

COUNCIL PROCEEDINGS
Casper City Hall – Video Conference Call
June 2, 2020

1. ROLL CALL

Casper City Council met in regular session at 6:13 p.m., Tuesday, June 2, 2020. Present at City Hall: Mayor Freel and Councilmembers Huber and Pacheco. Councilmembers Bates, Cathey, Hopkins, Johnson, Powell and Vice-Mayor Lutz attended via conference call.

2. MINUTES

Moved by Councilmember Pacheco, seconded by Councilmember Huber, to, by minute action, approve the minutes of the May 19, 2020, regular Council meeting, as published in the Casper-Star Tribune on May 28, 2020. Motion passed.

3. BILLS & CLAIMS

Moved by Councilmember Huber, seconded by Councilmember Pacheco, to, by minute action, approve payment of the June 2, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 06/02/20

33MileRd	Services	222.00
477KM	Services	318.00
AMBI	Services	869.99
AbrasiveMgmt	Services	6,000.00
Adecco	Services	1,164.00
Ahern	Services	2,633.59
AHiatt	Reimb	930.82
AHusted	Reimb	130.20
AirInnov	Services	1,921.00
Airgas	Goods	795.35
Alsco	Services	15.00
AMSignal	Goods	6,280.74
Amerigas	Goods	116.56
ARCoFNC	Services	2,967.69
AtlanticElect	Services	13,141.55
AtlasOffice	Goods	1,243.18
BadgerMeter	Goods	126.38
BCoyle	Reimb	364.50
BnkofAmerica	Goods	98,465.10
BlckHllsEnrgy	Utilities	1,611.02
BloedornLmbr	Goods	536.67
BreitRoofing	Services	30,000.00
Brenntag	Goods	9,868.10
Caselle	Services	75.00
CsprStarTrib	Ads	5,420.74

CsprTin	Goods	285.00
CsprTire	Goods	15.00
CsprWinnlson	Goods	539.38
CtrlWySrSves	Funding	110,026.10
CenturyLink	Services	931.36
CH2MHill	Services	3,169.79
CtyofCspr	Services	166,217.72
CivilEng	Services	17,667.55
CMITeco	Goods	11,180.55
ClctnCtr	Services	862.73
CLynch	Reimb	913.91
CommTech	Goods	103.00
CmprsnLsng	Services	4,391.86
CndrdncHlth	Goods	5,762.82
Convrgeone	Goods	920.65
CrimeScn	Services	109.87
CrosleyClnng	Services	125.00
CrumElect	Services	65.07
Decker	Services	306.11
DennisSply	Goods	9.41
EastonSls	Goods	730.28
FergusonEnt	Goods	503.65
FirstData	Goods	19.95
FIB	Services	1,548.68
FloydsTrck	Goods	310.28
ForterraPipe	Goods	767.46
Galls	Services	1,362.85
Geosyntec	Services	3,258.32
GblEquip	Goods	364.71
GolderAssoc	Services	7,636.25
Grainger	Goods	36.94
GreensSwr	Services	113.00
HaassConst	Services	114,142.05
Hwrdspply	Goods	907.16
HP	Goods	40,142.08
InbergMiller	Services	607.50
JSpeiser	Reimb	965.31
KiwanisClb	Dues	96.00
KnifeRiver	Goods	10,973.38
Kubwater	Goods	5,618.85
Lamar	Services	1,300.00
LwOffcHYoung	Services	2,700.00
LetzsAplnc	Goods	242.20
LisasPcnSpn	Services	1,285.00
McMurry	Goods	195.63

MBkerIntl	Goods	5,500.00
MichaelsFence	Goods	5.68
Motorola	Goods	54,767.33
MtnStatesLitho	Services	258.05
MtnWestTele	Utilities	1,000.00
NCHlthDpt	Funding	45,000.00
NCSheriff	Services	127,828.20
Norco	Services	615.42
NrthrnLghts	Goods	15,775.00
NWCntrcts	Goods	186.12
OlsonAuto	Services	1,291.25
OneCall	Services	846.75
OverheadDr	Services	486.76
Paciolan	Services	7,668.00
PltteRvrCrss	Funding	10,650.50
PstlPros	Services	6,621.33
PZowada	Reimb	393.60
RecycledMtrls	Goods	5,745.66
RlrdMgmt	Services	1,514.07
RMarshall	Reimb	114.32
RckyMtnPwr	Utilities	67,920.02
RdlphBrths	Goods	694.50
RogueMchncl	Goods	425.00
RooterSwr	Services	438.24
ShrwnWllms	Goods	347.52
SoftDr	Goods	36.25
StofWY-DeptofAg	Permits	550.00
Stateline7	Services	10,500.00
StellarPrg	Services	1,923.75
StotzEquip	Services	3,850.00
SwansonConst	Services	500.00
SWiLLC	Services	27,583.00
TGaines	Reimb	150.00
TGilbert	Reimb	768.30
Therxprssns	Services	200.00
TopOffice	Goods	44.97
Trihydro	Services	5,121.25
TylerTech	Goods	15,804.00
Uniforms2Gear	Goods	826.44
Verizon	Services	326.98
VermeerSl	Goods	285.19
VolanceLng	Services	203.92
VCRCo	Goods	83.60
WColemanConst	Services	14,176.00
WGonzales	Reimb	150.00

WsrtnCoop	Goods	1,797.50
WWCEng	Services	24,119.80
WLCEng	Services	48,656.74
WSKF	Services	3,506.25
Wydot	Services	263.78
WySteel	Goods	6,363.40
XeroxCorp	Services	35.42
Total		1,228,567.45

4. BRIGHT SPOT

Mayor Freel welcomed Steve Mogan, of 307 First. He read a proclamation designating June as “307 First” month and explained that this non-profit focuses on supporting Wyoming owned businesses.

5. COMMUNICATIONS FROM PERSONS VIA TELEPHONE

Stacy Fagerstone, 6654 Westland, requested that outdoor pools be open this summer. Council discussed the current state level limitations in place for pools and the potential of these requirements being lifted in time for the summer season. Other individuals addressing the Council were: Connie Rogers, 4511 Moose, requesting the use of optional one cent funds for curbside recycling in Casper; and Keith Rolland, 542 S. Durbin, sharing concerns about the consent agenda process and three items on the consent agenda.

6. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Hopkins, seconded by Councilmember Cathey, to, by minute action: establish June 16, 2020, as the public hearing date for the consideration of the adoption of the fiscal year 2020 budget amendment no. 3; and the adoption of the fiscal year 2020-2021 budget. Motion passed.

7.A ORDINANCE– THIRD READING

Following ordinance read:

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

Councilmember Huber presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Powell.

Individuals addressing the Council were: Joe Toups, Centennial Hills Home Owners Association; Leroy Erickson, Waste Connections; and Eric Grinstead, Insight Builders. Speakers shared concerns with the ordinance and offered suggestions for the handling of litter control.

Moved by Councilman Huber, to amend the ordinance to insert in paragraph B “If there is a potential for windblown debris and litter, than the owner, agent or contractor shall have and maintain upon the site at least one container with covers”. Seconded by Councilmember Pacheco. Councilmember Powell suggested adding “and place all windblown materials in that container”. Councilmembers Huber and Pacheco agreed to the addition. Councilmember Cathey voted nay, motion to amend passed.

Councilmember Huber clarified that the amendment, as passed inserts into paragraph B the following “If there is a potential for windblown debris and litter, than the owner, agent or contractor shall have and maintain on the site at least one container with covers and shall place all potential windblown debris and litter into said covered container”. The inserted material is then followed by the rest of the already existing language starting with “and shall make appropriate arrangements”.

City Manager Napier asked if Council would entertain feedback on the ordinance from an enforcement standpoint. Police Chief McPheeters requested that Council consider language that would address litter that had already blown off the site, and cited the recommended language.

Moved by Councilmember Huber to amend paragraph A by inserting “at, or originating from” after “of any litter on,”. Seconded by Vice-Mayor Lutz. Motion to amend passed.

Moved by Councilmember Pacheco to accept two (2) additional images of acceptable covers, which would then total eight (8) images. Seconded by Councilmember Bates. Councilmember Huber asked if the images of acceptable cover types were examples not limitations. City Attorney Henley stated that the images are examples, not the exclusive acceptable covers. Councilmember Cathey voted nay. Motion to amend passed.

Council voted on the ordinance, on third reading, as amended. Mayor Freel and Councilmembers Bates and Cathey voted nay. Motion passed. Ordinance, as amended follows.

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

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

SECTION 1:

That Section 8.40.050 of the Casper Municipal Code is hereby amended to add the language identified in bold/capital letters, to read as follows:

8.40.050 Construction and Demolition Projects

- A. It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation, other than as restricted by subsection (B) of this section, of any litter on, at, or originating from, the site within thirty days prior to the commencement of construction or demolition, or during or within thirty days after completion of the construction or demolition.
- B. If there is a potential for windblown debris and litter, then the owner, agent, or contractor shall have and maintain on the site, at least one container, with cover, and shall make appropriate arrangements for the collection thereof or shall transport the same by himself or his agent or employee to an authorized facility for final disposition. Any potential windblown materials must be placed within said covered containers. Acceptable, but not exclusive, examples of covers are illustrated here:





SECTION 2:

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

PASSED on 1st reading the 5th day of May, 2020.

PASSED on 2nd reading the 19th day of May, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 2nd day of June, 2020.

7.B ORDINANCE– THIRD READING

Following ordinance read:

ORDINANCE NO. 9-20

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

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Powell.

Amber Polluck, Backwards Distilling, addressed Council to request the allowance of liquor delivery services in Casper. Councilmembers Bates and Powell spoke regarding the current restrictions in place on liquor delivery. City Attorney Henley further elaborated on the matter and on how other Wyoming communities were handling delivery of alcohol. He also suggested that he could approach the Wyoming Attorney General for guidance. Council also discussed having the Wyoming Association of Municipalities address the issue during a legislative session. Ms. Polluck thanked Council for their consideration and requested that the Attorney General be consulted. Mayor Freel requested that staff contact the Attorney General.

Councilmember Bates asked about overtime costs associated with large open container events. City Manager Napier indicated that overtime would be necessary. Councilmember Cathey expressed concerns about the timing of beginning these open container events.

Moved by Councilmember Cathey to amend the ordinance to remove the open container area, and allowing open containers by permit only. Seconded by Councilmember Hopkins. Councilmembers Bates, Cathey, and Hopkins voted aye. Motion to amend failed.

Moved by Councilmember Bates, to put in place the expanded open container area in 2021. Motion died for a lack of a second.

Vice-Mayor Lutz asked if open container events could be paired down or limited such as one day per week. City Attorney Henley Council indicated Council has many options in controlling open containers (hours/locations/frequency).

City Attorney Henley requested that Council consider setting the fee for manufacturer's off-premises permits, and that \$25 had been recommended. Moved by Councilmember Pacheco to amend the ordinance to set the fee at \$0. Seconded by Vice-Mayor Lutz. Motion to amend passed.

Councilmember Pacheco asked for clarification on the permit fee for special malt beverages. City Attorney Henley stated that Council would need to set a dollar amount for that fee, and that \$1000 had been recommended. He also clarified that the last amendment only set the fee for off-premises permits and a separate amendment would be needed for special malt beverages.

Moved by Councilmember Bates to set the permit fee for special malt beverages at \$500. Seconded by Councilmember Powell. Councilmembers Bates and Powell voted aye. Motion to amend failed.

Moved by Councilmember Pacheco to set the permit fee for special malt beverages at \$1000. Seconded by Vice-Mayor Lutz. Motion to amend passed.

Council then voted on the ordinance, on third reading as amended. Motion passed. Ordinance as amended follows.

ORDINANCE NO. 9-20
AN ORDINANCE UPDATING AND AMENDING SECTIONS
5.08.010, 5.08.050, 5.08.080, 5.08.100, 5.08.105, 5.08.130, 5.08.140,
5.08.150, 5.08.280, 5.08.340, 5.08.480, 5.08.530, AND 5.08.535 OF
THE CASPER MUNICIPAL CODE.

WHEREAS, the current Casper Municipal Code regarding alcohol beverages requires updating from time to time; and,

WHEREAS, authority is granted to cities and towns by W.S. 15-1-103(a) (iv), (xiii) and (xli) to adopt ordinances and regulations for the health, welfare, and safety of the city and to license and regulate business activities within the City for the health, safety, and welfare of its citizens; and,

WHEREAS, the governing bodies of cities and towns may perform all acts in relation to the property and concerns of the city or town necessary to the exercise of its corporate powers; and,

WHEREAS, the City Council of Casper, has recently authorized the renewal of numerous liquor licenses, notwithstanding that some of the licenses are in essence parked or not being used as intended; and,

WHEREAS, incorporated cities, towns and counties within Wyoming are the entities which are charged with licensing, regulating and prohibiting the retail sale of alcoholic and malt beverages within their jurisdictions (Wyo. Stat. §12-4-101(a)); and,

WHEREAS, pursuant to state law, liquor licenses are to be operational within one (1) year after license issuance or transfer and remain operational thereafter (Wyo. Stat. §12-4-103 (a)(iv)); and,

WHEREAS, “remains operational” means operational consecutively, in any license term year, for twelve (12) months unless the license was issued for a seasonal operation (Wyo. Stat. §12-4-103(a)(iv); and,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following sections of Chapter 5.08 of the Casper Municipal Code are hereby updated and amended as follows:

5.08.010 - Definitions.

As used in this chapter:

1. “Alcoholic liquor” means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains at least one-half of one percent of alcohol by volume. As used in this paragraph, “beverage” does not include liquid filled candies containing less than six and one quarter percent of alcohol by volume.
2. “Bar and grill liquor license” means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
3. “Barrel” is a unit of liquid measure equal to thirty-one U.S. gallons.
4. “Brewery” means a commercial enterprise at a single location producing more than fifty thousand barrels per year of malt beverage.
5. “Building” means a roofed and walled structure built or set in place for permanent use.
6. “Club” means any of the following organizations:
 - a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
 - b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subdivision, an American fraternal organization means an organization actively operating in not less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;
 - c. A hall or building association of a local unit specified in subdivisions a and b of this subsection, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;
 - d. A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
 - e. A social club with more than one hundred bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings, and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the division a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a

- detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to this chapter, shall be in good standing by having paid at least one full year in dues;
- f. Club does not mean college fraternities or labor unions.
 7. “Conviction” shall mean a finding of guilty, the entry of a guilty or no contest plea, or the entry of a guilty or no contest plea as part of a deferred sentence in any court.
 8. “Division” means the Wyoming Liquor Division.
 9. “Industry representative” means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.
 10. “Intoxicating liquor,” “alcoholic liquor,” “alcoholic beverage” and “spirituous liquor” are construed as synonymous in meaning and definition.
 11. “Licensee” means a person holding a:
 - a. Retail liquor license;
 - b. Limited retail liquor license;
 - c. Resort liquor license;
 - d. Malt beverage permit;
 - e. Restaurant liquor license;
 - f. Catering permit;
 - g. Special malt beverage permit; or
 - h. Bar and grill liquor license;
 - i. Manufacturer’s license-granted by the Wyoming Liquor Division and a City issued satellite manufacturer’s permit.
 - j. Microbrewery and/or winery permits.
 12. “Limited retail liquor license” means a license issued as hereinafter provided to a bona fide fraternal club.
 13. “Malt beverage” means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent of alcohol by volume.
 14. “Malt beverage permit” means the authorization under which the licensee is permitted to sell malt beverages only.
 15. “Manufacture” or “manufactures” means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent alcohol by volume;
 16. “Microbrewery” is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(xix).
 17. “Operational”, for nongovernmental owned properties, means offering for sale on an ongoing weekly basis for twelve (12) months per year during the license term year to the general public, alcohol and malt beverages as authorized, and as stated herein excluding periods of time where government issued community public health orders restrict the licensee’s business operations.
 18. “Original package” means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

19. “Person” includes an individual person, partnership, corporation, limited liability company or association.
 20. “Resident” means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
 21. “Restaurant” means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full-service restaurant. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.
 22. “Restaurant liquor license” means the authority under which a licensee is permitted to sell alcoholic liquor and malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
 23. “Retail liquor license” means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption, but not for resale.
 24. “Room” means an enclosed and partitioned space within a building, large enough for a person. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.
 25. “Sell” or “sale” includes offering for sale, trafficking in, bartering, delivery, or dispensing and pouring for value, exchanging goods, services or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.
 26. “Special malt beverage permit” means the authority under which a licensee is permitted to sell malt beverages at public auditoriums, civic centers or events centers, meeting the qualifications hereinafter provided.
 27. “Weekly basis” means at least eight hours per day five days per week for forty-six weeks for retail, and bar and grill licenses at a location not owned by the State of Wyoming, Natrona County or the City of Casper, and at least five hours per day five days per week for fifty weeks per year for a restaurant license, unless the license was issued as a seasonal license and excluding periods of time where government issued public health orders restrict community wide business operations.
 28. “Wholesaler” means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.
 29. “Winery” means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.
- (Ord. 33-06 §§ 1, 2, 2006; Ord. 24-96 § 1, 1996; Ord. 22-93 § 1, 1993; Ord. 8-88 § 1, 1988; Ord. 25-86 (part), 1986; prior code § 3-1) (Ord. No. 34-15, § 1, 12-15-2015; Ord. No. 2-19, 3-5-2019)

5.08.050 – License application – Contents and fees.

Any person desiring a license or permit, including a satellite manufacturer’s permit, under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the city, shall apply to the city council for the same upon a form of application prepared by the attorney

general of the state and furnished to the city. It shall be sworn to by the applicant, filed timely in the office of the city clerk and be accompanied by the sum of fifteen dollars in the event that it is submitted as an application for annual renewal to become effective on the annual renewal date of April 1st, and in the sum of eighty dollars for an application submitted at any other time or for any other purpose. The set amount is intended to defray the expense including publishing notice of such application as required by law. Such application shall contain the following the information:

A. The location and description of the licensed building in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plan of the licensed building and premises to be licensed;

B. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;

C. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic or malt beverages within ten years prior to the filing of the application;

D. If the applicant is a corporation:

1. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation, and

2. Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection C of this section;

E. A statement indicating the financial condition and financial stability of a new applicant;

F. The site and the zoning of the site where the applicant will sell under the license;

G. If the applicant is a limited liability company:

1. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company, and

2. If any officer, manager or member with ten percent or more ownership has been convicted of a violation of law as provided under subsection C of this section;

H. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one of the officers, managers, or if there are no officers or managers, at least one of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.

(Ord. No. 9-17, § 2, 6-20-2017; Ord. 40-07 § 1, 2007; Ord. 24-96 § 4, 1996; Ord. 26-89, 1989; Ord. 2-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-10) (Ord. No. 2-19, 3-5-2019)

5.08.080 - License application—Notice, hearing and appeals procedure.

A. When an application for a license, special malt beverage permit, satellite manufacturer's permit, or renewal, or a transfer of location or ownership thereof has been filed with the city clerk, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale, and publish the notice in a newspaper of local circulation once a week for two consecutive weeks. The notice shall state that a named applicant has applied for a license, special malt beverage permit, renewal, expansion or transfer thereof, and that protests against the issuance, renewal, expansion or transfer of the license or special malt beverage permit will be heard at a designated meeting of the city council. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____
Notice is hereby given that on the _____ day of _____, 20_____,
(name of applicant) filed an application for a _____ license (permit), in the office of the
Clerk of the City of Casper for the following building (insert address) and protests, if any there be,
against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of
_____ .m. on the _____ day of _____, 20_____,
in the (meeting place of the governing body).

Dated _____
Signed _____
City Clerk

B. Any license or other permit authorized under this chapter shall not be issued, renewed, expanded or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty days preceding the expiration date of the license or special malt beverage permit. A license or special malt beverage permit shall not be issued, renewed, expanded or transferred if the city council finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises is adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit;
3. The number, type and location of existing licenses or special malt beverage permits meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be met or satisfied by the issuance, renewal or transfer of the license or special malt beverage permit; or
5. Any other reasonable restrictions or standards which may be imposed by the city council shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit.

C. When any application is filed with the city council, the city clerk shall immediately forward a copy of the application to the division. The city council shall not approve or deny an application until the division has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the division within ten working days after receipt of the application. Upon approval or denial of an application, the city council shall promptly notify the division.

D. An applicant for a renewal license or special malt beverage permit may appeal to the district court from an adverse decision by the city council. No applicant for a new license or permit shall have a right of appeal from the decision of the city council denying an application.

E. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the city council named as defendant. During the pendency of an appeal, a renewal license denied by the city council shall not be granted to any other applicant. Upon notice of appeal the city clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest, if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the city clerk. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

F. The date the renewal application is due to the city clerk's office for renewal is the second Monday in December of each calendar year. Renewal applications received after this date will be assessed a late fee or the license will be deemed as abandoned: a late fee of two hundred and fifty dollars shall be assessed for applications received one to five days late; a late fee of five hundred dollars shall be assessed for applications received six to ten days late; greater than ten days the license shall be deemed as abandoned and the clerk shall not accept a renewal application eleven (11) days after the renewal application. Late fees must be paid before the city clerk will accept a renewal application.

(Ord. No. 9-17, § 3, 6-20-2017; Ord. 24-96 §§ 6, 1996; Ord. 25-86 (part), 1986: prior code § 3-15) (Ord. No. 2-19, 3-5-2019)

5.08.100 Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

A. Subject to restrictions imposed under Casper City Code Section 5.08.150 excluding Section 5.08.150(A)(4), the City may issue:

1. A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;
2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

B. A Casper microbrewery permit or a winery permit:

1. Allows the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;
2. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division;
3. Is approved for the dual holding of a microbrewery permit or winery permit and one (1) of the following:
 - a. A retail liquor license as provided in W.S. 12-4-101 through 12-4-201;
 - b. Subject to subsection C of this section, a restaurant license as authorized in this chapter.
 - c. A resort license as provided in this chapter;

- d. A microbrewery permit as provided under paragraph (A)(1) of this section;
- e. A winery permit as provided under paragraph (A)(2) of this section; or
- f. Subject to subsection E of this section, a bar and grill liquor license as provided in this chapter.

4. Allows the microbrewery to sell on site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;

5. Allows the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight ounces per sale;

6. The number of microbreweries or the number of wineries are limited to no more than those allowed in W.S. 12-4-201(d) for each permit;

7. May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and

8. Shall be assessed a fee of subject to the renewal each year payable annually in advance for each microbrewery or winery permit. When dual ownership of a microbrewery or winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant or resort license fee.

C. W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (B)(3)(b) of this section, except the dual holder:

1. Reserved

2. May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (B)(4) and (5) of this section;

3. May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

4. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under W.S. 12-4-408(c).

D. In addition to subsection B of this section, a winery permit under this section will include the availability to apply for an issued satellite winery permit which may allow the permittee to sell wine manufactured at the site identified on the manufacturer's license at up to three satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The application will require a public hearing and the payment of an additional permit fee of one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours established by this chapter and the licensed building provisions of W.S. 12-5-201.

E. The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license pursuant to subparagraph (B)(3)(f) of this section, except the dual holder:

1. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (B)(4) and (5) of this section;

2. May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

3. Shall not include sales of malt beverages or wines authorized under the malt beverage or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

F. Notwithstanding paragraph (B)(5) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship no more than a total of eighteen (18) liters of its manufactured wine directly to any one household in this state in any twelve (12) month period.

G. Notwithstanding paragraph (B)(5) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

H. Any winery permit holder pursuant to this section shall:

1. Reserved.

2. Reserved.

3. Ship its manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

4. Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

5. Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

6. Reserved.

7. Maintain records for at least three years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.

I. In addition to the one additional license or permit authorized under paragraph (B)(3) of this section, the holder of a microbrewery or winery permit under this section may also hold a malt beverage permit under Casper City Code Section 5.08.140(C).

(Ord. No. 9-17, § 1, 6-20-2017; Ord. No. 11-14, § 1, 6-3-2014; Ord. 33-06 § 3, 2006; Ord. 24-96 § 2, 1996; Ord. 22-93 § 3, 1993)

(Ord. No. 2-19, 3-5-2019)

5.08.105 – Manufacturing and rectifying.

