COUNCIL PROCEEDINGS

Casper City Hall – Council Chambers

November 3, 2020

1. roll call

Casper City Council met in regular session at 6:00 p.m., Tuesday, November 3, 2020. Present: Councilmembers Bates, Cathey, Hopkins, Huber, Lutz, Pacheco, Powell and Mayor Freel. Absent: Councilmember Johnson.

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

2. pledge of allegiance

A member of the Casper Youth Council led the audience in the Pledge of Allegiance.

3. minutes

Moved by Councilmember Bates, seconded by Vice Mayor Lutz, to, by minute action, approve the minutes of the October 20, 2020, regular Council meeting, as published in the Casper-Star Tribune on October 31, 2020. Motion passed.

4. minutes

Moved by Councilmember Hopkins, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the October 27, 2020, special Council meeting, as published in the Casper-Star Tribune on November 1, 2020. Motion passed.

5. executive session minutes

Moved by Councilmember Huber, seconded by Councilmember Bates, to, by minute action, approve the minutes of the October 27, 2020, executive session. Motion passed.

6. bills & claims

Moved by Councilmember Powell, seconded by Councilmember Hopkins, to, by minute action, approve payment of the November 3, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 11/03/20

|  |  |  |
| --- | --- | --- |
| 307Cllsn | Services | 16,090.20 |
| 71Const | Services | 15,525.99 |
| AMBI | Services | 1,527.03 |
| Adecco | Services | 582.00 |
| AhernRntls | Services | 3,341.25 |
| Airgas | Goods | 396.00 |
| Alsco | Services | 215.94 |
| Amerigas | Goods | 586.36 |
| AtlanticElect | Services | 12,560.43 |
| AtlasOffice | Goods | 1,741.55 |
| AtlasRepro | Services | 21.00 |
| B&Bsales | Goods | 389.00 |
| BnkofAmerica | Goods | 64,981.86 |
| BarnardRlEst | Services | 100.00 |
| BArellano | Reimb | 150.00 |
| BiddleCnslt | