# COUNCIL PROCEEDINGS Casper City Hall – Council Chambers May 21, 2019

# 1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, May 21, 2019. Present: Councilmembers Bates, Freel, Hopkins, Huber, Johnson, Lutz, Pacheco, Walsh and Mayor Powell.

#### 2. PLEDGE OF ALLEGIANCE

Mayor Powell, along with a Boy Scout, led the audience in the Pledge of Allegiance. Mayor Powell recessed the meeting briefly so the audio system could be re-booted.

#### 3. MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Walsh, to, by minute action, approve the minutes of the May 7, 2019, regular Council meeting, as published in the <u>Casper-Star Tribune</u> on May 17, 2019. Motion passed.

# 4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Freel, to, by minute action, approve the minutes of the May 7, 2019, executive session. Motion passed.

# 5. BILLS & CLAIMS

Moved by Councilmember Johnson, seconded by Councilmember Walsh, to, by minute action, approve payment of the May 21, 2019, bills and claims, as audited by City Manager Napier. Mayor Powell abstained from voting on the invoice for his mileage reimbursement. Motion passed.

Bills & Claims 05/21/19			
33 MileRdImp	Services	\$222.88	
71Construction	Projects	\$146,537.74	
AAALandscaping	Services	\$180.00	
AbrasiveMgmt	Services	\$6,000.00	
AdvcdHlthstyles	Equip	\$4,457.00	
AllianceElec	Services	\$992.42	
Alluretech	Services	\$42.00	
AMBI	Services	\$487.16	
AmericanTitle	Services	\$125.00	
AMSgnl	Supp	\$18,083.79	
AndrnHunt	Services	\$166,797.90	
AppliedConst	Refund	\$577.64	
ARaver	Reimb	\$43.00	
Arcadis	Services	\$1,445.40	
ArrowheadHeating	Services	\$421.42	
AtlntcElect	Services	\$14,480.21	

Balefill	Services	\$101,039.41
BankOfAmerica	Goods	\$243,227.31
BFlake	Refund	\$7.37
BHEnergy	Services	\$27,831.74
BigWestLndscp	Services	\$400.00
BolesWeld	Refund	\$68.76
Brenntag	Goods	\$21,808.15
C Powell	Reimb	\$354.80
Caselle	Services	\$75.00
CasparBuildSystems	Services	\$548,052.37
CasperElectric	Services	\$65,264.00
CasperPubUtilities	Services	\$144.06
CCollins	Reimb	\$53.00
CDunbar	Refund	\$23.30
Centurylink	Services	\$19,300.43
Ch2mHill	Services	\$31,013.48
CityofCasper	Services	\$25,682.51
CivilEngineeringProfessionals	Projects	\$8,982.50
CNash	Reimb	\$344.75
CollectionCenter	Services	\$1,188.76
CommTech	Goods	\$8,420.92
Comtronix	Services	\$1,462.70
CsprAEDA	Services	\$4,166.66
CsprPD	Funding	\$718.05
CWiggs	Reimb	\$48.00
DBeeson	Reimb	\$40.00
DPCIndustries	Goods	\$6,971.24
DvdsnFxdMgmt	Services	\$4,104.63
EngDsgnAssoc	Services	\$1,558.00
EnvironmentalCivilSolutions	Services	\$11,378.45
FirstData	Services	\$5,582.47
FirstInterstateBank	Services	\$1,600.00
FirstInterstateBank	Services	\$298.00
FremontMotorCasper,Inc	Goods	\$106,800.00
FrmtMtrSheridan	Equip	\$63,559.86
GeosyntecConsult	Consult	\$1,916.88
GlobalSpect	Funding	\$168,727.22
GMarshInc	Services	\$6,719.18
GolderAssociates	Services	\$15,446.86
GRatcliff	Refund	\$41.90
Greiner	Goods	\$45,301.00
GrizzlyExcavating	Projects	\$2,705.61
Hein-Bond	Services	\$28,981.94

HlltpNtl	Services	\$120.00
Homax	Goods	\$73,743.48
HonnenEquipmentCo	Goods	\$964.84
ImsInfrastrct	Software	\$11,107.50
InterfaithNC	Funds	\$14,750.00
ISC	Supplies	\$9,177.83
JJeffery	Reimb	\$519.76
JKausman	Refund	\$48.90
JSchwendemann	Refund	\$43.22
JTLGroup	Services	\$209,216.72
KloesElct	Services	\$520.00
LChristensen	Reimb	\$52.46
LisasSpicnSpan	Services	\$597.00
LongBuildingTech	Services	\$4,237.25
M&MSvcs	Svcs	\$1,000.00
MAnderson	Services	\$325.00
MButler	Services	\$200.00
McMurryReadyMix	Goods	\$492.75
MJButcher	Services	\$3,150.00
MMoore	Refund	\$51.32
Motorola	Services	\$970.90
MShell	Refund	\$18.02
MthrSetonHsing	Funding	\$4,201.50
MunicipalCodeCorp	Goods	\$1,484.22
Nalco	Supp	\$33,580.80
Napa	Goods	\$173,714.46
NationalBenefitServices	Services	\$414.80
NatlAllianceDrugEndangeredChildren	Services	\$1,102.14
NCHallofJustice	Services	\$10,902.01
NCHealthDept	Funding	\$45,200.00
Nlsn/GaardCnslt	Services	\$71,204.89
OlsonAutobody	Services	\$713.30
OneCallofWy	Services	\$677.25
PAakhus	Refund	\$50.34
PColeman	Refund	\$220.00
PepperTank	Goods	\$2,000.00
Pepsi	Goods	\$182.14
PostalPros	Services	\$2,558.15
PreservationSolutions	Services	\$6,500.00
PublicTechnology	Services	\$250.00
Rbbrcycle	Services	\$10,900.00
RCzaban	Services	\$200.00
RegionalWater	Services	\$342,188.63

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RJackson	Refund	\$93.30
RockyMtnPower	Services	\$145,595.89
SkylineRanches	Services	\$494.62
Smarsh	Services	\$1,810.50
SSemino	Refund	\$145.00
StarTribune	Services	\$427.04
Stateline7	Services	\$2,340.00
StateofWy-DCI	Services	\$120.00
StealthPartnerGroup	Services	\$49,556.32
StrategicInsights	Services	\$3,262.50
TopOffice	Goods	\$139.60
TrackUtlts	Refund	\$60.00
TretoConstruction	Projects	\$247,334.14
WAhrndt	Reimb	\$90.00
WardwellWater&Sewer	Services	\$14.00
WasteWaterTreatment	Funding	\$346,025.30
WaterTechnologyGroup	Services	\$926.26
WayneColemanConstruction	Projects	\$6,379.20
WERCSCommunications	Services	\$1,507.28
WesternPlainsLandscaping	Services	\$51,247.05
WesternPowerWash	Services	\$5,002.66
WesternWaterConsult	Services	\$11,914.10
WestlandPark	Services	\$1,885.99
WorthingtonLenhart&Carpenter	Services	\$12,846.90
WyDeptRevenue	Taxes	\$872.99
WYDptWrkforce	Services	\$489.53
WyNotaryDivision	Goods	\$30.00
·		\$3,872,466.58

Conflict Claim – Charles Powell Travel Reimbursement \$354.80

#### 5.a CONFLICT CLAIM

Moved by Councilmember Pacheco, seconded by Councilmember Hopkins, to, by minute action, approve payment of the May 21, 2019, conflict claim, as audited by City Manager Napier. Motion passed.

# 6. COMMUNICATIONS FROM PERSONS PRESENT

Rob Caputa, Caputa's Catering, thanked Council for considering designated parking for food trucks, and requested safe and fair standards for food trucks. City Attorney Henley provided information about temporary/daily permitting for out-of-town food trucks. Councilmembers and Mayor Powell had several questions for Mr. Caputa, which he addressed.

Alaina Stedillie, representing Blackbird Pizza, addressed Council regarding the licensing and overall requirements for food truck licensing in Casper. Councilmembers asked several questions, which Ms. Stedillie answered. Councilmember Freel indicated that this topic would also be addressed later in the meeting and Mayor Powell encouraged Ms. Stedillie to come forward again.