A. A holder of a manufacturer's license who is a federally licensed distiller or rectifier may dispense free of charge at the site identified on the manufacturer's license samples in quantities not to exceed one and one-half ounces of their product manufactured at the site identified on the manufacturer's license and no more than three ounces of samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions provided in W.S. 12-5-201.

B.

1. The local licensing authority may issue to the holder of a manufacturer's license granted under subsection A of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows

the permittee to sell product manufactured at the site identified on the manufacturer's license at not more than one satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority shall require a public hearing and the payment of an additional permit fee of one hundred dollars. The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours established in this chapter and the licensed building provisions pursuant to W.S. 12-5-201.

2. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises permit shall be issued for one twenty-four hour period, subject to the schedule of operating hours set in this chapter. No holder of a manufacturer's license shall receive more than twelve off-premises permits in any one calendar year. An off-premises permit may be issued on application to the appropriate licensing authority. The local licensing authority may require payment of zero dollars per twenty-four hour period.

C. For purposes of this section:

1. "Distiller" includes any person who:

- a. Produces distilled spirits from any source or substance;
- b. Brews or makes mash, wort or wash fit for distillation or for the production of distilled spirits, other than the making or using of mash, wort or wash in the authorized production of wine or beer, or the production of vinegar by fermentation;
- c. By any process separates alcoholic spirits from any fermented substance; or
- d. Making or keeping mash, wort or wash, has a still in operation at the site identified on the manufacturer's license.

2. "In operation" for this section means is currently being operated or has been operated in the preceding twelve (12) months with all necessary permits;

3. "Manufacture" or "manufactured" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent (.5%) alcohol by volume;

4. "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes. (Ord. No. 2-19, 3-5-2019)

5.08.130 - Special malt beverage permit.

A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the city council under a special malt beverage permit.

B. To qualify for a special malt beverage permit an applicant must meet the following requirements:

1. The applicant must be a responsible person or organization;

2. The public auditorium, civic center or events center shall be owned by the city, county, the state, or the DDA which has an attendance capacity for no less than four hundred persons and is used for public gatherings;
 3. The person or organization applying for the permit, if not the owner of the public auditorium, civic center, or events center, must hold a written agreement with the owner of the public auditorium, civic center or events center, giving said applicant the right to sell concessions within the building or location for a period of no less than the license year (April 1st to March 31st for which the application is made.)
- C. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises or location described on the permit, nor shall any malt beverage be sold for consumption off the premises or outside the location authorized by the permit. It shall be an obligation and a responsibility of the holder of the permit to see that no sales are made to any person under the age of twenty-one years and there be no violations of this chapter.
- D. The permits authorized by this section shall be issued after a hearing on the application, and the license fee of one thousand dollars shall be payable annually in advance.
- E. The permit shall be subject to such rules and regulations as may be established by the city council.

(Ord. No. 9-17, § 4, 6-20-2017; Ord. 8-88 § 3, 1988; Ord. 25-86 (part), 1986: prior code § 3-22) (Ord. No. 2-19, 3-5-2019)

5.08.140 - Malt beverage and catering permits for public events.

- A.1. A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the city manager or his or her designee to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages at the location described on the permit, nor shall any malt beverage be sold or consumed outside the location authorized by the permit. Privately owned or leased locations shall be subject to the restrictions set forth in subsections G and H.
2. Any person selling or dispensing a malt beverage pursuant to this subsection shall have completed successfully an alcohol server training program as approved by W.S. Section 12-2-402.
- The person and the organization which requested and were issued the malt beverage permit are jointly and severally liable for any fine imposed by the court for a violation of Chapter 5.08 of the Casper Municipal Code.
- B. A catering permit authorizing the sale of alcoholic liquor and malt beverages may be issued by the city manager or his or her designee to any person holding a retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners, or at other similar gatherings not held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic liquor or malt beverage outside the location described in the permit, except as to a special area or district as authorized by resolution adopted by the City Council pursuant to Casper Code Section 5.08.480 4.
- C. The permits authorized by this section shall be issued for one twenty-four-hour period, subject to the schedule of operating hours provided by this chapter. No person or organization shall receive more than a total of twelve malt beverage and thirty-six catering permits for sales at

the same location in any one year. The holder of a Casper microbrewery permit issued under this Chapter may hold a malt beverage permit for the purpose of selling the permittee's own brewed malt beverages.

- D. The malt beverage permit and the catering permit shall be issued on application to the city manager or his or her designee without public notice or hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.
- E. The fee for the malt beverage permit and the catering permit shall be fifty dollars per twenty-four-hour period, payable to the city.
- F. Applications shall be submitted on a form approved by the city manager or his or her designee.
- G. Applications for malt beverage permits may be denied due to any of the following conditions:
 - 1. Conviction of the following individuals and entities for one or more of the following offenses related to a similar event or location within the preceding five years prior to the date of the application as follows:
 - a. Applicant or applicant's entity principals, employees, agents, or representatives while travelling to or from the event or at the event:
 - i. Driving while under the influence,
 - ii. Public intoxication,
 - iii. Disturbing the peace/noise offense,
 - iv. Serving after hours at location,
 - v. Controlled substances offenses,
 - vi. Serving to a minor,
 - vii. Selling alcohol without a license,
 - viii. Violation of any provision of Chapter 5.08 of the Casper Municipal Code.
 - 2. Convictions of any patron, guest, attendee, employee, owner, applicant, or principal resulting from four or more of any of the following offenses occurring at, or stemming from, an event location for which a permit is being applied for, within three hundred sixty-five days prior to the date of the application as follows:
 - a. Minor in possession,
 - b. Disturbing the peace/noise offense,
 - c. Selling alcohol without a license,
 - d. Furnishing alcohol to minor,
 - e. Driving while under the influence,
 - f. Controlled substances offense.
 - 3. Applicant's business entity is not in good standing with the State of Wyoming Secretary of State.
 - 4. Applicant lack of valid Wyoming sales tax permit.
 - 5. Applicant nonresident of Wyoming.
 - 6. Applicant not obtaining other required permits, including, but not limited to, open container, street closure, and food service permits.

Any denial by the city manager or his designee may be appealed to the city council by the applicant filing a written notice of appeal with the city manager within ten days of the denial. The

appeal will be considered within thirty days of the written notice of appeal being filed. Council's decision is final.

Upon denial, or final denial of any malt beverage permit for any of the reasons listed in this section, applicant may apply for future malt beverage permits after the expiration of three hundred sixty-five days from the date of any such denial.

The provisions of this section shall become applicable for any license applied for or any conviction of the listed offenses occurring after the effective date of this ordinance.

H. Any permit issued under this section may be revoked at any time on the discretion of the city manager, or his or her designee, or the chief of police, or his or her designee, if the event poses a risk to public safety or welfare. Upon revocation, all sales and consumption of alcohol shall cease.

(Ord. 11-05 § 1, 2005; Ord. 30-04 §§ 1 (part), 2, 2004; Ord. 33-02 § 1, 2002; Ord. 17-02 § 1, 2002; Ord. 2-91, 1991; Ord. 69-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-28)

(Ord. No. 33-11, §§ 1—3, 12-20-2011; Ord. No. 2-19, 3-5-2019)

5.08.150 License Holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any party who does not own the licensed building or hold a written lease for a period for which the license will be effective, containing an agreement by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 2 of this subsection;
 2. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one year after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;
 3. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 2 of this subsection;
 4. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture from the sale of alcoholic beverages manufactured by the Casper licensed manufacturer or the sale of malt beverages under a microbrewery license issued pursuant to this Chapter or an off-premises permit pursuant to Section 5.08.105 B1 and B2. and except as provided in Section 5.08.100 I.
 5. A person under twenty-one years of age;
 6. A college fraternity or organization created by one or more college fraternities;
 7. A chamber of commerce;
 8. A corporation or a limited liability company which has not qualified to do business in Wyoming;
 9. An individual who is not a resident; or

10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.
 11. Except as provided in subsection 12 of this section, a license or permit authorized by this chapter shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least two hundred fifty dollars of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars of alcoholic beverages from the commission, excluding malt beverage purchases;
 12. Subsection 11 of this section shall not apply to:
 - a. Any licensee or permittee having a planned but not physically functional building pursuant to subsection 4 of this section;
 - b. Holders of special permits issued under Sections 5.08.130 and 5.08.140 of this code.
- B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as provided in this Chapter. (Ord. No. 9-17, § 5, 6-20-2017; Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986: prior code § 3-12) (Ord. No. 2-19, 3-5-2019)
- 5.08.280** - Repealed
(Ord. 25-86 (part), 1986: prior code § 3-20) (Ord. No. 2-19, 3-5-2019)
- 5.08.340** - Bar and grill liquor license issuance, council authority, criteria and restrictions.
- A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010 of this chapter, may be licensed by the city council under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. Criteria that may be considered by the city council in determining to whom any such license may be issued may include, but is not limited to the following:
1. The location of the proposed business is in an area:
 - a. In need of redevelopment;
 - b. Officially designated as an urban renewal area; or
 - c. That has been identified as being under served by food and beverage services.
 2. The issuance of the license will contribute to economic development goals or purposes of the city.
 3. Whether the applicant will be investing in the construction of a new structure or will otherwise be materially and substantially updating a current building.
 4. If the applicant's business is a new business, the number of new jobs reasonably estimated to be created, or if an existing business, the number of new or additional jobs that will reasonably be created by use of the bar and grill liquor license.
- B. Bar and grill licenses shall be subject to the provisions of Sections 5.08.310 and 5.08.330 (D) of this chapter to the same extent that those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under Section 5.08.330 (F) of this chapter.
- C. A “Bar and Grill” licensee must have a physical bar with at least eight (8) adult customer alcohol serving places, as well as a serving station for ordered alcoholic drinks or pick-up alcoholic drinks; the bar must have at least one (1) dedicated service representative

(bartender), and a choice of at least six major distilled spirits (e.g. vodka, bourbon, tequila, etc.) available for retail sale.

- D. Every person holding a bar and grill liquor license authorized by the provisions of this chapter shall pay annually, in advance, a license fee for such license the sum of ten thousand five hundred dollars for the first license year; and, three thousand dollars for each year thereafter that such license is granted, in addition to any other fees due from such person otherwise holding a microbrewery or winery permit. The license fee shall be paid to the clerk of the city before the license is issued.
- E. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder.

5.08.480 - Open container restrictions.

A. It is unlawful:

1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";
2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the city unless a license or permit authorizing same has been issued by the city manager or his or her designee. The City Council too, may by resolution create special areas or districts, in which the possession of open containers is permitted between the Friday preceding Memorial Day and Labor Day of each calendar year; however, the periods of time as well as the boundaries of special areas or districts may be established and/or modified by resolution adopted by the City Council. Additional restrictions on beverage distribution, tracking, and event control may also be established by resolution of the City Council. Nothing in this chapter shall be interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;
5. For any person or lessee of an unlicensed restaurant to permit any person to possess or consume alcoholic liquor or malt beverages from an open container within the restaurant.
6. Notwithstanding this section, a resealed bottle of wine may be transported as provided in the Restaurant License section.

B. Definitions.

1. "Certain structures" means any offices, or structure excluding those duly licensed to sell or dispense alcoholic liquor or malt beverages.
2. "Open container" means any glass, cup, bottle, can or other receptacle or vessel used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.

3. "Open space" means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the city limits shall not be considered open space.

(Ord. 11-05 § 4, 2005; Ord. 30-04 § 1 (part), 2004; Ord. 25-99 § 1, 1999; Ord. 25-86 (part), 1986: prior code § 3-8) (Ord. 25-86 (part), 1986: prior code § 3-5) (Ord. No. 2-19, 3-5-2019)

5.08.530 – Violation/Enforcement.

Violations of this chapter may be enforced in the Municipal Court of the City of Casper as misdemeanor offenses punishable by up to a Seven Hundred Fifty Dollar fine for each offense unless otherwise specified in the section from which a violation is alleged and in the manner authorized and described in Wyoming State Statutes 12-1-101 et. seq. as they may be amended from time to time. Appeals of any of these actions may be taken as allowed and in the manner specified by applicable state statutes. Any law enforcement agency issuing a citation or other charging document for a violation of this chapter shall notify the City Clerk of said charge within five business days of its issuance.

