

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
August 3, 2021

1. ROLL CALL

Casper City Council met in regular session at 6:04 p.m., Tuesday, August 3, 2021. Present: Councilmembers Cathey, Engebretsen, Johnson, Pacheco, Pollock and Mayor Freel. Councilmembers Gamroth and Knell attended via GoToMeeting. Absent: Councilmember Lutz.

Moved by Councilmember Pollock, seconded by Councilmember Johnson, to, by minute action, excuse the absence of Councilmember Lutz. Motion passed.

2. PLEDGE OF ALLEGIANCE

Mayor Freel led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Engebretsen, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the July 20, 2021, regular Council meeting, as published in the Casper-Star Tribune on July 31, 2021. Councilmember Johnson abstained. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Engebretsen, seconded by Vice Mayor Pacheco, to, by minute action, approve the minutes of the July 20, 2021, executive session. Councilmember Johnson abstained. Motion passed.

5. MINUTES

Moved by Councilmember Pollock, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the July 27, 2021, special Council meeting, as published in the Casper-Star Tribune on August 1, 2021. Councilmember Johnson abstained. Motion passed.

6. EXECUTIVE SESSION MINUTES

Moved by Vice Mayor Pacheco, seconded by Councilmember Engebretsen, to, by minute action, approve the minutes of the July 27, 2021, executive session. Councilmember Johnson abstained. Motion passed.

7. BILLS & CLAIMS

Moved by Councilmember Engebretsen, seconded by Councilmember Pollock, to, by minute action, approve payment of the August 3, 2021, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 08/03/21		
6HGroup	Goods	430.75
71Const	Goods	325,754.94
AMBI	Services	616.37
AAALndscpng	Services	1,319.83
Airgas	Goods	705.13
AllOutFireExt	Goods	80.00

AlSCO	Services	1,332.50
Amrgs	Goods	498.95
ArrwHeadHeat	Services	277.67
AT&T	Services	4,817.09
AtlcElec	Services	5,599.92
Atlas	Goods	2,097.30
AceHrdwr	Goods	128.83
BarDSign	Services	852.00
BrgnEllngsn	Goods	6,016.46
BigHrnTire	Services	105.00
BlkHillsEnrgy	Utilities	9,546.87
BlkmnPrpn	Goods	426.61
BobCatofCspr	Services	1,826.36
BrntagPac	Goods	41,366.50
ClbrPress	Services	718.00
CptlBusnsSystem	Services	104.00
CrlnSftwr	Services	700.00
CarusCorp	Goods	14,364.00
ChmbrOfComm	Services	1,000.00
CsprMncplBand	Refund	500.00
CsprNtrnCoHealth	Services	525.00
CsprStrTrb	Services	1,022.46
CsprTire	Services	1,700.00
CsprAlcvIrr	Services	78,326.19
CntryLnk	Utilities	16,264.90
CITech	Services	1,948.38
CtyCspr	Services	144,064.25
CMITeco	Services	54,767.02
ClctnCntr	Services	442.78
CommTech	Services	877.36
Cmtrnx	Services	759.00
Cnvrgn	Services	5,214.36
CmptrPro	Goods	10,771.20
DKpnr	Services	26,726.48
DckrAuto	Goods	254.09
Dell	Goods	513.54
DPCInd	Goods	7,576.80
EBecher	Reimb	214.50
E&FTow	Services	135.00
EtnSales	Services	416.18
EnrgyLabs	Services	3,777.00
EngDsgn	Services	4,487.50
ExpSvcs	Services	7,614.99
FrmrBros	Goods	212.60
IstDataMrchnt	Services	39.90