Catherine Harrison and "Mileage" Mike Harrison, 742 N. Jefferson, each spoke about the recent bikers awareness parade. City Manager Napier responded to statements made about Police Staff.

Keith Rolland, 542 S. Durbin, shared concerns with the audit report. Councilmember Lutz spoke regarding the matter.

Connie Hall, Casper Historic Preservation Commission, requested the dropping of term limits for the commission. Mayor Powell asked if the City Council could authorize that and City Attorney Henley indicated he would examine the by-laws of the commission.

Paul Paad, 2781 Cherokee, shared his concerns regarding the recent bikers awareness parade. Councilmembers spoke on the matter and Mayor Powell stated that insurance requirements for parades would be researched.

#### 7. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Walsh, seconded by Councilmember Freel, to, by minute action, establish June 4, 2019, as the public hearing date for the consideration of new Resort Liquor License No. 8 West Center Hospitality Ops, LLC d/b/a Platte River Saloon, located at 123 West 'E' Street; and establish June 18, 2019, as the public hearing date for the consideration of ordinance approving a rezone of Block 60, Lot 9, and the north 20' of Lot 10; and Block 60, west 1/2 of Lots 10-12, excluding the north 20' of Lot 10, Casper Addition, located directly east of the new Rescue Mission, on lots currently addressed as 221 & 227 North Park Street. Motion passed.

#### 8. PUBLIC HEARING—ANNEXATION

Mayor Powell opened the public hearing for the consideration of the annexation compliance of the West Casper Commerce Center Addition with W.S. 15-1-402. City Attorney Henley entered three (3) exhibits: correspondence from Liz Becher to J. Carter Napier, dated May 13, 2019; an affidavit of publication, as published in the <u>Casper-Star Tribune</u>, dated April 22, 2019; and the West Casper Commerce Center Addition annexation report, dated March, 2019. City Manager Napier provided a brief report. There being no one to speak for or against the issues involving the West Casper Commerce Center Addition, the public hearing was closed. Following resolution read:

## RESOLUTION NO. 18-82

A RESOLUTION FINDING FACTS PURSUANT TO WYOMING STATUTE 15-1-402 REGARDING THE ANNEXATION OF FORMERLY ABANDONED WYDOT RIGHT-OF-WAY OF STATE HIGHWAY NO. 220, LOCATED WITHIN THE SE1/4SW1/4 OF SECTION 18, T.33N., R.79W. 6<sup>TH</sup> P.M. NATRONA COUNTY, WYOMING, BEING

INCLUDED IN A PLAT CREATING THE WEST CASPER COMMERCE CENTER ADDITION TO THE CITY OF CASPER, NATRONA COUNTY, WYOMING.

Councilmember Johnson presented the foregoing resolution for adoption. Seconded by Councilmember Walsh. Motion passed.

Following ordinance read:

ORDINANCE NO. 9-19

AN ORDINANCE APPROVING THE ANNEXATION, PLAT AND ZONING CREATING THE WEST CASPER COMMERCE CENTER ADDITION, AND THE ASSOCIATED SUBDIVISION AGREEMENT BETWEEN THE CITY OF CASPER AND SEVEN SYNERGY HOLDINGS, LLC.

WHEREAS, Seven Synergy Holdings, LLC has applied for approval of an annexation and plat of a parcel of formerly abandoned WYDOT Right-of-Way of State Highway No. 220, located within the SE1/4SW1/4 of Section 18, T.33N., R.79W., 6th P.M. Natrona County, Wyoming; and,

WHEREAS, in conjunction with the above-described annexation, the applicant has applied for a vacation and replat of Lot 1, McNamara Heights Addition, which, when combined with the area being annexed, will result in the creation of a new subdivision, the West Casper Commerce Center Addition; and,

WHEREAS, application has been made requesting C-2 (General Business) zoning for the proposed West Casper Commerce Center Addition; and,