(Ord. No. 2-19, 3-5-2019)

5.08.535 - Licensure Considerations and Administrative Fees

Violations of the Casper Municipal Code and/or Wyoming State Statutes may also be factors in the consideration of suspensions, revocations, nonrenewals or conditional renewals of licenses and permits.

In recognition of the fact that license holders who repeatedly violate the provisions of this Code create an undue burden of the City in administering liquor licenses, in addition to any other penalties or remedies, licensees shall be subject to administrative fees of One Thousand Dollars (\$1000.00) for the third violation of this Chapter within any consecutive twenty-four month period, and Five Thousand Dollars (\$5000.00) for a fourth or subsequent violation within a consecutive twenty-four month period. Any violation relating to the license holder or licensed premises shall apply to this subsection, regardless of whether separate individual employees or agents of the licensee committed the individual violations. The violations need not be of the same section or subsection of this chapter to be counted in this total.

A notice to pay said fee shall be issued by the City Clerk to the licensee upon notification by the court of licensee's convictions for the relevant offenses. The time frame for accumulation of the violations shall be the date of violations, not the dates of conviction. If such fee is not paid, or an appeal hearing before Council requested in writing to the City Clerk and accompanied by a bond in the amount of the fee at issue within ten (10) days of the notice being given by the Clerk, the license shall be suspended until such time as the fee is paid to the City Clerk. If an appeal hearing is requested, it shall be in Council's sole discretion, after hearing all the relevant facts in the matter, whether to suspend part or all of the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedure Act shall not apply to such hearing. (Ord. No. 2-19, 3-5-2019)

PASSED on 1st reading the 5th day of May, 2020.

PASSED on 2nd reading the 19th day of May, 2020.

PASSED, APPROVED, AND ADOPTED on third and final reading the 2nd day of June, 2020.

Councilmember Bates requested a break. Mayor Freel called for a brief recess at 7:55 p.m., and reconvened the meeting at 8:05 p.m.

8.A ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 12-20
AN ORDINANCE AMENDING SECTION 15.02.120 AND
15.04.070 OF THE CITY OF CASPER MUNICIPAL CODE.

Councilmember Pacheco presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Huber.

Individuals addressing the Council in opposition, requesting more information or the delay of passage of the ordinance until an in-person meeting were: Pam Elrod, 12920 Dusty Lane; Cathy Ide, 3838 Garden Creek; Linda Bergeron; Jamie Bates; and Mr. Bagwell.

Individuals addressing the Council in favor were: Ivonne Chavez, Community Housing Authority; Paul Fritzler, Department of Family Services; and Jamie Lovell, Meals on Wheels.

Moved by Vice-Mayor Lutz to table second reading of the ordinance to a date certain of the next Council meeting, so public can possibly be in attendance. Seconded by Councilmember Bates. Council discussed the matter at length. Councilmember Cathey called for the question. A vote on the amendment resulted in Councilmember Bates and Vice-Mayor Lutz voting aye. Motion to table failed.

Councilmember Huber shared his thoughts on the Wyoming landlord tenant act and the process for searches of property. Moved by Vice-Mayor Lutz to amend the ordinance to limit the scope of the amendment to handle the functionality of a home, such as plumbing or heating/ cooling, and not with the cleanliness or hoarding issues. Seconded by Councilmember Bates. Councilmember Pacheco requested staff perspective on this. City Manager Napier said even cleanliness can become a safety issue for egress. Councilmember Huber indicated that the amendment is out of order because it is not specific enough. Mayor Freel declared the amendment as out of order, and requested it be more specific. Vice-Mayor Lutz withdrew her motion.

Council voted on the ordinance, on second reading, with Councilmember Bates voting nay. Motion passed.

8.B ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 13-20
AN ORDINANCE APPROVING A ZONE CHANGE OF LOTS 344
AND 345, KENWOOD ADDITION SUBDIVISION IN THE CITY
OF CASPER, WYOMING.

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

8.C ORDINANCE– SECOND READING

Following ordinance read:

ORDINANCE NO. 14-20

AN ORDINANCE APPROVING THE GORGAN HILLS ADDITION SUBDIVISION AGREEMENT AND A VACATION AND REPLAT CREATING GORGAN HILLS ADDITION, COMPRISING 31.52 ACRES, MORE OR LESS.

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

Speaking in support was Jesse Morgan, applicant.

Speaking in opposition were: Justin Hackett, 4441 Moose; Bill Birkett, 4610 Puma; Eric Lawrence, 3710 W. 46th; Jim Brunette, 3630 W. 46th; and Connie Rodgers.

Council discussed the matter at length. Moved by Councilmember Huber to amend the ordinance to remove the requirement for the cross street that was recommended by the Planning and Zoning Commission. Seconded by Councilmember Hopkins. Councilmembers Bates and Cathey voted nay. Motion to amend passed. Council then voted on the ordinance on second reading, as amended. Councilmembers Bates and Cathey voted nay. Mayor Freel abstained. Motion passed.

9.A CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-112

A RESOLUTION AUTHORIZING A LEASE TO THE CASPER AREA TRANSPORTATION COALITION, INC., A WYOMING NON-PROFIT CORPORATION, FOR TWO BUILDINGS, THE PARKING AREA, AND ADJACENT LAND AT 1715 EAST 4TH STREET.

RESOLUTION NO. 20-113

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR CASPER AREA TRANSPORTATION COALITION, INC., A WYOMING NON-PROFIT CORPORATION, FOR FISCAL YEAR 2021.

RESOLUTION NO. 20-114

A RESOLUTION AUTHORIZING A LEASE FOR THE USE OF CERTAIN CITY-OWNED VEHICLES TO THE CASPER AREA TRANSPORTATION COALITION, INC., A WYOMING NON-PROFIT CORPORATION, FOR THE TRANSPORTATION OF THE ELDERLY, DISABLED, AND GENERAL PUBLIC FOR FISCAL YEARS 2021-2022.

RESOLUTION NO. 20-115

A RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF CASPER AND CASPER AMATEUR HOCKEY CLUB

RESOLUTION NO. 20-116

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE GRANT AWARD AGREEMENT BETWEEN THE DEPARTMENT OF JUSTICE AND THE CITY OF CASPER.

RESOLUTION NO. 20-117

A RESOLUTION AUTHORIZING AN AGREEMENT WITH INSTALLATION & SERVICE COMPANY, INC., FOR THE CASPER EVENTS CENTER WATER SERVICE REPLACEMENT, PROJECT NO. 19-012.

RESOLUTION NO. 20-118

A RESOLUTION AUTHORIZING AN AGREEMENT WITH CASPER ELECTRIC, INC., FOR THE CASPER EVENTS CENTER FIRE ALARM REPLACEMENT, PROJECT NO. 17-073.

RESOLUTION NO. 20-119

A RESOLUTION AUTHORIZING AN AGREEMENT WITH GRIZZLY EXCAVATING AND CONSTRUCTION, LLC, FOR THE LIFE STEPS PARKING LOT IMPROVEMENTS, PROJECT NO. 20-006.

RESOLUTION NO. 20-120

A RESOLUTION AUTHORIZING AN AGREEMENT WITH TRANSMISSION DISTRIBUTION SERVICES LLC, DBA TDS CONSTRUCTION, FOR THE ARMORY PARK BIKE LANE CONNECTION, PROJECT NO. 19-050.

RESOLUTION NO. 20-121

A RESOLUTION AUTHORIZING AN AGREEMENT WITH CROWN CONSTRUCTION, LLC, FOR THE 2ND STREET RAILING PAINTING PROJECT NO. 20-013.

RESOLUTION NO. 20-122

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE STATE LOAN AND INVESTMENT BOARD PROMISSORY NOTE THROUGH THE STATE REVOLVING FUND FOR THE BALER BUILDING RENOVATION AND EXPANSION PROJECT LOCATED AT THE CASPER REGIONAL SOLID WASTE FACILITY, PROJECT NO. 13-50.

Councilmember Huber asked how to remove an item from the consent agenda. City Manager Napier provided direction.

Councilmember Huber presented the foregoing eleven (11) resolutions for adoption. Seconded by Councilmember Bates.

Moved by Councilmember Huber to remove Resolution Nos. 20-119, 20-120, & 20-121 from the consent agenda. Seconded by Councilmember Bates. Councilmembers Hopkins and Pacheco voted nay. Motion to remove the titles passed.

Council then voted on the remaining eight (8) consent agenda resolutions. Motion passed.

RESOLUTION NO. 20-119

City Manager Napier provided a brief report and addressed a question by Councilmember Huber. Moved by Councilmember Huber, seconded by Hopkins to approve Resolution No. 20-119. Councilmember Cathey voted nay. Motion passed.

RESOLUTION NO. 20-120

City Manager Napier provided a brief report. Councilmembers had questions about the funding for this project, which City Manager Napier addressed. Although no formal motion was made, Council voted on this item. Councilmembers Bates, Hopkins, Pacheco and Powell voted aye. Resolution failed.

RESOLUTION NO. 20-121

City Manager Napier provided a brief report and addressed questions presented by Council. Although no formal motion was made, Council voted on this item. Councilmembers Bates, Cathey, and Powell and Vice-Mayor Lutz voted nay. Resolution passed.

10. MINUTE ACTION— CONSENT

Moved by Councilmember Bates, seconded by Councilmember Cathey, to, by consent minute action, authorize the discharge of \$27,111.03 of uncollectible accounts receivable balances, aged between the dates of January 1, 2015 and March 31, 2015, including a more recent bankruptcy and estate liquidation; and authorize the inclusion of fiscal year 2020-2021 summary proposed budget into the minutes of the June 2, 2020, regular Council meeting. Motion passed.

**City of Casper
Citywide FY21 Budget Summary**

	<u>Expense</u>
General Fund	\$46,118,639
Other General Government Funds	\$3,010,183
Opportunities Fund	\$1,004,922
Perpetual Care Fund	\$514,781
Local Assessment Districts Fund	\$160
Metro Animal Fund	\$1,426,918
River Fund	\$63,402

Special Revenue Funds	\$7,877,755
Weed & Pest Fund	\$689,810
Special Fire Assistance Fund	\$75,000
Revolving Land Fund	\$42,462
Police Grants Fund	\$421,566
Casper Area Transprt Coalition	\$2,720,846
Metropolitan Planning	\$1,159,703
Public Safety Communications	\$2,718,368
Redevelopment Loan Fund	\$50,000
Capital Projects Fund	\$8,835,310
Utility Enterprise Funds	\$53,509,899
Water Distribution Fund	\$14,943,402
Water Treatment Plant Ops Fund	\$3,352,237
Sewer Fund	\$6,874,521
Wastewater Treatment Plant	\$13,408,105
Refuse Collection Fund	\$7,495,980
Balefill Fund	\$7,435,655
Other Enterprise Funds	\$5,481,423
Aquatics Fund	\$759,836
Golf Course Fund	\$855,049
Ice Arena Fund	\$505,587
Recreation Center Fund	\$1,489,270
Hogadon Fund	\$867,605
Casper Events Center Fund	\$886,836
Parking Fund	\$117,240
Internal Service Funds	\$5,298,525
Fleet Maintenance Fund	\$2,384,527
Buildings and Structures Fund	\$1,026,475
Health Insurance Fund	\$20,203
Property Insurance Fund	\$1,867,320
Citywide Total Budget	\$130,131,735

11. INTRODUCTION OF MEASURES AND PROPOSALS

Mayor Freel read a statement about the death of George Floyd and the right to peacefully protest in our community.

12. ADJOURN INTO EXECUTIVE SESSION

Mayor Freel noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, June 9, 2020; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, June 16, 2020, with the location to be determined.

At 10:47 p.m., it was moved Councilmember Huber, seconded by Councilmember Pacheco, to adjourn into executive session to discuss potential litigation. Councilmember Johnson voted nay. Motion passed.

At 11:08 p.m., it was moved by Councilmember Pacheco, seconded by Councilmember Bates, to adjourn the executive session. Motion passed.

13. ADJOURNMENT

At 11:09 p.m., it was moved by Councilmember Pacheco, seconded by Councilmember Bates, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor