

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
August 6, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:02 p.m., Tuesday, August 6, 2019. Present: Councilmembers Bates, Freel, Hopkins, Huber, Johnson, Lutz, Pacheco, and Mayor Powell.

2. PLEDGE OF ALLEGIANCE

Miss M. Booth from the audience led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Pacheco, to, by minute action, approve the minutes of the July 16, 2019, regular Council meeting, as published in the Casper-Star Tribune on July 24, 2019. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Freel, seconded by Councilmember Huber, to, by minute action, approve the minutes of the July 16, 2019, executive session. Mayor Powell abstained from voting. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Johnson, seconded by Councilmember Bates, to, by minute action, approve payment of the August 6, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 08/06/19		
71Const	Projects	\$376,914.38
AMBI	Services	\$502.49
AAALndsc	Services	\$3,492.33
Araver	Reimb	\$33.92
AirInvtns	Services	\$28,143.96
AirSltns	Services	\$10,939.40
AllisonH&G	Services	\$405.00
Alluretech	Services	\$42.00
AndreenHunt	Projects	\$136,852.80
AndritzSep	Services	\$6,055.00
Adeniz	Refund	\$210.70
Arcadis	Services	\$4,564.14
AtlanticElct	Services	\$865.50
B&Bsales	Services	\$1,575.35
B32Eng	Services	\$2,585.00
BnkofAmerica	Goods	\$145,084.39
BigWLndscp	Services	\$800.00
BlkHillsEnergy	Utilities	\$24,831.45

BWillis	Reimb	\$150.00
BoysGirlsClub	Funding	\$18,321.25
Brenntag	Goods	\$56,496.15
BrbacksRefrig	Services	\$1,756.63
CarolinaSftwr	Goods	\$700.00
CsprBldSys	Services	\$35,473.68
CsprElect	Services	\$3,511.00
CsprPubUtl	Services	\$407,402.58
CsprStarTrib	Ads	\$216.44
CsprTinShp	Services	\$7,582.00
CntrlPaint	Services	\$2,097.80
CntrlWyRegWtr	Services	\$588,215.39
CntrlWySrSvcs	Funding	\$53,343.30
CenturyLink	Utilities	\$14,891.64
CShipman	Reimb	\$150.00
CityofCasper	Services	\$163,226.29
CvlEngProf	Services	\$4,832.50
ClimbWy	Services	\$39,825.75
CMITeco	Services	\$379,849.00
CommTech	Goods	\$211.50
CmmntyAction	Funding	\$30,000.00
CompleteSftySv	Train	\$2,080.00
CPU	Services	\$2,177.00
Comtronix	Services	\$192.00
CncrdanceHlth	Services	\$5,750.96
CnvergeOne	Services	\$5,307.40
Core&Main	Goods	\$11,100.30
CrimeScene	Services	\$109.87
DaveLodenConst	Services	\$780.00
Dell	Goods	\$336.45
DeltaDental	Services	\$30,911.57
Divergence	Services	\$300.00
DPCInd	Goods	\$13,954.92
DynmcCtrls	Goods	\$180.00
EatonSls	Goods	\$1,783.10
EcnmcDevJtPwrs	Funding	\$107,182.25
LBecher	Reimb	\$228.00
EmrgncyMedPhy	Services	\$386.00
EmpireFire	Services	\$3,625.00
EngDsgnAssoc	Services	\$625.00
EnvrnmtlCvlSol	Services	\$9,731.91
FmlyJrnyCntr	Funding	\$4,224.88
FirstData	Services	\$3,165.28
FrontlineFire	Goods	\$1,295.00
Galls	Uniforms	\$1,677.49

Geosyntec	Services	\$1,118.49
GlobalSpect	Funding	\$29,000.00
GolderAssoc	Services	\$9,117.50
GranitePeak	Services	\$750.00
GreenleafTech	Services	\$978.53
GYoneda	Reimb	\$37.91
GrizzlyExc	Projects	\$2,550.00
GSG	Services	\$3,816.03
Hach	Goods	\$4,079.58
HarrisComp	Services	\$92,157.91
HDREng	Projects	\$7,032.06
Hitek	Services	\$6,601.00
Homax	Goods	\$55,681.04
HopperDisp	Services	\$34,800.00
HUBIntl	Services	\$23,845.00
Interfaith	Funding	\$5,750.00
JWinzenried	Reimb	\$119.99
JCKirk	Reimb	\$150.00
JKramer	Refund	\$500.00
JKCEng	Services	\$2,193.50
KRoberts	Reimb	\$100.00
Kiwanis	Dues	\$228.00
KnifeRvr	Services	\$317,152.90
KubwtrRes	Services	\$5,618.85
KVDavis	Services	\$100.00
LawOfficeHYoung	Services	\$1,350.00
LisasSpicnspan	Services	\$981.00
LoenbroInst	Services	\$451.25
LongBldgTech	Services	\$12,262.40
Lower&co	Services	\$1,000.00
MBakerIntl	Services	\$5,000.00
ModernElect	Services	\$59,110.00
MtnStates	Services	\$527.71
MntWest	Services	\$1,003.56
Nalco	Goods	\$16,740.00
Napa	Goods	\$144,209.14
NBS	Services	\$429.75
NewcomTech	Services	\$1,200.00
NrthParkTrans	Services	\$136.28
OfficeStateLands	Services	\$430,188.65
OlsonAuto	Services	\$891.76
OneCall	Services	\$985.50
PolishedConcrete	Services	\$30,770.00
PostalPros	Services	\$12,538.55
Printworks	Services	\$513.12

Proforce	Goods	\$4,301.80
PSCC	Services	\$533.60
Pubwrks	Services	\$5,232.00
Ramshorn	Projects	\$29,731.50
RecycledMat	Services	\$5,375.00
RecyklingInd	Services	\$13,350.00
ResourceMgmt	Services	\$472.00
RMoore	Reimb	\$136.49
Ricoh	Goods	\$4,895.00
RckyMtnPwr	Utilities	\$268,550.65
RootrSwr	Services	\$2,882.76
RotaryClb	Dues	\$228.00
SZimmerman	Reimb	\$75.00
SIngledeu	Reimb	\$147.59
ShoshoneDist	Goods	\$591.00
Smarsh	Services	\$3,680.50
StantecConsult	Services	\$62,561.36
StateofNE	Services	\$3.00
StWYDEQ	Services	\$528.31
StWYDCI	Services	\$30.00
StWYNotary	Services	\$60.00
Stateline7	Services	\$550.00
Stealth	Services	\$49,737.31
SterlingInfo	Services	\$683.16
TBarnes	Reimb	\$150.00
TDowel	Refund	\$600.00
33MileRd	Services	\$234.64
TopOffice	Goods	\$132.40
TransmissionDist	Goods	\$72,772.92
TGarcia	Reimb	\$150.00
TretoConst	Projects	\$308,795.40
TrihydroCorp	Services	\$9,999.50
TylerTech	Services	\$146,434.21
Uniforms2Gear	Uniforms	\$278.13
UrgentCare	Services	\$370.00
UVDctr	Goods	\$4,578.80
ViewpointGov	Services	\$2,457.00
VRCCo	Goods	\$240.00
WWCEng	Projects	\$22,881.47
WColemanConst	Projects	\$126,212.21
WenckAssoc	Services	\$12,946.32
WBeer	Reimb	\$147.59
WestPlainsEng	Services	\$1,750.00
WH LLC	Services	\$14,651.25
WllmsPrtDayNvll	Services	\$175.00

WLCEng	Services	\$7,822.35
WARM	Services	\$594,110.74
WYDOT	Services	\$3,731.62
WYCntrlAbate	Services	\$256.80
YthCrisisCntr	Funding	\$15,000.00
		\$5,884,236.43

6. INTRODUCTION AND SWEARING IN

City Clerk Fleur Tremel issued the oath of office to newly-appointed Councilmember Stephen R. Cathey. Councilmember Cathey thanked Council for selecting him for the position. He also introduced his wife who was present in the audience. Roll was not called, but the Mayor acknowledged that Councilmember Cathey was now present for the remainder of the meeting.

7. BRIGHT SPOT

Mayor Powell welcomed Casper Youth Baseball players to the meeting and shared the successes of the All-Star Little League International tournaments. The ballplayers present came forward to be acknowledged and Mayor Powell congratulated them and thanked everyone that supports the program.

8. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Rob Caputa, Caputa's Catering, informing Council of the additional costs involved with the fire suppression standards and asking for relief from the food truck restrictions; Michelle Sabrosky, 1639 Palomino, Bar Nunn, urging Council for reasonable standards for food trucks and providing the Council with a book titled *Food Truck Fiasco*; Terry Wingerter, 1427 Hornchurch, congratulating Councilmember Cathey on his placement on Council; DeAnn Bradshaw, Kottage Katering, describing the difficulties of running a food truck in Casper and requesting less restrictions; Keith Rolland, 542 S. Durbin, asking Council to investigate an alarm in a private business; Callie Miller, Lefty's BBQ, requesting the removal of time restrictions on food trucks; Jason Booth, 2080 Fairgrounds, requesting that his daughter practice her presentation for the legislation and requesting removal of restrictions placed on food trucks; Paul Paad, 2781 Cherokee, asking for a respectful Council/citizen dialogue and expressing concern with International Codes; and Albert Metz, 6800 S. Poplar, expressing concerns about the potential annexation of his property.

9. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Bates, seconded by Councilmember Johnson, to, by minute action: establish August 20, 2019, as the public hearing date for consideration of:

a. approving the City-initiated annexation of the Green Valley Mobile Home Park, comprising 14-acres, more or less, located at 2760 South Robertson Road;

b. adoption of fiscal year 2020 budget amendment; and

establish September 17, 2019, as the public hearing date for consideration of:

a. annexation compliance with Title 15, Chapter 1, Article 4 of the Wyoming State Statutes to determine if the annexation of the Green Valley Mobile Home Park, complies with W.S. 15-1-402. Councilmember Cathey abstained from voting on the budget amendment item.

Motion passed.

10.A.1 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the rezoning of 442 North Lennox Street. City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated July 19, 2019 and an affidavit of publication, as published in the Casper-Star Tribune, dated July 15, 2019. City Manager Napier provided a brief report.

Speaking in support was Debby Smith-Hill, zoning applicant. There being no others to speak for or against the issues involving the rezoning, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 22-19
AN ORDINANCE APPROVING A ZONE CHANGE FOR LOTS
25-26, BLOCK 8 OF THE EAST BURLINGTON ADDITION
SUBDIVISION IN THE CITY OF CASPER, WYOMING.

Councilmember Hopkins presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Johnson. Councilmember Freel had questions about the zoning, and City Manager Napier indicated that further information could be provided before second reading of the ordinance. Motion passed.

10.A.2 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the zone change of 1014 Glenarm Street.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated July 19, 2019 and an affidavit of publication, as published in the Casper-Star Tribune, dated July 15, 2019. City Manager Napier provided a brief report.

Speaking in support was; Kim Summerall-Wright, Casper Housing Authority Executive Director and Pat Sweeney, 951 N. Kimball.

There being no others to speak for or against the issues involving the zone change, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 23-19
AN ORDINANCE APPROVING A ZONE CHANGE OF THE
FORMER NORTH CASPER ELEMENTARY SCHOOL
LOCATED AT 1014 GLENARM STREET.

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

10.A.3 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the amendments to the Municipal Code pertaining to parades.

City Attorney Henley entered one (1) exhibit: correspondence from J. Carter Napier and John Henley, dated July 22, 2019. City Manager Napier provided a brief report.

Speaking in opposition was Paul Paad, 2781 Cherokee. Councilmember Pacheco and Mayor Powell had questions for City Attorney Henley, which he addressed.

Also speaking in opposition was Pat Sweeney, 951 N. Kimball and Mileage Mike Harrison, 742 N. Jefferson.

There being no others to speak for or against the issues involving parades, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 24-19
AN ORDINANCE AMENDING ARTICLE I – PARADES –
SECTIONS 10.72.010-10.72.140.

Councilmember Pacheco presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Huber. Councilmembers discussed the matter at length and asked questions which City Attorney Henley addressed. Moved by Councilmember Freel, seconded by Councilmember Huber, to amend the ordinance to require notice of the approval/denial of a parade permit on the date of the decision. Councilmembers Cathey and Hopkins voted nay. Motion to amend passed.

Councilmembers continued to discuss the need for timely submittal and review of parade applications, and the ability to handle an appeal of a denial. Moved by Councilmember Bates, seconded by Councilmember Lutz to table the item to a date undetermined. Motion to table passed.

10.A.4 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the amendments to the Municipal Code pertaining to businesses affecting public health.

City Attorney Henley entered one (1) exhibit: correspondence from J. Carter Napier and John Henley, dated July 22, 2019. City Manager Napier provided a brief report.

Speaking in opposition was Leah Juarez, a Mills tattoo operator. Councilmembers discussed the matter at length and asked several questions which City Manager Napier and Ms. Juarez addressed.

Also speaking in opposition were: DeAnn Bradshaw, Kottage Katering; and Pat Sweeney, 951 N. Kimball.

There being no others to speak for or against the issues involving businesses affecting public health, the public hearing was closed.

Council continued to discuss the matter and Councilmember Huber made a point of order stating that the motion is not yet on the floor.

Following ordinance read:

ORDINANCE NO. 25-19
AN ORDINANCE AMENDING CHAPTER 8.04 OF THE
CASPER MUNICIPAL CODE.

Councilmember Huber presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Bates. Moved by Councilmember Lutz to table the item until the August 20, 2019 Council meeting, seconded by Councilmember Bates. Councilmembers Bates, Cathey, and Lutz voted aye. Motion to table failed. Councilmember Pacheco requested that this item be added to the August 13, 2019 work session agenda. Mayor Powell indicated that it would be added. Councilmembers Bates, Freel, and Lutz voted nay on the first reading of the ordinance. Motion passed.

11.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 21-19
AN ORDINANCE AMENDING SECTION 17.12.124 OF THE
CASPER MUNICIPAL CODE PERTAINING TO WIRELESS
COMMUNICATION FACILITIES.

WHEREAS, on March 20, 2018, Council passed Ordinance No. 2-18 pertaining to wireless communication facilities, which was codified as Section 17.12.124 of the Casper Municipal Code; and,

WHEREAS, on July 3, 2018, Council passed Ordinance No. 7-18 pertaining to wireless communication facilities, which implemented recommendations from the Planning and Zoning Commission; and,

WHEREAS, on September 27, 2018, the FCC released a *Declaratory Ruling and Third Report and Order* ("Order") that limited state and local management of wireless communication facilities and imposed other timeline requirements on cities; and,

WHEREAS, the FCC continues to promulgate new rules and regulations that tighten timelines for approval; and,

WHEREAS, Section 17.12.124 of the Casper Municipal Code needs to be updated to reflect the FCC's changes, and to assist City staff with meeting FCC-imposed timeliness; and,

WHEREAS, the City of Casper Planning and Zoning Commission reviewed the proposed changes at its June 20, 2019, meeting, and recommends approval.

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

Section 1:

The definition of "Distributed antenna system" under Section B is changed as follows: "Distributed antenna system" or "DAS" means a network consisting of equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

Section 2:

That the definition of "Macrocell" under Section B is changed as follows:

"Macro cell" means an antenna or antennas mounted on or in a tower, ground-based mast, rooftops or structures, at a height that provides coverage to the surrounding area.

Section 3:

That the definition of "Small cells" under Section B is changed as follows:

"Small cells" and "small wireless facilities" mean compact wireless equipment that contain their own transceiver equipment and function like cells in a wireless network but provide a smaller coverage area than traditional macro cells and also add additional capacity and meet the following criteria: (1) the facilities -- (i) are mounted on structures fifty feet or less in height including their antennas, or (ii) are mounted on structures no more than ten percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than fifty feet or by more than ten percent, whichever is greater; (2) each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; (3) all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight cubic feet in volume; (4) the facilities do not require antenna structure registration under federal law; (5) the facilities are not located on Tribal land as defined under federal law; and (6) the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under federal law.

Section 4:

The definition of "Stealth design" under Section B is changed as follows:

"Stealth design" means a design that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof -mounted antennas.

Section 5:

Under Section B, Subsection (1), the definition of "Substantial Change" is hereby changed as follows:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the original tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 U.S.C. Section 1455(a));

Section 6:

The definition of "Transmission equipment" under Section B is changed as follows:

"Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power

supplies. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Section 7:

The definition of "Wireless Communication Facilities" under Section B is changed as follows:

"Wireless Communication Facilities" or "WCF" means an unstaffed facility or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small wireless facilities.

Section 8:

Section D. 4. is changed to read as follows:

4. All non -pre-engineered and non -prefabricated towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, including the substructure, shall be approved by a licensed professional engineer, registered in the state.

Section 9:

Section E. 1. is changed to read as follows:

Distributed antenna systems and small cells are allowed in all zones by right (unless they involve the installation of a pole or tower that exceeds the height limitation of the underlying zoning district) and except for the FC or OYD zones, as long as all other requirements of the zoning district are met along with stealth requirements, regardless of the siting preferences listed in subsection I herein, provided the applicant also complies with all federal laws (such as the Americans with Disabilities Act) and state laws and requirements.

Section 10:

Section E. 2. is changed to read as follows:

2. Distributed antenna systems and small cells in all zones are subject to approval by administrative review unless their installation requires the construction of a new pole or tower that exceeds the height limitation of the underlying zoning district. A conditional use permit shall not be required for stealth replacement utility support structures, so long as they are substantially similar in height and design.

Section 11:

Section F. 1. is changed to read as follows:

Inventory of Existing Sites. Each applicant for a macro cell tower shall provide to the community development department an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one-half mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. The community development department may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

Section 12:

Section F. 2. is changed to read as follows:

2. Color. The antenna array shall be placed and colored to blend into the architectural detail and coloring of the host structure. Towers shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues, greens, dark bronze, browns or other site specific colors may be appropriate; however, each case will be evaluated individually.

Section 13:

Section F. 7. is changed to read as follows:

7. Notice. For purposes of this section, any approval by administrative review, conditional use permit or appeal of a conditional use shall require notice as required by this Code.

Section 14:

Section F. 15. is changed to read as follows:

15. Accessory Equipment. In residential zones, all accessory equipment located at the base of a WCF shall be located or placed (at the applicant's choice) in an existing building, underground, or in an equipment cabinet that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) be located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.

Section 15:

Section F. 17 e. i. is changed to read as follows:

i. Equipment shelters and cabinets and other on the ground ancillary equipment (outside of the public right-of-way) shall be screened with landscaping as required for the zone in which they are located or with another design acceptable to the community development department. Alternatively, where technically feasible, the applicant shall incorporate the cabinet and other equipment into the base of a new pole (for example, for a small cell) provided there is adequate space in the right-of-way and that ADA sidewalk accessibility requirements can be met. All provisions of the ADA, including, but not limited to, clear space requirements, shall be met by the applicant.

Section 16:

Section F. 17 e. ii. is changed to read as follows:

ii. The ground level view of macro cell towers shall be mitigated by additional landscaping provisions as established through the conditional use permit process. The use of large trees from the approved urban forestry list of recommended species or native conifers is required at the spacing specified for the specific trees chosen. Alternatively, a landscaping plan may be submitted with the conditional use permit and, if approved, shall take precedence over the foregoing requirement.

Section 17:

Section F. 17. e. iii. is changed to read as follows:

iii. A site -obscuring fence (for example, solid or slatted wood, faux wood, vinyl, masonry or a combination thereof) no less than six feet in height from the finished grade shall be constructed around each macro cell tower and around related support or guy anchors. Access shall only be through a locked gate. Any fence shall comply with the other design guidelines of this code.

Section 18:

Sections F. 20. is changed to read as follows:

20. Sites and Application Appointments. Each application may include up to ten sites in the city. An in-person appointment with city staff is encouraged at the outset of the process for an application for multiple sites.

Section 19:

Sections G.'s title is changed to read as follows:
Sharing of Towers and Collocation of Facilities.

Section 20:

Section G. 1. is changed to read as follows:

1. It is the policy of the city to minimize the number of macro cell and wireless communication towers and to encourage the collocation of antenna arrays of more than one wireless communication service provider on a single tower, provided that additional Building Code regulations may apply.

Section 21:

Section G. 2. is changed to read as follows:

2. No new macro cell wireless communication tower may be constructed within one-half mile of an existing macro cell tower, unless it can be demonstrated to the satisfaction of the community development director or the designee thereof that the existing macro cell tower is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant. Factors to be considered by the community development director or the designee thereof in determining whether applicant has made this demonstration include those listed below in subsection 4.

Section 22:

Section G. 3. is changed to read as follows:

The shared use of towers is encouraged. Applications for macro cells and towers which will, immediately upon completion, operate with more than one user may reduce setback requirements from adjacent nonresidential property. The setback from adjacent nonresidential property may be reduced by twenty-five percent when two users enter into a binding agreement prior to the issuance of the building permit. The setback from adjacent nonresidential property may be reduced by up to fifty percent when three or more users enter into a binding agreement prior to the issuance of the building permit. A binding agreement for the purposes of this subsection is one signed by all parties using the tower and by the affected landowners. This signed agreement will commit the users to occupy the tower immediately upon its completion. Notwithstanding the foregoing, fall zones shall be at least one foot for every foot of tower height subject to the breakpoint provisions herein.

Section 23:

Section G. 4. is changed to read as follows:

4. Factors Considered in Granting Conditional Use Permits for Macro cell Towers. In addition to any standards for consideration of conditional use permit applications pursuant to this Code, the applicant must provide wet stamped plans for macro cell towers, and the planning and zoning commission or city council (as appropriate under Section 17.12.240(C)) shall consider the following factors in determining whether to issue a conditional use permit.

Section 24:

Section G. 4. b. is changed to read as follows:

b. Proximity of the macro cell tower to residential structures and residential district boundaries.

Section 25:

Section G. 4. j. is changed to read as follows:

j. A determination by the FCC that the applicant's proposed antennas would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

Section 26:

Section G. 5. is changed to read as follows:

5. Site Plan. In districts where towers are allowed, applicants are required to submit and be granted an approval for a site plan before a building permit will be issued. The standards set forth in the tower regulations summary of this section will be used to determine tower requirements and whether approval shall be granted or denied. Towers of one hundred thirty feet or more require that site plan approval be granted by the planning and zoning commission. The planning and zoning commission may consider reductions to the setback requirements for such towers as a part of the site plan approval.

Section 27:

Section G. 6. is changed to read as follows:

6. All towers that provide commercial wireless service are required to submit a site plan to the city for approval. In addition to the standard site plan requirements (listed in this Title 17), the following information must be supplied with the site plan or building permit application:

Section 28:

Section G. 6. g. is changed to read as follows:

g. Site plans must show the locations for at least two equipment buildings or cabinets, even if the tower is proposed for a single user;

Section 29:

Section G. 6. h. is changed to read as follows:

h. For macro cell towers that are fifty feet or greater in height above the ground, a visual study depicting the zone within a three-mile radius, where any portion of the proposed tower could be seen (scaled vicinity maps);

Section 30:

Section G. 7. is changed to read as follows:

7. Placement Provisions—Towers. Towers shall be located only in those areas described in Table 1, provided that macro cell towers that are proposed to be located in a residential zone or within two hundred feet of a residential zone or in the downtown area shall be subject to the siting priorities set forth for preferred macro cell tower locations in subsection I.

Section 31:

That Table I (Tower Regulations Summary) and the abbreviation definitions immediately following Section 17.12.124, Section 8 (g) are hereby replaced with the following:

TABLE 1 TOWER REGULATIONS SUMMARY

Zone	Permitted Height	Plan Com Approval	CC Approval	On Top of Buildings
R1-R6	50'	NA	NA	NP
PH	130'	Greater than 130'	NA	10 percent of building ht.
PUD	In accordance with PUD Guidelines	In accordance with PUD Guidelines	NA	10 percent of building ht.
C1	50'	51-100'	NA	10 percent of building ht.
C2	130'	Greater than 130'	NA	10 percent of building ht.
C3	130'	Greater than 130'	NA	10 percent of building ht.
C4	130'	Greater than 130'	NA	10 percent of building ht.
M1	130'	Greater than 130'	NA	10 percent of building ht.
M2	130'	Greater than 130'	NA	10 percent of building ht.
AG	130'	Greater than 130'	NA	10 percent of building ht.
FC	NP	NP	NP	NP
ED	130'	Greater than 130'	NA	10 percent of building ht.
HM	50'	NA	NA	10 percent of building ht.
OB	50'	NA	NA	10 percent of building ht.
OLD YELLOWSTONE DISTRICT	SEE CASPER MUNICIPAL CODE ("CMC") SECTION 17.94.030 A. (25)	SEE CMC CHAPTER 17.94	SEE CASPER MUNICIPAL CODE CHAPTER 17.94	NP: SEE CASPER MUNICIPAL CODE CHAPTER 17.94

NP = Not permitted (prohibited)

NA = Not applicable

PERMITTED HEIGHT = Permitted with site plan approval from the community development director.

PLAN COM APPROVAL = Permitted with site plan approval from the Planning and Zoning Commission.

CC APPROVAL = Permitted with site plan approval from the Planning and Zoning Commission and the City Council.

Section 32:

That Section G. 8, is changed to read as follows:

8. Macro cell towers used for the purpose of providing commercial wireless services are permitted uses in all districts, except in the downtown area (OYDSPC), FC districts,

residential districts (R1-R6), planned unit developments (PUD), and the agricultural district (AG). Small cells providing commercial wireless services in residential districts (R1-R6), planned unit developments (PUD), and the agricultural district (AG) are permitted uses if the pole or tower does not exceed the height limitation of the underlying zoning district. Additionally, towers which are placed on buildings must conform to the other requirements of this section.

Section 33:

That Section H. 4, is changed to read as follows:

4. All equipment shelters, cabinets, or other on the ground ancillary equipment shall meet the setback requirements of the zone in which they are located.

Section 33.01

That Section H.5 shall be added as follows:

5. Small wireless facilities located in City rights-of-way shall follow the City's setback requirements for rights-of-way.

Section 34:

That Section I. is changed to read as follows:

I. Preferred Macro cell Tower Locations. All new macro cell towers proposed to be located in a residential zone or within two hundred feet of a residential zone or in the downtown area are permitted only after application of the following siting priorities, ordered from most -preferred (1) to least-preferred (7):

1. City-owned or operated property and facilities not in the downtown or residential zones and not including right-of-way;
2. Industrial zones;
3. Commercial zones;
4. Other non-residential zones;
5. City rights-of-way in residential zones;
6. Parcels of land in residential zones;
7. Designated historic structures, downtown and neighborhoods with additional protection.

The applicant for a macro cell tower located in a residential zone or within two hundred feet of a residential zone or in the downtown area shall address these preferences in an alternative sites analysis prepared pursuant to subsection J below.

Section 35:

That Section J. 1. a. is changed to read as follows:

a. For macro cell towers in a residential zone or within two hundred feet of a residential zone or in the downtown area, the applicant must address the city's preferred macro cell tower locations with a detailed explanation justifying why a site of higher priority was not selected. The city's macro cell tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three higher ranked, alternative sites considered that are in the geographic range of the service objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

Section 36:

That Section J. 1. c. is changed to read as follows:

C. For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives, the applicant will provide:

(a) a description of its objective, whether it be to address a deficiency in coverage or capacity; (b) detailed maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

Section 37:

That Section J. 3. e. i. is changed to read as follows:

e. Additional Information Required. Applicants for a conditional use permit for a tower shall also submit the following information:

Section 38:

That Section J. 3. e. vii. is changed to read as follows:

vii. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city.

Section 38.01

That Section J.4 is changed to read as follows:

4. Radio Frequency (RF) Emissions Compliance. An Applicant for wireless communication facilities shall submit a letter certifying that all wireless communication facilities that are the subject of the application shall comply with federal standards for RF emissions. The owner or operator of an approved wireless communications facility shall also provide the City with the FCC license for the wireless communication facility at the time the license is issued for the facility.

Section 39:

That Section J. 5. c. is changed to read as follows:

c. An initial payment of a registration fee (for other than small wireless facilities) which shall be in addition to any other fee paid by the owner or operator of the tower or facility, for all towers or facilities located within the city, shall be required and shall be submitted to the community development department at the time of submission of the documentation, as required in 5.1.a. and 2.b. of this subsection.

Section 40:

That Section K. 4. c. i., ii. and iii. are changed to read as follows:

c. The applicant demonstrates the following:

The development standard materially limits or inhibits the ability of the applicant to compete in a fair and balanced legal and regulatory environment;

ii. The situation can only be addressed through an exception to one or more of the standards in this section; and

iii. The exception is narrowly tailored such that the wireless communication facility conforms to this section's standards to the greatest extent possible.

Section 41:

That Section K. 4. d. is deleted in its entirety.

Section 42:

That Section L. is changed to read as follows:

L. Removal of Towers. Towers which are not used for a period of six months or more shall be removed by the owner within ninety days from the date of written notification by the city. To assure the removal of towers, which have not been maintained or have been abandoned, a performance bond, cash, letter of credit, or other approved security shall be submitted for each tower. The amount of the bond, cash, letter of credit, or other approved

security shall be based on an estimate provided by a contractor licensed in the state, who shall estimate the cost of removing the tower. This estimation shall be provided in writing and submitted with the application. There will be a ten percent contingency fee added to the contractor's estimate. In the event the owner shall fail to remove any tower which has not been maintained or has been abandoned, as provided in this subsection, the city shall have the right to enter the premises and remove such tower without further notice to owner, in which event, all removal costs shall be charged against the bond or security and the owner until satisfied.

Section 43:

That Section O. is changed to read as follows:

O. Independent Legal and Technical Review. Although the city intends for city staff to review applications to the extent feasible, the city may retain the services of an independent attorney and technical expert of its choice to provide evaluation of permit applications for WCFs, when they are subject to conditional use permits or administrative review. The consultant shall have recognized training in the field of wireless communication facilities. The consultants' review may include, but is not limited to: (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and, (d) whether the proposed WCF complies with the applicable approval criteria set forth in this section. The applicant shall pay the cost for any independent consultant fees through a deposit, estimated by the city, within ten days of the city's request. When the city requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the city shall refund any unused portion within thirty days after the final permit is released or, if no final permit is released, within thirty days after the city receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the city within thirty days and before the permit is issued.

Section 44:

That Section R. is changed to read as follows:

R. Indemnification. Each permit issued for a WCF located on city property shall be deemed to have as a condition of the permit a requirement that the applicant, wireless infrastructure provider and wireless service provider defend, indemnify and hold harmless the city and its council, officers, agents, employees, volunteers, and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, actions or causes of action as a result of the permit process, a granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF.

Section 45:

That Section S. 1. is changed to read as follows:

S. Eligible Facilities Request.

1. Purpose. This section implements Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a)), as interpreted by the FCC in its Report and Order No. 14-153 and Declaratory Ruling and Third Report and Order released September 27, 2018, which require a state or local government to approve any eligible facilities request for a

modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

Section 46:

That Section S. 2. b. is changed to read as follows:

b. Review. Upon receipt of an application for an eligible facilities request pursuant to this subsection, the community development director or the designee thereof, shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

Section 47:

That Section S. 2. c. is changed to read as follows:

c. Timeframe for Review. Within sixty days of the date on which an applicant submits an application seeking approval of an eligible facilities request under this subsection, the city shall review and act upon the application, subject to the tolling provisions below.

Section 48:

That Section S. 2. d. is changed to read as follows:

d. Tolling of the Timeframe for Review. The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.

Section 49:

That Section S. 2. d. iii. is changed to read as follows:

iii. Following a supplemental submission, the city will have ten days to notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

Section 50:

That Section S. 2. e. is changed to read as follows:

e. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted provided the applicant notifies the city in writing after the review period has expired. However, the request is still subject to Section Z (Standard Conditions of Approval).

Section 51:

That Section S. 2. f. is added as follows:

f. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

Section 52:

That Section S. 3. is changed as follows:

3. Compliance Obligations After Invalidation. In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409(a) approvals or the City grants an extension upon written request from the permittee that shows good cause for the

extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the city may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) approval when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.

Section 53:

That Section S. 4. is changed as follows:

4. City's Standing Reserved. The city's grant or grant by operation of law of a Section 6409(a) approval does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) approval.

Section 54:

That Sections T. through X. are deleted in their entirety and replaced with Sections T. through AA. as follows:

T. Small Wireless Facilities - Collocation on Existing Structures.

1. Purpose. This section implements a shot clock that is contained in the FCC's Declaratory Ruling and Third Report and Order released September 27, 2018, regarding the collocation of small wireless facilities on existing structures.

2. Application Review.

a. Application: The city shall prepare and make publicly available an application form, which form shall be used by the applicant.

b. Review: Upon submission of an application for collocation of small wireless facilities on an existing structure pursuant to this section, the city shall, within sixty days (subject to resetting of the shot clock and the tolling provisions set forth below), review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.

c. Tolling of the Timeframe for Review: The sixty-day review period begins to run when the application is filed. The city shall notify the applicant within ten days as to whether the application is incomplete. Upon resubmission by the applicant, a new sixty-day shot clock commences, and the city has ten days to notify the applicant again of an incomplete application. The shot clock may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines upon a resubmission that the application is incomplete.

i. The timeframe is tolled in the case of subsequent notices pursuant to the procedures identified in this section. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. Failure to Act: In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for resetting the shot clock once or any tolling), the applicant may pursue judicial relief.

e. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

U. Small Wireless Facilities - New Construction (New Builds).

Purpose. This section implements a shot clock that is contained in the FCC's Declaratory Ruling and Third Report and Order released September 27, 2018, regarding the construction of small wireless facilities on a new structure.

2. Application Review.

a. Application: The city shall prepare and make publicly available an application form, which form shall be used by the applicant.

b. Review: Upon submission of an application for the construction of small wireless facilities on a new structure pursuant to this section, the city shall, within ninety days (subject to resetting of the shot clock and the tolling provisions set forth below), review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.

c. Tolling of the Timeframe for Review: The ninety -day review period begins to run when the application is filed. The city shall notify the applicant within ten days as to whether the application is incomplete. Upon resubmission by the applicant, a new ninety-day shot clock commences, and the city has ten days to notify the applicant again of an incomplete application. The shot clock may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines upon a resubmission that the application is incomplete.

i. The timeframe is tolled in the case of subsequent notices pursuant to the procedures identified in this section. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. Failure to Act: In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for resetting the shot clock once or any tolling), the applicant may pursue judicial relief.

e. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

V. Collocation Applications for other than Small Wireless Facilities and Eligible Facilities.

1. Purpose. This section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153 and Declaratory Ruling and Third Report and Order released September 27, 2018.

2. Application Review.

a. Application. The city shall prepare and make publicly available an application form.

b. Review. Upon receipt of an application for a collocation request pursuant to this section, the city shall review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.

c. Timeframe for Review. Within ninety days of the date on which an applicant submits an application seeking approval of a collocation request under this section, the city shall review and act upon the application, subject to the tolling provisions below.

d. Tolling of the Timeframe for Review. The ninety -day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.

- i. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.
- ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.
- iii. Following a supplemental submission, the city will notify the applicant within ten days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- e. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant may pursue judicial relief.
- f. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

W. New Site or Tower Applications.

1. Purpose. This Section also implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153 and Declaratory Ruling and Third Report and Order released September 27, 2018.

2. Application Review.

a. Application. The city shall prepare and make publicly available an application form.

b. Review. Upon receipt of an application for a request for a new site or tower pursuant to this section, the city shall review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.

c. Timeframe for Review. Within one hundred fifty days of the date on which an applicant submits an application seeking approval of a request for a new site or tower under this section, the city shall review and act upon the application, subject to the tolling provisions below.

d. Tolling of the Timeframe for Review. The one hundred fifty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.

i. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.

ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.

iii. Following a supplemental submission, the city will notify the applicant within ten days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

e. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant may pursue judicial relief.

f. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

X. Fees. In connection with the filing of an application, the applicant shall pay all applicable fees, according to a city resolution.

Y. Laws, Rules and Regulations. This section shall be subject to all applicable laws, rules and regulations.

Z. Standard Conditions of Approval.

Applicability. In addition to all other conditions adopted by the city, all permits, whether approved by the city or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The city shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section.

2. Permit Term. A permit will automatically expire one year and one day from its issuance if construction has not been completed. Any other permits or approvals issued in connection with any collocation, modification or other change to a wireless facility, which includes, without limitation, any permits or other approvals deemed-granted or deemed -approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

AA. Severability. The various parts, sentences, paragraphs and clauses of this section are hereby declared to be severable. If any part, sentence, paragraph or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

PASSED on 1st reading the 2nd day of July, 2019.

PASSED on 2nd reading the 16th day of July, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the 6th day of August, 2019.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Freel. No citizens spoke on the ordinance. Councilmember Cathey asked a question, which City Attorney Henley addressed. Moved by Councilmember Cathey, seconded by Councilmember Lutz, to postpone the item to the August 20, 2019 Council meeting. Councilmembers Bates, Cathey, and Lutz voted aye. Motion to postpone failed. Council then voted on the ordinance, on third reading. Councilmembers Cathey and Lutz voted nay. Motion passed.

11.B ORDINANCE—THIRD READING

Following ordinance read:

ORDINANCE NO. 20-19

AN ORDINANCE AMENDING CHAPTER 10.36.031 OF THE CASPER MUNICIPAL CODE.

WHEREAS, the current Casper Municipal Code regarding mobile vendor parking requires modification for special events or adjacent business contingencies.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Subparagraphs 10.36.031(D)(2)(b)(ii), (iv) and (v) of the Casper Municipal Code are hereby amended as follows:

10.36.031(D)(2)(b):

ii. No MVPP may be issued to one applicant for more than two (2) consecutive days on the same block face, without City Council approval; City Council approval may be considered for special events or extenuating circumstances of the requesting adjacent business for a maximum of five (5) consecutive days and to be granted to a business a maximum of two (2) times in any calendar year.

iv. Hours: Monday—Friday: Hours of set up and operation are limited for a DOY location to a start time of 3:00 p.m. until 3:00 a.m. the following morning, unless City Council approval is granted for extended hours, which may be considered by the City Council for special events or due to extraordinary circumstances of the adjacent business owner.

v. Hours: Saturdays—Sundays the hours of parking/operation for a MVPP begins at 1:00 p.m. and expires at 3:00 a.m. the following morning, unless City Council approval is granted for extended hours, which may be considered by the City Council for special events or due to extraordinary circumstances of the adjacent business owner.

This Ordinance shall be effective August 27, 2019.

PASSED on 1st reading the 18th day of June, 2019

PASSED on 2nd reading the 16th day of July, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the 6th day of August, 2019.

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

Individuals addressing the Council were: Rob Caputa, Caputa's Catering and Pat Sweeney, 951 N. Kimball.

Council discussed the matter. Moved by Councilmember Bates, seconded by Councilmember Lutz, to amend the ordinance to allow Council to grant a maximum of six (6) special 5 day Mobile Vendor Parking Permits (MVPP) in a year to one applicant. Councilmembers Freel, Hopkins, and Huber voted nay on the amendment. Motion to amend passed. Moved by Councilmember Lutz, seconded by Councilmember Bates, to amend the MVPP period to 24 hours. Councilmembers Hopkins and Huber voted nay on the amendment. Motion to amend passed. Council then voted on the ordinance, on third reading, as amended twice. Councilmember Hopkins voted nay. Motion passed.

12.A RESOLUTION

Following resolution read:

RESOLUTION NO. 19-159

A RESOLUTION RESCINDING RESOLUTION NUMBER 18-259 AND ADOPTING REVISED SPECIAL EVENT GUIDE AND POLICY AND APPLICATION AND FEES FOR SPECIAL EVENTS.

Councilmember Pacheco presented the foregoing resolution for adoption. Seconded by Councilmember Huber. City Manager Napier provided a brief report and recommended tabling this item to coincide with the ordinance regarding parades. Moved by Councilmember Hopkins, seconded by Councilmember Cathey to table the resolution to a date undetermined. Councilmember Huber voted nay. Motion to table passed.

12.B CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-160

A RESOLUTION TO JOIN THE WYOMING STATE EMPLOYEES' AND OFFICIALS' GROUP INSURANCE.

RESOLUTION NO. 19-161

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO PARATRANSIT BUSES FOR USE IN THE CITY'S TRANSIT SYSTEM FROM CREATIVE BUS SALES IN AN AMOUNT OF ONE HUNDRED FORTY-NINE THOUSAND ONE HUNDRED EIGHTY-TWO DOLLARS (\$149,182) AND OPTIONS TO PURCHASE TWO ADDITIONAL, IDENTICAL VEHICLES OVER THE NEXT FOUR YEARS.

RESOLUTION NO. 19-162

A RESOLUTION INITIATING THE ANNEXATION OF MULTIPLE UNINCORPORATED PROPERTIES LOCATED GENERALLY WEST OF SOUTH POPLAR STREET, AND SOUTH OF SW WYOMING BOULEVARD, IN THE SOUTH GARDEN CREEK ACRES ADDITION AND SOUTH GARDEN CREEK ACRES NO. 2 ADDITION.

RESOLUTION NO. 19-163

A RESOLUTION INITIATING THE ANNEXATION OF MULTIPLE UNINCORPORATED PROPERTIES LOCATED GENERALLY EAST OF ROBERTSON ROAD, NORTH OF THE ROBERTSON ROAD BRIDGE, AND SOUTH OF THE GREEN VALLEY MOBILE HOME PARK AT 2760 SOUTH ROBERTSON ROAD.

RESOLUTION NO. 19-164

A RESOLUTION AUTHORIZING A CONTRACT WITH VENTURE TECHNOLOGIES, TO UPGRADE THE EXISTING 911 PHONE SYSTEM.

RESOLUTION NO. 19-165

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53,

TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

RESOLUTION NO. 19-166

A RESOLUTION AUTHORIZING RELEASE OF LOCAL ASSESSMENT DISTRICT LIENS.

RESOLUTION NO. 19-167

A RESOLUTION AUTHORIZING RELEASE OF DEMOLITION LIEN.

RESOLUTION NO. 19-168

A RESOLUTION AUTHORIZING AGREEMENTS WITH THE TOWN OF MILLS, MIDWEST, AND EVANSVILLE; NATRONA COUNTY, AND THE NATRONA COUNTY FIRE PROTECTION DISTRICT FOR PUBLIC SAFETY DISPATCHING AND E-911 TELEPHONE SERVICES.

RESOLUTION NO. 19-169

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH VALLI INFORMATION SYSTEMS, AN ACCOMPANYING AMENDMENT TO MERCHANT PROCESSING AGREEMENT, AND THE MERCHANT APPLICATION AND AGREEMENT FOR MERCHANT CREDIT CARD PROCESSING SERVICES.

Councilmember Johnson presented the foregoing ten (10) resolutions for adoption. Seconded by Councilmember Bates. Councilmember Cathey abstained from voting on Resolution Nos. 19-162 and 19-163. Motion passed.

13. MINUTE ACTION – CONSENT

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

1. acknowledge a name change for Restaurant Liquor License No. 31 from Himalayan Indian Cuisine, LLC to Himalayan Cuisine, LLC, located at 232 East 2nd Street;
2. authorize the purchase of one (1) new four wheel steering street sweeper, from Hardline Equipment Company, in the total amount of \$269,332; and
3. authorize the appointment of Dr. A. Christie Nelson to the Casper Natrona County Health Department Board.

Motion passed.

14. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke briefly about various matters.

15. 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, August 13, 2019, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, August 20, 2019, in the Council Chambers.

At 10:00 p.m., it was moved Councilmember Freel, seconded by Councilmember Bates, to adjourn into executive session to discuss personnel and property acquisition. Councilmember Johnson voted nay. Motion passed. Council moved into the Council meeting room.

At 10:18 p.m., it was moved by Councilmember Johnson, seconded by Councilmember Pacheco, to adjourn the executive session. Council returned to the Council Chambers.

16. ADJOURNMENT

At 10:19 p.m., it was moved by Councilmember Johnson, seconded by Councilmember Bateschr, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Charles Powell
Mayor