WHEREAS, a petition requesting annexation has been signed by a majority of the landowners owning a majority of the area sought to be annexed, excluding public streets and alleys and tax exempt property, and said petition has been submitted to the City of Casper for approval pursuant to Section 15-1-403 of the Wyoming State Statutes, as amended; and,

WHEREAS, an annexation report will be completed prior to final approval of the annexation, in accordance with Section 15-1-402 of the Wyoming State Statutes, as amended; and,

WHEREAS, the City of Casper Planning and Zoning Commission recommended that the Council approve the annexation, the vacation and plat creating the West Casper Commerce Center Addition, and the zoning of the same as C-2 (General Business), following a public hearing on February 21, 2019.

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

## **SECTION 1:**

The annexation of a parcel of formerly abandoned WYDOT Right-of-Way of State Highway No. 220, located within the SE1/4SW1/4 of Section 18, T.33N., R.79W., 6th P.M. Natrona County, Wyoming, is hereby approved and said area is included within the corporate limits of the City of Casper and all rights, privileges, and duties pertaining to such inclusion shall apply to said development and the inhabitants thereof.

# SECTION 2:

The vacation and plat creating the West Casper Commerce Center Addition is hereby approved.

# SECTION 3:

The Subdivision Agreement between the City of Casper and Seven Synergy Holdings, LLC is hereby approved, and the Mayor is hereby authorized, and directed to execute, and the City Clerk to attest, said Agreement.

#### SECTION 4:

The West Casper Commerce Center Addition is hereby zoned C-2 (General Business).

#### SECTION 5:

This ordinance shall, pursuant to W. S. § 15-1-408, be in full force and effect on the 21st business day following third reading approval by the City Council, and following publication.

PASSED on 1st reading the 16th day of April, 2019.

PASSED on 2<sup>nd</sup> reading the 7<sup>th</sup> day of May, 2019.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 21st day of May, 2019.

Councilmember Hopkins presented the foregoing ordinance for adoption, on third reading. Seconded by Councilmember Lutz. Motion passed.

## 9. ORDINANCE - THIRD READING

Following ordinance read:

ORDINANCE NO. 8-19

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF SOUTH ELM STREET, BETWEEN WEST COLLINS AVENUE AND WEST 8<sup>TH</sup> STREET.

WHEREAS, the Natrona County School District has requested the vacation of a portion of South Elm Street, located between West Collins Avenue and West 8<sup>th</sup> Street; and, WHEREAS, the portion of South Elm Street proposed for vacation is undeveloped, platted right-of-way underlying the Natrona County High School football stadium/field; and, WHEREAS, a petition containing the signatures of a majority of the owners who own a majority of the property abutting the segments of the street proposed to be vacated and extending 300 feet in all directions from the street to be vacated has been submitted to the City as provided by W. S. §15-4-305; and,

WHEREAS, Natrona County School District has submitted signed consents to release and abandon the utility easement associated with said portion of South Elm Street from all of Casper's utility companies; and,

WHEREAS, the City of Casper has determined that said portion of South Elm Street, West 8<sup>th</sup> Street can be vacated without adversely impacting utility services and traffic circulation within the area; and,

WHEREAS, it is the desire of the governing body of the City of Casper to approve said vacation of a portion of South Elm Street as public right-of-way.

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

### **SECTION 1:**

That the vacation of a portion of South Elm Street, as set forth in Exhibits "A" and "B", which by reference herein are made a part of this ordinance, is hereby approved and vacated.

#### SECTION 2:

That the vacated portion of South Elm Street, as described in Exhibit "A" and illustrated in Exhibit "B", shall revert to the adjoining land owners as provided by law.

# SECTION 3:

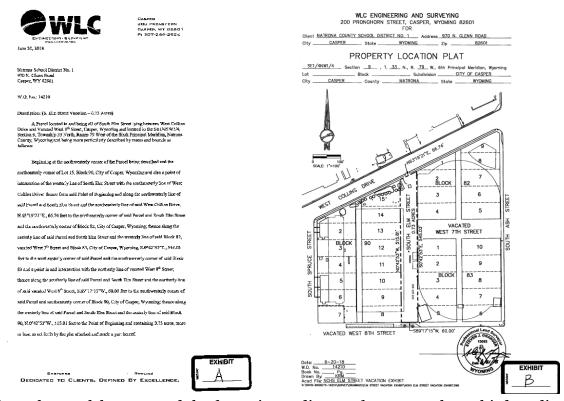
This ordinance shall be in full force and effect from and after passage on three readings, publication pursuant to law.

Vacation of a portion of South Elm Street

PASSED on 1st reading the 16th day of April, 2019.

PASSED on 2<sup>nd</sup> reading the 7<sup>th</sup> day of May, 2019.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 21st day of May, 2019.



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

10.A <u>ORDINANCE- SECOND READING</u> Following ordinance read:

ORDINANCE NO. 10-19 AN ORDINANCE AMENDING PORTION OF CHAPTER 10.36.031 – MOBILE VENDOR PARKING. Councilmember Johnson presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Huber. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

10.B <u>ORDINANCE – SECOND READING</u> Following ordinance read:

ORDINANCE NO. 11-19 AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15.40 – INTERNATIONAL FIRE CODE OF THE CASPER MUNICIPAL CODE.

Councilmember Pacheco presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Huber. Alaina Stedillie, representing Blackbird Pizza, came forward. Councilmembers and Mayor Powell discussed the matter and had questions for Mr. Stedillie, which she addressed. Mayor Powell indicated that the key things he felt Council was concerned about are the truck and trailer standards, exceptions for unique situations, and a process to allow for appeals. City Attorney Henley shared his research and that the State Fire Marshall could be an appellate body and that locally the contractors' licensing board would be as well. City Attorney Henley also shared that this information could be added to the ordinance in some manner for clarification purposes.

Councilmembers discussed the process for appeals, the particulars of having a wood fired oven in a trailer, the perception of Casper being unfriendly to food truck businesses, and the International Fire Code.

Mayor Powell offered that Council had several options including tabling the ordinance and amending the ordinance at a later time.

Moved by Councilmember Hopkins, seconded by Councilmember Bates, to table the ordinance to a date uncertain. Councilmember Huber asked if too many amendments might make the ordinance invalid. City Attorney Henley indicated that it could, but would not necessarily. Councilmember Hopkins withdrew his motion and moved to table the second reading until June 4, 2019. Seconded by Councilmember Bates. Councilmembers Bates, Freel, Johnson, and Hopkins voted aye. Motion to table failed.

Moved by Councilmember Walsh to include language for Council to be the local appellate body, which City Attorney Henley could finalize. Seconded by Councilmember Johnson. Councilmember Huber and Johnson addressed the matter. City Attorney Henley read language for the amendment. Mayor Powell and Councilmembers Hopkins and Huber voted nay. Motion to amend the ordinance passed. Councilmember Huber inquired about the State Fire Marshall being an appellate body, and Mayor Powell clarified that it is already part of State law and would not change because a local appellate had also been assigned.

Moved by Councilmember Hopkins, seconded by Councilmember Johnson, to allow a wood fire stove that meets Underwriters Laboratories standards to be exempt from having a hood. Councilmembers Hopkins and Johnson voted aye, motion to amend failed.

City Attorney Henley asked if Council would like to consider amending the ordinance to not require a fire protection system or hoods in non-enclosed food preparation vehicles, pushcarts, etc. Moved by Councilmember Huber to allow specific language for non-enclosed food preparation vehicles, seconded by Councilmember Lutz. Motion passed.

Council then voted on the ordinance, as amended for appeals and non-enclosed food preparation, on seconded reading. Councilmembers Hopkins and Johnson voted nay. Motion passed.

10.C <u>ORDINANCE – SECOND READING</u> Following ordinance read:

ORDINANCE NO. 12-19 AN ORDINANCE AMENDING CHAPTER 12.24.030 OF THE CASPER MUNICIPAL CODE.

Councilmember Pacheco presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Johnson. No one to spoke regarding the ordinance, and there was no discussion or amendments. Councilmember Huber abstained from voting and Councilmember Walsh was not present for the vote. Motion passed.

#### 11. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-83

A RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE CASPER AREA METROPOLITAN PLANNING ORGANIZATION AND HINGE STUDIO MARKETING AND COMMUNICATIONS, LLC FOR A BICYCLE AND PEDESTRIAN SAFETY CAMPAIGN IN AN AMOUNT OF THREE THOUSAND NINE HUNDRED DOLLARS (\$3,900).

## RESOLUTION NO. 19-84

A RESOLUTION ACCEPTING THE HIGH BID FOR THE SALE OF THE FORMER FIRE STATION NO. 5, APPROVING A REAL ESTATE PURCHASE AGREEMENT, AND AUTHORIZING A WARRANTY DEED FOR CLOSING ON THE SALE OF FIRE STATION NO. 5, LOCATED AT 4000 EAST 15TH STREET.

RESOLUTION NO. 19-85

A RESOLUTION APPROVING AMENDMENT NUMBER 1 TO AMENDMENT NUMBER 1 TO THE MCMURRY BUSINESS PARK PUD GUIDELINES AND THE OPEN SPACE ANNEXATION AGREEMENT.

# RESOLUTION NO. 19-86

A RESOLUTION APPROVING AMENDMENT NUMBER 1 TO AMENDMENT NUMBER 2 TO THE MCMURRY BUSINESS PARK PUD GUIDELINES AND THE OPEN SPACE ANNEXATION AGREEMENT.

#### RESOLUTION NO. 19-87

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF CASPER AND THE NATRONA COUNTY CONSERVATION DISTRICT.

## RESOLUTION NO. 19-88

A RESOLUTION AUTHORIZING A REVOCABLE LICENSE AGREEMENT WITH JEFF MCDONALD FOR MAINTENANCE OF A DECK WITHIN CITY-OWNED PROPERTY.

# RESOLUTION NO. 19-89

A RESOLUTION AUTHORIZING AN AGREEMENT WITH 71 CONSTRUCTION, FOR JACKSON AND 8TH SEWER REPAIRS, PROJECT NO. 19-017.

Councilmember Hopkins presented the foregoing seven (7) resolutions for adoption. Seconded by Councilmember Johnson. Motion passed.

#### 12. MINUTE ACTION—CONSENT

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

- 1. authorizing the purchase of GE Orbit Radios from GE MDS, LLC, in the amount of \$53,759, to upgrade the existing traffic network;
- 2. authorizing \$25,000 in health, social and community services cash funding to support community promotions events; and
- 3. authorizing the purchase of computer forensic equipment and software, including a Talino Forensic Workstation, from Sumari, in the total amount of \$33,890. Motion passed.

#### 13. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmember Freel inquired about parking restrictions in the vicinity of Eagle and Sweetbriar. City Manager Napier indicated that it is often because of the width of the street, but he would research the issue. Councilmember Lutz requested further discussion on the food trucks in the near future. Mayor Powell indicated further discussion could occur at the work session next week.

#### 14. ADJOURN INTO EXECUTIVE SESSION

Mayor Powell noted the next meetings of the City Council will be a special work session to be held at 4:30 p.m., Wednesday, May 22, 2019, in the Council's meeting room; a work session to be held at 4:30 p.m., Tuesday May 28, 2019 in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, June 4, 2019, in the Council Chambers.

At 8:36 p.m., it was moved Councilmember Johnson, seconded by Councilmember Freel, to adjourn into executive session to discuss personnel and property acquisition. Motion passed. Council moved into the Council meeting room.

At 9:20 p.m., it was moved by Councilmember Walsh, seconded by Councilmember Freel, to adjourn the executive session. Council returned to the Council Chambers.

# 15. ADJOURNMENT

At 9:21 p.m., it was moved by Councilmember Walsh, seconded by Councilmember Huber, to adjourn the regular Council meeting. Motion passed.

ATTEST:	CITY OF CASPER, WYOMING A Municipal Corporation		
Fleur D. Tremel City Clerk	Charles Powell Mayor		