

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
November 19, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, November 19, 2019. Present: Councilmembers Bates, Cathey, Freel, Hopkins, Huber, Johnson, Lutz, Pacheco, and Mayor Powell.

2. PLEDGE OF ALLEGIANCE

Girl Scout Troop 1839 led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Pacheco, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the November 5, 2019, regular Council meeting, as published in the Casper-Star Tribune on November 14, 2019. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Lutz, to, by minute action, approve the minutes of the November 5, 2019, executive session. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Johnson, seconded by Councilmember Freel, to, by minute action, approve payment of the November 19, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 11/19/19		
307CllsnCntr	Services	4,071.00
71Const	Projects	29,563.00
AMBI	Services	1,128.74
AAALndscpng	Services	774.51
AceHrdwr	Goods	464.21
Airgas	Goods	851.51
AllianceElect	Services	257.86
Allurtech	Services	42.00
Alsco	Services	842.72
AmeriTech	Services	609.29
Amerigas	Goods	923.01
Arcadis	Projects	24,445.90
AtlanticElect	Services	849.42
AtlasOffice	Goods	1,636.81
AtlasRprdction	Services	14.00
Bargreen	Goods	66.57
BnkofAmerica	Goods	130,564.48
BigWest	Services	8,725.00
CarrCoatings	Services	99,000.00
CsprBldgSystems	Projects	7,905.40

CsprElectric	Projects	1,090.42
CsprPblcUtilities	Utilities	349,693.36
CsprStarTrib	Ads	1,148.92
CsprTire	Goods	340.00
CtrlWyRegWtr	Funding	412,836.97
CenturyLink	Utilities	18,206.40
Cigna	Services	11,856.91
CityofCasper	Services	97,139.08
CivilEng	Services	780.00
Convergeone	Services	834.58
CPU	Goods	22,703.25
CrownConst	Services	128,316.50
CSConsulting	Services	2,000.00
DavidsonFxdIncome	Services	3,881.01
DCFrostAssoc	Services	40,278.48
Dell	Services	166.39
DRuiz	Services	160.00
DynmcCntrls	Services	158,313.00
EdgeEng	Services	400.00
EmrgencyMed	Services	899.40
EngnrngDsign	Services	5,875.00
FHiday	Reimb	150.00
FirstData	Services	6,639.88
FirstIntrstBk	Services	45.45
FMoore	Reimb	147.59
FrtCaspMsmAssoc	Services	1,479.00
GaryMarsh	Services	1,839.83
GolderAssoc	Projects	33,475.79
GSGArch	Projects	2,451.64
HDREng	Services	6,611.24
HendersonDrilling	Services	1,604.85
Homax	Goods	26,082.28
Inberg-Miller	Services	1,348.50
IntegratedTech	Services	5,280.00
JWatson	Reimb	284.98
KeenanSupply	Goods	10,491.82
KellySvcs	Services	66.33
KiwanisClub	Dues	228.00
KnifeRvr	Goods	400,779.72
Kubwater	Goods	5,618.85
LNCurtis	Goods	10,755.00
LwOffHYoung	Services	1,350.00
LisasSpicSpan	Services	800.00
LongBldg	Services	7,506.22
LowerCo	Services	2,700.00

MDolbare	Reimb	120.11
MMcDaniels	Reimb	120.99
McMurry	Goods	2,939.75
Motorola	Goods	10,117.83
MtnWest	Utilities	2,000.00
Napa	Goods	99,033.05
NCHHealth	Funding	45,000.00
NCSheriff	Services	121,513.35
OlsonAutobody	Services	3,099.51
OneCallWY	Services	736.50
PeakGeosltns	Services	2,779.26
PelicanCorp	Goods	2,248.94
PepperTnk	Services	1,200.00
PostalPros	Services	3,219.70
PrsrvtionSolutions	Services	1,250.00
PSCC	Services	507.77
RamshornConst	Services	42,792.35
RealDeal	Services	3,500.00
RckyMtnPwr	Utilities	68,232.26
RootrSwr	Services	483.48
RsslInd	Services	3,817.47
SafetyKleen	Services	255.00
ShoshoneDist	Goods	305.00
Simplot	Goods	4,833.85
SoftDr	Goods	178.00
Stealth	Services	48,726.29
ThirtyThreeMIRd	Services	234.00
TopOffice	Services	73.61
TransmissionDist	Services	19,766.03
TretoConst	Projects	375,479.82
TylerTech	Services	23,716.05
Verizon	Utilities	120.11
ViewpntGov	Services	2,457.00
VisionSvcPlan	Services	1,197.32
WardwellWtr	Utilities	114.05
WayneColemanConst	Projects	101,534.79
WearParts	Goods	48.18
WenckAssoc	Services	15,768.15
WstrnPlnsLnscping	Services	12,611.64
WiredElect	Projects	2,872.50
WyDeptofWrkfr	Services	2,004.00
WYMachinery	Goods	7,507.35
Xerox	Services	221.08
Total		3,132,128.21

6. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Craig Sheets, regarding various safety issues; Thea True-Wells and members of Girl Scout Troop #1839; and Chris Detrick, 3570 Washakie St., requesting speed control in the vicinity of Kelly Walsh High School (specifically Washakie and Wind River Avenue). Councilmembers had several questions and comments for Mr. Detrick. Andrea Boyer, 2116 Omaha Trl, Bar Nunn, shared concerns about women being allowed to be topless in public.

7. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Pacheco, seconded by Councilmember Hopkins, to, by minute action, establish December 3, 2019, as the public hearing date for the consideration of:

- a. approve the City-initiated annexation of thirteen (13) properties along the west side of South Poplar, south of West 50th Street; and the zoning of said properties as AG (Urban Agriculture);
- b. approve a plan and subdivision agreement for the Fairgrounds Home Addition No. 2;
- c. plat creating the Ihli Addition to the City of Casper, and zoning of said addition as R-2 (One Unit Residential); and

Establish January 7, 2020, as the public hearing date for the consideration of:

- a. annexation compliance with Title 15, Chapter 1, Article 4 of the Wyoming State Statutes to determine if the annexation of thirteen (13) properties along the west side of South Poplar, south of West 50th Street; and the zoning of said properties as AG (Urban Agriculture), complies with W.S. 15-1-402.

1. Resolution.

2. Third reading ordinance approving annexation, and zoning of thirteen (13) properties along the west side of South Poplar, south of West 50th Street; and

Establish January 21, 2020, as the public hearing date for the consideration of:

- a. annexation compliance with Title 15, Chapter 1, Article 4 of the Wyoming State Statutes to determine if the annexation of the Ihli Addition to the City of Casper complies with W.S. §15-1-402.

1. Resolution.

2. Third reading ordinance approving annexation, and zoning of the Ihli Addition.

Motion passed.

8.A.1 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the plat creating the Dewald Divide Addition.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated November 15, 2019 and an affidavit of publication, as published in the Casper-Star Tribune, dated November 4, 2019. City Manager Napier provided a brief report.

Speaking in support was David Dewald, applicant. There being no others to speak for or against the issues involving the Dewald Divide Addition, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 32-19
AN ORDINANCE APPROVING A PLAT, SUBDIVISION
AGREEMENT AND ZONE CHANGE CREATING THE
DEWALD DIVIDE ADDITION SUBDIVISION IN THE CITY OF
CASPER, WYOMING.

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

8.A.2 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of an ordinance amending the Casper Municipal code pertaining to thirty and forty mile per hour speed zones.

City Attorney Henley entered one (1) exhibit: correspondence from Andrew Beamer to J. Carter Napier, dated October 9, 2019. City Manager Napier provided a brief report.

Speaking in opposition was Gabriel Green, 5041 Pay It Forward Drive.

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

Following ordinance read:

ORDINANCE NO. 33-19
AN ORDINANCE AMENDING SECTION 10.24.010 AND
SECTION 10.24.020 OF THE CASPER MUNICIPAL CODE
PERTAINING TO THIRTY AND FORTY MILE PER HOUR
SPEED ZONES.

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

8.B PUBLIC HEARING - MINUTE ACTION

Mayor Powell opened the public hearing for the consideration of transfer of ownership for Retail Liquor License No. 18 for 3OH7 Hospitalities, LLC d/b/a C85 @ The Wonder Bar, located at 256 South Center Street to Casper Chop House, LLC, d/b/a Wyoming's Rib and Chop House, located at 256 South Center Street.

City Attorney Henley entered five (5) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated October 21, 2019; an affidavit of publication, as published in the Casper-Star Tribune, dated November 12, 2019; an affidavit of website publication, as published on the City of Casper website, dated November 8, 2019; an affidavit of notice of conspicuous posting, as posted at 256 South Center Street, dated November 8, 2019; and the liquor license application filed October 16, 2019. City Manager Napier provided a brief report.

Speaking in support was Chris O'Brian, applicant.

There being no others to speak for or against the issues involving Retail Liquor License No. 18, the public hearing was closed.

Moved by Councilmember Hopkins, seconded by Councilmember Freel, to, by minute action, authorize the issuance of Retail Liquor License No. 18. Motion passed.

9.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 30-19

AN ORDINANCE APPROVING A ZONE CHANGE OF 1.65-ACRES DESCRIBED AS TRACT A, GARDEN CREEK SQUARE ADDITION SUBDIVISION IN THE CITY OF CASPER, WYOMING.

WHEREAS, an application has been made to rezone the above described tract from zoning classification Planned Unit Development (PUD) to General Business (C-2); and, WHEREAS, after a public hearing on September 19, 2019, the City of Casper Planning and Zoning Commission passed a motion recommending that City Council approve the zone change request; and, WHEREAS, the governing body of the City of Casper finds that the above described zone change should be approved.

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

SECTION 1:

Tract A, Garden Creek Square Addition, described as a 1.65 -acre parcel located at the northwest corner of SW Wyoming Boulevard and South Coffman Avenue, is hereby rezoned from zoning classification Planned Unit Development (PUD) to General Business (C-2).

SECTION 2:

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

PASSED on 1st reading the 15th day of October, 2019.

PASSED on 2nd reading the 5th day of November, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the 19th day of November, 2019.

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

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

9.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 31-19

AN ORDINANCE AMENDING SECTION 16.16.020 AND 16.24.010 OF THE CASPER MUNICIPAL CODE TO COINCIDE WITH UPDATES TO THE HORIZONTAL REFERENCE DATUM USED BY THE CITY OF CASPER.

WHEREAS, the City of Casper is moving to a new horizontal datum for which all data submitted to the City should be referenced as defined by Casper Municipal Code Sections

16.16.020 and 16.24.010; and,

WHEREAS, the City Council of Casper, Wyoming, has determined that Sections 16.16.020 and 16.24.010 of the Casper Municipal Code should be amended to update the horizontal reference datum; and,

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

Section 1:

That Section 16.16.020.V.3 of the Casper Municipal Code shall be amended to read as follows: Survey data shall be compatible with the City GIS and CAD infrastructures, all data must be horizontally referenced to NAD 83(2011) Wyoming state plane east central zone, US Survey Feet. That Section 16.24.010.R.3.a of the Casper Municipal Code shall be amended to read as follows: Horizontal Control: NAD 83(2011) Wyoming state plane east central zone, US Survey Feet.

Section 2:

This ordinance shall become in full force and effect twenty-one (21) days after passage on third reading.

PASSED on 1st reading the 15th day of October, 2019.

PASSED on 2nd reading the 5th day of November, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the 19th day of November, 2019.

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

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

10. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-222

A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH THE WYOMING OFFICE OF STATE LANDS AND INVESTMENTS FOR THE MIDWEST AVENUE RECONSTRUCTION - ELM STREET TO SPRUCE STREET PROJECT.

RESOLUTION NO. 19-223

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 WITH JTL GROUP, INC., DBA KNIFE RIVER, INC., FOR A PRICE INCREASE FOR THE 2018 ARTERIALS & COLLECTORS IMPROVEMENTS PROJECT NO. 17-093.

RESOLUTION NO. 19-224

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH CARR COATINGS LLC, FOR A TIME EXTENSION AS PART OF THE NORTH PARK TANK EXTERIOR PAINTING PROJECT.

RESOLUTION NO. 19-225

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY EASEMENT WITH ROCKY MOUNTAIN POWER FOR THE CASPER ICE ARENA ICE CHILLER SYSTEM REPLACEMENT, PROJECT NO. 15-58.

RESOLUTION NO. 19-226

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH WWC ENGINEERING (WWC), FOR PROFESSIONAL SERVICES FOR PHASE 2A OF THE K STREET IMPROVEMENTS PROJECT.

RESOLUTION NO. 19-227

A RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE WYOMING DEPARTMENT OF TRANSPORTATION FOR THE INTERSTATE 25 & CASPER MARGINAL WATER AND SANITARY SEWER MAIN REPLACEMENT PROJECT.

RESOLUTION NO. 19-228

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH WLC ENGINEERING, SURVEYING, AND PLANNING, INC. FOR DESIGN AND BIDDING FOR THE RIDGECREST ZONE 2 & 3 WATERLINE REPLACEMENTS, PROJECT NO. 19-037.

RESOLUTION NO. 19-229

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH TRETO CONSTRUCTION LLC, FOR A TIME EXTENSION AND PRICE INCREASE AS PART OF THE NORTH BEVERLY STREET IMPROVEMENTS PROJECT.

RESOLUTION NO. 19-230

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WYOMING MEDICAL CENTER FOR PUBLIC SAFETY DISPATCHING AND E-911 TELEPHONE SERVICES.

RESOLUTION NO. 19-231

A RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT WITH CALLY E. LUND, MUNICIPAL JUDGE.

RESOLUTION NO. 19-232

A RESOLUTION ESTABLISHING A MEMORANDUM OF UNDERSTANDING BETWEEN THE HOGADON NIGHT SKIING PROJECT AND THE CITY OF CASPER FOR HOGADON NIGHT SKIING.

RESOLUTION NO. 19-233

A RESOLUTION AUTHORIZING RELEASE OF LOCAL ASSESSMENT DISTRICT LIENS.

Moved by Councilmember Huber, seconded by Councilmember Freel to suspend the rules of Council. Motion passed. Councilmember Huber shared his concerns with Resolution No. 19-229, a change order for the North Beverly Street improvements project, and asked for guidance on how to proceed. City Manager Napier offered that the item could be removed from the consent list and considered separately or that staff could provide further information. Mayor Powell asked several questions on about the project. City Manager Napier indicated that this project was challenging and that Treto Construction and the City worked hard to allow access to the area during construction. He also stated that complaints were received during the project. Councilmembers Lutz and Hopkins spoke about complaints they received. City Manager Napier offered that staff could further address the issue. Andrew Beamer, Public Services Director, spoke on time delays, liquidated damages, and the requested time extension. Mayor Powell asked about contractual obligations for construction firms to act in a professional manner. Councilmember Freel shared his concerns with complaints he received. City Manager Napier stated that it would be reasonable to include a professional standard in City contracts. Councilmember Huber said he would move to approve this resolution but with the addendum of both the expectation of decorum at a level required of City employees and a note regarding the patterns of delay with this project. Mayor Powell asked if decorum could be addressed for this project. Mr. Beamer stated that liquidated damages were already being assessed and that it is hard to change a contract after it has been executed. Councilmember Huber said this item could be considered as-is. Councilmember Freel asked about the completion date of the project, which Mr. Beamer addressed.

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

11. MINUTE ACTION– CONSENT

Moved by Councilmember Johnson, seconded by Councilmember Lutz, to, by consent minute action:

- 1) authorize the purchase of one (1) new snow groomer and attachments, from Peterson Equipment, in the total amount of \$332,000;
- 2) authorize the purchase and installation of twelve (12) new foam filled loader tires, from Big Horn Tire Inc., in the total amount of \$70,378;
- 3) authorize the purchase of three (3) new mid-size police utility vehicles from Fremont Motors, in the total amount of \$237,450;
- 4) authorize the purchase of two (2) 2019 Honda CRF 1000LK Africa twin manual shift motorcycles from Casper Mountain Motorsports, in the total amount of \$27,665.50; and

5) authorize the purchase of one (1) 2019 Dodge Ram 3500 pickup with plow, from Fremont Motors, Casper, Wyoming, in the total amount of \$36,236.70.
Motion passed.

12. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke on past and future community events, as well as meetings they attended.

13. 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, November 26, 2019, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, December 3, 2019, in the Council Chambers.

At 7:21 p.m., it was moved Councilmember Pacheco, seconded by Councilmember Bates, to adjourn into executive session to discuss land items and litigation. Motion passed. Council moved into the Council meeting room.

At 8:20 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Lutz, to adjourn the executive session. Motion passed. Council returned to the Council Chambers.

14. ADJOURNMENT

At 8:21 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Lutz, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Charles Powell
Mayor