FOR THE PURPOSE OF PREVENTING THE SPREAD OF COVID-19.

RESOLUTION NO. 20-221

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2021.

RESOLUTION NO. 20-222  
A RESOLUTION AUTHORIZING A CONTRACT FOR  
OUTSIDE-CITY WATER SEVICE WITH BRADLEY  
BARCLAY AND CHARLA BARCLAY.

Councilmember Johnson presented the foregoing twelve (12) resolutions for adoption. Seconded by Councilmember Bates. Motion passed.

14. MINUTE ACTION– CONSENT

Moved by Councilmember Hopkins, seconded by Vice Mayor Lutz, to, by consent minute action, acknowledge a change in corporate ownership for Bar and Grill Liquor License No. 1, Sriphaiboon, LLC, d/b/a Dsasumo, located at 320 West 1<sup>st</sup> Street. Motion passed.

15. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke on meetings they attended. Councilmembers also expressed concern about the health of the community during the pandemic and Mayor Freel gave a brief update on the local COVID numbers.

16. 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, December 1, 2020, in the Council Chambers; and a work session to be held at 4:30 p.m., Tuesday, December 8, 2020 in the Council Chambers.

At 8:03 p.m., it was moved Councilmember Hopkins, seconded by Councilmember Bates, to adjourn into executive session to discuss property acquisition and personnel. Motion passed.

At 8:39 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Johnson, to adjourn the executive session. Motion passed.

17. ADJOURNMENT

At 8:40 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Powell, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Fleur Tremel  
City Clerk

\_\_\_\_\_  
Steven K. Freel  
Mayor