5TrailsRtry	Dues	350.00
FrmntMtr	Services	2,738.48
GCBldgSply	Services	1,240.26
Galls	Goods	2,412.00
GlblHeatTrnsfr	Goods	3,325.58
GlblSpctrm	Services	1,748.00
GldrAssc	Services	9,374.90
Gmgr	Goods	1,732.10
HDREng	Services	15,661.20
HrvrdDrgGrp	Goods	147.44
Hollnd&Hrt	Services	3,289.50
Homax	Goods	35,834.42
HonnenEqp	Services	1,977.58
Hwrdsply	Goods	507.84
IconHlthFtns	Goods	10,396.91
IME	Services	1,628.50
IndScrn	Goods	379.80
JBrown	Reimb	800.00
JKirk	Reimb	110.69
JKramer		500.00
JacksTrk&Trl	Services	5,119.99
KKraft	Reimb	108.89
KCWY	Services	25.00
KnfRvr	Services	31,176.11
KnowBe4	Services	6,788.55
Kone	Services	3,209.28
KbwtrRsrscs	Goods	11,577.63
Lhyde		234.00
LNCrts&Sons	Goods	5,054.00
Lisa'sSpcNSpn	Services	1,090.00
LongBldgTech	Services	2,522.48
MThomason	Reimb	110.69
MillsPD	Services	72.10
MLAuto	Services	780.00
MonsnJntrl	Services	6,137.30
Motn&Flw	Goods	504.96
MotrlaSltns	Services	151,527.53
MtnStLitho	Services	51.04
MtnWstTel	Services	1,000.00
MuniCode	Goods	1,305.70
NCSO	Services	72.10
Norco	Goods	737.00
NWstContr	Goods	1,969.41
NCHCorp	Services	375.00
OvrHeadDr	Services	6,000.00

PeakGeosltns	Services	10,613.93
Pedens	Goods	108.00
Pepsi	Goods	1,585.89
PipestnEquip	Goods	360.47
PoliceRcrds	Services	399.00
ProTecAuto	Services	2,729.70
ProfrcMktg	Services	25,200.00
RckyMtnAirSltns	Goods	4,032.82
RckyMtnPwr	Utilities	241,671.53
RodlphBros	Services	220.00
RootrSwr	Services	958.05
SftyKlnSys	Services	324.84
SaltusTech	Services	14,612.00
ShrwnWllms	Goods	296.79
SmthPsychl	Services	600.00
SftDr	Services	82.50
StofWyoDCI	Services	156.00
WyoStAdtr	Services	14,585.90
SummtElec	Goods	568.10
SWI	Services	1,275.00
Thtchr	Goods	9,378.37
TooleDsgn	Services	30,878.97
TopOffc	Goods	314.52
TriStTrk	Services	4,125.00
TWEnt	Services	988.31
TylerTech	Services	163,834.16
Unfrms2Gear	Goods	1,867.14
Vrzn	Services	4,679.57
VermrSls	Services	4,455.83
VRC	Services	55.13
WBeer	Reimb	150.00
WyneColemnConst	Services	1,841.19
WstPlnsEng	Services	9,650.00
WstrnSrch	Goods	12,090.15
WstrnStsFire	Services	550.00
WWCEng	Services	551.88
WstrnWyoLock	Goods	93.00
Willms,Prtr,Day	Services	497.00
WLCEng	Services	14,278.70
WyoAssocOfMuni	Dues	44,550.91
WyoDOT	Services	266.11
WyoMchnry	Services	2,456.25
WyoSteel	Goods	4,509.50
Total		1,753,982.73

8. COMMUNICATIONS FROM PERSONS PRESENT

No citizens addressed the Council.

9. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Cathey, seconded by Councilmember Johnson, to, by minute action: establish August 17, 2021, as the public hearing date for the consideration of: the adoption of the fiscal year 2022 budget amendment #1; and the transfer of Retail Liquor License No. 28 from 307 Bar, LLC, d/b/a 307 Bar located at 4370 South Poplar Street to Sunrise Center Entertainment, LLC d/b/a Let it Roll, located at 4370 South Poplar Street. Councilmember Pollock abstained on the liquor license transfer item. Motion passed.

10.A.1 PUBLIC HEARING - ORDINANCE

Mayor Freel indicated he would be abstaining on this item and Vice Mayor Pacheco took control of the meeting.

Vice Mayor Pacheco opened the public hearing for the consideration of the zone change of the Back Nine Addition Planned Unit Development.

City Attorney Henley entered nine (9) exhibits: correspondence from Liz Becher to J. Carter Napier, dated July 21, 2021; an affidavit of publication, as published in the Casper-Star Tribune, dated July 22, 2021; public comment from Gunsight, LLC, dated June 30, 2021, withdrawing opposition; staff report from Liz Becher, to the Chairman and Members of the Planning and Zoning Commission, dated June 11, 2021; supplementary staff report from Liz Becher, to the Chairman and Members of the Planning and Zoning Commission, dated June 15, 2021; plat of the Back Nine Addition; Back Nine subdivision agreement, dated June 21, 2011, including PUD Guidelines; zone change application with letters of support from residents within the Back Nine subdivision; and letters of support/opposition from surrounding property owners. City Manager Napier provided a brief report.

Speaking in support was Colby Frontiero, applicant. Councilmember Engebretsen and Vice Mayor Pacheco had questions about the development of twin homes versus single family homes, covenants, and the continuity between the phases of development, which Mr. Frontiero addressed. Ben Hansuld, 128 E. 27th, also provided information regarding the residential portion of the development. Councilmember Cathey called point of order and asked if someone that is abstaining on an item should be involved in discussion of the item. City Attorney clarified on the matter of a Councilmember abstaining on an item. Jesse Florquist, 1565 S. Center also spoke in favor of the development.

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

Following ordinance read:

ORDINANCE NO. 26-21
AN ORDINANCE APPROVING A ZONE CHANGE OF THE
BACK NINE ADDITION.

Councilmember Pollock presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Johnson. Councilmember Engebretsen and Mayor Freel abstained. Motion passed. Mayor Freel took control of the meeting.

10.A.2 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the vacation, replat and zone change creating the Trails West Estate No. 5 Addition.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated July 21, 2021 and an affidavit of publication, as published in the Casper-Star Tribune, dated July 22, 2021. City Manager Napier provided a brief report.

Speaking in support was Keith Tyler, 6013 River Park Drive.

There being no others to speak for or against the issues involving the Trails West Estate No. 5 Addition, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 27-21
AN ORDINANCE APPROVING A VACATION, REPLAT,
SUBDIVISION AGREEMENT AND ZONE CHANGE FOR THE
TRAILS WEST ESTATES NO. 5 ADDITION SUBDIVISION IN
THE CITY OF CASPER, WYOMING.

Councilmember Pollock presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Cathey. Councilmember Engebretsen and Mayor Freel abstained. Motion passed.

10.B PUBLIC HEARING - MINUTE ACTION

Councilmember Pollock recused herself from the discussion and left the room.

Mayor Freel opened the public hearing for the consideration of the issuance of a Bar and Grill Liquor License for Grace Partners LC dba Spotlight Lounge, located at 128 East 2nd Street.

City Attorney Henley entered four (4) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated July 21, 2021; an affidavit of publication, as published in the Casper-Star Tribune, dated July 26, 2021; an affidavit of website publication, as published on the City of Casper website, dated July 26, 2021; and the liquor license application filed June 17, 2021. City Manager Napier provided a brief report.

Speaking in support was Matt Miskimins, 72 Marigold. Councilmember Cathey and Mayor Freel had questions regarding the business, which Mr. Miskimins addressed.

There being no others to speak for or against the issues involving the issuance of a Bar and Grill Liquor License, the public hearing was closed.

Mayor Freel opened the public hearing for the consideration of the issuance of a Bar and Grill

Liquor License for Wyoming Downs OTB 12 LLC, d/b/a Wyoming Downs OTB 12 located at 1121 Wilkins Circle.

City Attorney Henley entered four (4) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated July 21, 2021; an affidavit of publication, as published in the Casper-Star Tribune, dated July 26, 2021; an affidavit of website publication, as published on the City of Casper website, dated July 26, 2021; and the liquor license application filed July 7, 2021. City Manager Napier provided a brief report.

Speaking in support was Eric Nelson, applicant. Councilmember Knell and Mayor Freel had questions regarding the business, which Mr. Nelson addressed.

There being no others to speak for or against the issues involving the issuance of a Bar and Grill Liquor License, the public hearing was closed.

Moved by Vice Mayor Pacheco, seconded by Councilmember Johnson, to, by minute action, authorize the issuance of Bar and Grill Liquor License No. 13 to Grace Partners LC dba the Spotlight Lounge.

Moved by Councilmember Cathey to, by minute action, postpone the consideration of the issuance of any bar and grill liquor license to a date certain of August 17, 2021 to allow further discussion during the August 10, 2021 Council work session. Seconded by Councilmember Engebretsen. Councilmembers Gamroth voted aye. Pollock recused herself. Motion to postpone failed. Council discussed the issuance of the license briefly. Councilmembers Cathey and Engebretsen voted nay. Councilmember Pollock recused herself. Motion to issue the license passed.

Moved by Councilmember Johnson, seconded by Councilmember Engebretsen, to, by minute action, authorize the issuance of Bar and Grill Liquor License No. 14 to Wyoming Downs OTB 12 LLC, dba Wyoming Downs 12. Councilmember Pollock recused herself. All Councilmembers voted nay. Motion to issue the license failed. Councilmember Pollock rejoined the meeting.

11.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 16-21

AN ORDINANCE APPROVING THE VACATION AND
REPLAT CREATING THE KENSINGTON HEIGHTS
ADDITION NO. 4 SUBDIVISION.

WHEREAS, Kensington Heights Investments, LLC has applied to vacate and replat Tract A, Kensington Heights Addition No. 1 to create the Kensington Heights Addition No. 4 Subdivision; and,

WHEREAS, after a public hearing, the City of Casper Planning and Zoning Commission passed a motion recommending that the City Council approve the requested vacation and replat; and,

WHEREAS, the vacation and replat requires approval by ordinance, following a City Council public hearing; and,

WHEREAS, the governing body of the City of Casper finds that the above-described vacation and replat should be approved.

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

SECTION 1:

That the Mayor is hereby authorized and directed to execute, and the City Clerk to attest, the Kensington Heights Addition No. 4 Subdivision Agreement.

SECTION 2:

That the vacation and replat creating the Kensington Heights Addition No. 4 Subdivision is hereby approved, under the terms and conditions of the Kensington Heights Addition No. 4 Subdivision Agreement.

SECTION 3:

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 6th day of July, 2021.

PASSED on 2nd reading the 20th day of July, 2021.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 3rd day of August, 2021.

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

No citizens spoke on the ordinance. Councilmember Engebretsen and Mayor Freel abstained. Motion passed.

11.B ORDINANCE—THIRD READING

Following ordinance read:

ORDINANCE NO. 25-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 10.64 - BICYCLES, TOY VEHICLES, ROLLERBLADES, IN-LINE SKATES, ROLLER SKATES, SNOWBOARDS, SKIS, ROLLERSKIS, SCOOTERS, COASTERS, SKATEBOARDS AND SIMILAR DEVICES, OF THE CASPER MUNICIPAL CODE.

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statutes Sections 15-1-103 (a) (xli) and 15-1-103(a)(v), to adopt ordinances and resolutions necessary to protect the health, safety, and welfare of its citizenry; and,

WHEREAS, the governing body of the City of Casper may perform all acts in relation to the concerns of the City necessary to the exercise of its corporate powers; and,

WHEREAS, the Casper Municipal Code needs updated and modified from time to time; and,

WHEREAS, the governing body of the City of Casper desires to update and amend the City of Casper Code, CHAPTER 10.64 - BICYCLES, TOY VEHICLES, ROLLERBLADES, IN-LINE SKATES, ROLLER SKATES, SNOWBOARDS, SKIS, ROLLERSKIS, SCOOTERS, COASTERS, SKATEBOARDS AND SIMILAR DEVICES, OF THE CASPER MUNICIPAL CODE" as set out below.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the following sections of Chapter 10.64 are hereby updated and amended as follows:

City of Casper Municipal Code, Chapter 10.64, is renamed: CITY OF CASPER MUNICIPAL CODE CHAPTER 10.64, - BICYCLES AND E -SCOOTERS OF THE CASPER MUNICIPAL CODE.

10.64.010 Definitions

The terms used in this chapter are defined as follows:

- A. "Clerk" means the City Clerk of Casper, Wyoming, or the clerk's designee.
- B. "Bicycles" include e -cycles in addition to self-propelled cycles.
- C. "Dockless scooter" means an e -scooter, or any other self-propelled (in part or whole) scooter vehicle type that does not require the construction of a special docking location.
- D. "Dockless scooter for hire" means " means a dockless scooter available for short-term rental (less than seven (7) consecutive days) by a provider for the purpose of providing individual transportation on a public right-of-way.
- E. "Downtown Area" For the purpose of this article, the downtown area and public ways of the city shall be considered to be as follows: An area bounded on the east by the sidewalk along the east side of Durbin Street; on the south by the former Chicago Northwestern railroad right-of-way; on the west by the sidewalk along the west side of Ash Street; and on the north by the sidewalk along the north side of "C" Street. Such areas shall also include the sidewalks and parallel use of crosswalks which connect the streets, ways and sidewalks listed herein as boundaries.
- F. "Enforcement officer" is a community service officer or a certified officer of the Casper Police Department.
- G. "e -scooter"
 - 1. In general.
"e -scooter" means a device designed and equipped with:
 - a. An electric motor for self -propulsion;
 - b. Two or three wheels below a platform on which a user can stand upright to operate and control the vehicle;
 - c. Hand operating steering systems; and
 - d. A locking or shut off device to either lock or prevent the propelling mechanism from engaging, and/or to lock the devise to existing structures or fenced areas.
 - 2. Dockless scooters for hire means an e -scooter which is also designated and equipped with:
 - a. A water submersion sensor, except for those units which are designed for those with disabilities;
 - b. A mechanism which limits the scooter to a maximum speed of 15 miles per hour; and
 - c. Working geo-fencing technology and wireless communication access.
- H. "Person" means:
 - 1. An individual;
 - 2. A partnership, firm, association, corporation, or other entity of any kind; or
 - 3. A receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.
 - 4. Exclusions: Person does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a government entity.
- I. "Provider" means any person that provides dockless scooters for hire.
- J. "Ride or riding" means the use of any rollerblades, in-line skates, roller skates, e-scooters, or any bicycle in a manner other than walking beside or carrying the device.
- K. "User" means the person who is operating or controlling the dockless scooter.

10.64.020-10.64.050 Reserved.

Editor's note(s)—Section 1 Editor's note(s)— of Ord. No. 23-11, adopted July 19, 2011, rescinded §§ 10.64.010-10.64.050, which pertained to registration and licensing of bicycles, and derived from prior code §§ 6-1-6-5.

10.64.060 Obedience to traffic rules required.

Every person riding or propelling a bicycle or e -scooter upon any street or other public highway in the city shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving and shall pass vehicles to the right when meeting. The maximum speed for a dockless scooter is fifteen (15) miles per hour.

10.64.070 Obedience to traffic signs required.

Persons riding bicycles or e -scooters shall observe all traffic signs and stop at all stop signs.

10.64.080 Lights and reflectors.

No bicycles or e -scooters, shall be permitted on any street or other public highway of the city between fifteen minutes after sunset and fifteen minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for not less than five hundred feet, indicating the approach or presence of the vehicle, firmly attached to such vehicle and properly lighted, or without a red reflector attached to and visible from all distances from fifty feet to three hundred feet from the rear thereof when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. The headlight shall give a clear white light.

10.64.090 Riding on sidewalks—Right-of-way.

Any person riding a bicycle or an e -scooter upon a sidewalk of the city except sidewalks in the business district (riding prohibited) as hereinafter enumerated shall grant the right-of-way to any pedestrian thereon.

10.64.100 Safe operation required.

No bicycle or e -scooter shall be ridden faster than is reasonable and prudent and every bicycle and e -scooter shall be operated with reasonable regard to the safety of the operator or any person upon the sidewalks, streets and other public highways of the city.

10.64.110 Riding on sidewalks of downtown area prohibited.

No person shall ride a bicycle or an e -scooter on the sidewalks of the city located within the downtown area as defined in Section 10.64.010 (E).

10.64.120 Riding abreast of more than one other bicycle or e -scooter prohibited.

No person shall ride or propel a bicycle or e -scooter upon any street or other public highway in the city abreast of more than one other person riding or propelling an e -scooter or bicycle.

10.64.130 More than one rider on a bicycle prohibited—Exception.

No person shall ride or propel a bicycle or e -scooter on a street or other public highway of the city with another person in any position in front of or behind the operator, unless the bicycle or e -scooter is designated for two people, or in the case of a bicycle of a tandem type equipped with a seat for each such additional person.

10.64.135 Signage.

A provider is prohibited from placing or permitting the placement of third party signage or messages on the e -scooters of the provider.

10.64.150 Reserved.

10.64.155 Riding on fixtures.

No person shall ride any toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, coasters, skateboards, or similar devices or any bicycle or e-scooter upon, over, against, or otherwise on any bench, table, planter, railing, stair, step, utility equipment, or any other fixture, whether permanently attached or not, in any public place unless such place or fixture has been designated by the city for such use, or unless upon private property and with the permission of the owner of the property.

10.64.160 Reserved.

10.64.165 Obedience to traffic rules required.

Every person propelling a vehicle by human power, or riding or operating an e -scooter or bicycle upon any street or other public highway in the city has all of the rights and all of the duties applicable to the driver of any vehicle upon such roadways, including, but not limited to: turning only at intersections, signaling for all turns, riding at the right-hand side of the street or highway, passing to the left when passing overtaken vehicles and individuals that are slower moving, and passing vehicles to the right when meeting.

10.64.170 Reserved

10.64.180 Dockless Scooter for hire; Permit Required and Permit Applications.

A. Permit required.

1. In general. No provider may rent a dockless-vehicle-for-hire business without having first obtained a permit from the clerk.
2. Issuance. The city clerk may issue a permit pursuant to this chapter.

B. Permit applications.

1. Form. An approved permit to operate a dockless-scooter-for-hire business must be obtained to utilize the public right of ways for a dockless scooter for hire.

2. Contents. Information in the permit requirements, or the provider agreement must include:

- a. The provider's full legal name and any trade name(s) under which it operates;
- b. Documentary evidence from an insurance company indicating that the insurance company has bound itself to provide liability insurance to the provider as required by the Clerk, but an amount not less than the following coverage:

- i. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than the sum of Two Hundred Fifty Thousand Dollars (\$250,000) to any claimant for any number of claims arising out of a single transaction or occurrence; or the sum of Five Hundred Thousand Dollars (\$500,000) for all claims arising out of a single transaction or occurrence.

- c. An agreement to indemnify the City in the following form:

"Operator agrees to indemnify, defend and hold harmless City, and its officials, employees and agents, from and against all actions, damages or claims, including reasonable attorney's fees, (collectively "Claims") brought against the City for personal or bodily injury or death to any person, or damage or destruction of any property, arising out of or resulting from the negligent, wrongful or willful acts or omissions of provider and its agents and employees, including claims for personal injury, bodily injury, wrongful death, loss of consortium, loss of sickness, or destruction of property, including the loss of use resulting therefrom. There shall be no indemnification for the negligent acts or omissions or willful misconduct of the City or its elected or appointed officials and employees.

The City does not waive any right or rights it may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statutes Section 1-39-101 et. seq., and the City specifically reserves the

right to assert any and all rights, immunities, and defenses it may have pursuant to the Wyoming Governmental Claims Act."

d. Any other information to protect the public's safety required by the city.

3. Term and renewal.

a. Term. A permit issued under this chapter expires on the last day of the calendar year in which it was issued.

b. Renewal. The application for renewal must be in the form and contain the information required referenced in this chapter in a form established by the city clerk's office.

c. Transfer of permits prohibited. A permit issued under this chapter to any provider is not assignable or transferrable to, or sharable with any other provider.

4. Permit revocation.

a. After a hearing conducted before the City Clerk and with proper notice to the provider, the Clerk may revoke permits if the Clerk finds that the provider:

i. Intentionally or knowingly made a false statement as to a material matter on the permit application;

ii. Failed to maintain the liability insurance required by contract or ordinance;

iii. Failed to pay any fees, or obtain a performance bond, required under this chapter;

b. Any revocation under this section must be in writing from the Clerk's office and specify the reasons for the action;

c. A provider receiving a revocation under this section is prohibited from applying for a permit under this chapter for eighteen months from the date of revocation.

d. Appeals. A provider aggrieved by a decision of the clerk may appeal that decision to the director of public services, or his/her designee, in writing within ten days of the clerk's decision. The director or his/her designee must issue a written decision within thirty days from receipt of the provider's appeal.

C. Administrative/Right of way/fee.

1. Dockless scooters use the public right of way not only for operation but out of use parking/storage/marketing. An administrative/right of way fee (fee) shall be levied and imposed upon every provider of dockless vehicles for hire.

2. Amount of fees. The amount of fee for providers of per dockless-vehicles for hire rental is ninety dollars (\$90.00) per scooter per calendar year.

D. Remittance and reports.

1. Remittance. A provider shall remit the fee imposed by this chapter to the city clerk at the time the dockless scooter provider is issued permits by the clerk.

2. Reports. Each remittance must be accompanied by an itemization of all dockless vehicle in use for the period reported. The report must be in the form and contain the information that the clerk requires.

3. Missing scooters. The provider must provide all information to the Casper Police Department regarding any missing, stolen or submerged scooters, within ninety-six hours of the provider or its agent's knowledge of missing, stolen or submerged scooters.

10.64.190 Standards of operation of e-bikes or e-scooters.

A. Unlawful operations of bicycles or e-scooters.

1. A bicycle or e -scooter may not be operated:

a. In a manner that violates applicable State or local law;

b. At speeds that exceed fifteen miles per hour for e-scooters.

c. With a passenger, unless the e -bike or e -scooter is designed to carry a passenger;

- d. Without the use of headlight or headlamp fifteen (15) minutes before dusk, and fifteen (15) minutes after dawn, or when the safe operation of a vehicle requires the use of headlight or headlamp;
 - e. On a public right-of-way where bicycles are prohibited;
 - f. On a sidewalk, unless the posted speed on the abutting public right-of-way is thirty miles per hour or greater and the speed of the bicycle or e -scooter on the sidewalk does not exceed ten miles per hour; or
 - g. While carrying a package, bundle, or other article that prevents the user from keeping both hands on the handlebars.
- B. Unlawful parking of dockless vehicle.
1. Public streets and alleys. A dockless vehicle may not be parked on a public street or alley unless the City's Director of Public Services has designated an area specially -designed to accommodate dockless parking.
 2. Sidewalks. Unless otherwise prohibited by law, rule, or regulation that specifically prohibits parking on a sidewalk, dockless vehicles may be parked:
 - a. On any sidewalk; or
 - b. At designated locations as determined by the City's Director of Public Services.
 3. Transit stops. A dockless vehicle may not be parked closer than twenty-five feet from the nearest point of a transit stop to the dockless vehicle.
 4. Miscellaneous locations. A dockless vehicle may not be parked in:
 - a. A driveway without the permission of the owner of the driveway;
 - b. An area reserved for sidewalk dining;
 - c. A transit zone, including bus stops, shelters and passenger -waiting areas, except at designated areas within a transit zone, as determined by the Director;
 - d. A loading zone;
 - e. A parking zone dedicated to accessible parking, handicapped;
 - f. A manner that reduces the pedestrian zone to less than 5 feet or that otherwise prohibits the free flow of pedestrian traffic;
 - g. A manner that interferes with places of access for persons with disabilities as required by the Americans with Disabilities Act; or
 - h. A manner or location prohibited posted by the Director of Public Services.
 5. Manner of parking. Dockless vehicles must be parked in a standing upright position.
- C. User education.
1. In general. A provider must educate its users in the laws, rules, and regulations applicable to the riding, operation, and parking of dockless vehicles.
 2. Publication. As a component of the education required under this section, a provider must make visible on its dockless vehicles or publish on its mobile application, or both, the standards of operation set forth in this chapter.
- D. Provider operational responsibilities.
1. A provider must:
 - a. Operate a twenty-four hour customer service phone number for users, the general public, and City officials to report dockless vehicles that are inoperable or suspected of being operated or parked in apparent violation of the law;
 - b. Remove its dockless vehicles from any public property requested by the Casper Police Department or Casper Fire-EMS;
 - c. Ensure that its dockless vehicles are parked as required by law, rule, or regulation;

- d. Remove or reposition its dockless vehicles that are parked illegally within ninety (90) minutes from the time the call was placed to providers customer service number;
- e. Ensure that its dockless vehicles adhere to applicable national safety standards;

E. Seizure

1. In general. A dockless vehicle for hire is subject to seizure if it is parked or used in violation of this chapter or wrongly left on private property.

2. Procedures.

a. An enforcement officer need not have a warrant in order to seize a dockless vehicle for hire in a violation of this chapter if the enforcement officer has probable cause to believe that the dockless vehicle for hire has been parked or used in violation of this chapter and a warrant is not constitutionally required under the circumstances.

1. Whenever an enforcement officer seizes a dockless vehicle for hire under this section, the enforcement officer may cause it to be moved to a place designated by the Department.

2. On the seizure of a dockless vehicle for hire under this section, the Department must promptly notify the provider of:

a. The reason for seizure;

b. The location of the seized dockless vehicle for hire; and

c. The amount of the fees, if any, associated with the seizure.

a. Vehicles returned on payment. Any dockless vehicle for hire seized under this section must be returned to its provider unless held as evidence.

10.64.180 Violation—Penalty.

Any person violating any provision of this article is guilty of a misdemeanor, and may be punished as provided in Chapter 1.28 of this code.

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

PASSED on 1st reading the 20th day of July, 2021.

PASSED on 2nd reading the 27th day of July, 2021.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 3rd day of August, 2021.

Vice Mayor Pacheco presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Engebretsen.

Speaking in favor of the ordinance was Michael Covato, Territory Manager for Bird Rides, Inc. Mr. Covato addressed questions presented by Vice Mayor Pacheco, and Councilmembers Cathey and Gamroth.

Councilmember Gamroth, Vice Mayor Pacheco and Mayor Freel spoke on the matter. Motion passed.

12.A ORDINANCE— SECOND READING

Following ordinances read:

ORDINANCE. NO. 17-21

AN ORDINANCE AMENDING SECTIONS 15.04.040, 15.04.050 AND 15.04.110 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE.

ORDINANCE NO. 18-21

AN ORDINANCE AMENDING SECTIONS 15.02.020, 15.02.030 AND 15.02.050 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE.

ORDINANCE NO. 19-21

AN ORDINANCE AMENDING SECTIONS 15.20.020 AND 15.20.030 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

ORDINANCE NO. 20-21

AN ORDINANCE AMENDING SECTIONS 15.24.010 AND 15.24.020 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PLUMBING CODE.

ORDINANCE NO. 21-21

AN ORDINANCE AMENDING SECTIONS 15.18.010 AND 15.18.020 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FUEL GAS CODE.

ORDINANCE NO. 22-21

AN ORDINANCE AMENDING SECTION 15.06.020 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.

ORDINANCE NO. 23-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 15.40 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE.

Councilmember Pollock presented the foregoing ordinances for approval, on second reading. Seconded by Councilmember Engebretsen.

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

12.B ORDINANCE— SECOND READING

Councilmember Pollock herself from the discussion and left the room.

Following ordinance read:

ORDINANCE NO. 24-21

AN ORDINANCE UPDATING AND AMENDING CHAPTER 5.08 OF THE CASPER MUNICIPAL CODE, INCLUDING: SECTIONS 5.08.010, 5.08.080, 5.08.085, 5.08.090, 5.08.100, 5.08.105, 5.08.110, 5.08.130, 5.08.140, 5.08.150, 5.08.220, 5.08.290, 5.08.330, 5.08.350, 5.08.390, 5.08.430, 5.08.480 AND 5.08.510.

Councilmember Johnson presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Engebretsen.

No citizens spoke on the ordinance. Moved by Vice Mayor Pacheco to adopt proposed amendment 1, which was on pages 298-299 in the August 3, 2021 Council meeting packet which dealt with inconsistencies in Section 5.08.150 Liquor License Holder Restrictions. Seconded by Councilmember Johnson. Councilmember Pollock recused herself. Motion to amend passed. Council then voted on the ordinance, as amended. Councilmember Pollock recused herself. Motion passed.

Councilmember Pollock rejoined the meeting.

13. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 21-107

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE CASPER JUNIOR FOOTBALL LEAGUE, FOR USE OF THE CROSSROADS COMPLEX, FIELDS 1, 2, AND 3 AND MIKE SEDAR SOCCER FIELD.

RESOLUTION NO. 21-108

A RESOLUTION AUTHORIZING A CONTRACT FOR OUTSIDE -CITY WATER SERVICE WITH CERTAIN OWNERS OF LAND LOCATED IN THE SWINGLE RANCH TRACTS SUBDIVISION INCLUDING LOTS 6, 7, 8, 9, 10, 11, 12, 23, AND 24.

RESOLUTION NO. 21-109

A RESOLUTION AUTHORIZING AN AGREEMENT WITH CASPER TIN SHOP FOR THE CASPER SENIOR CENTER AIR CONDITIONING UPGRADES, PROJECT NO. 19-031.

RESOLUTION NO. 21-110

A RESOLUTION ACCEPTING A GRANT FROM THE WYOMING OFFICE OF HOMELAND SECURITY.

RESOLUTION NO. 21-111

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH RECYKLING INDUSTRIAL REPAIRS, INC., FOR THE REPAIR OF WASTE BALER EJECTION CYLINDER PROJECT.

Councilmember Johnson presented the foregoing five (5) resolutions for adoption. Seconded by Councilmember Cathey. Motion passed.

14. MINUTE ACTION– CONSENT

Moved by Councilmember Cathey, seconded by Councilmember Pollock, to, by consent minute action, authorize the reappointments of current Board Members Ms. Deb Clark and Mr. Cristopher “Crittter” Murray to the Downtown Development Authority (DDA) Board of Directors. Motion passed.

15. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke about events they attended

16. 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, August 10, 2021, in the Council Meeting Room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, August 17, 2021, in the Council Chambers.

At 7:17 p.m., it was moved Councilmember Pollock, seconded by Vice Mayor Pacheco, to adjourn into executive session to discuss an on-going investigation, land acquisition, and litigation. Motion passed. Council moved into the Council meeting room.

At 8:32 p.m., it was moved by Councilmember Cathey, seconded by Vice Mayor Pacheco, to adjourn the executive session. Motion passed. Council opened the meeting to the public.

17. ADJOURNMENT

At 8:32 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Johnson, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor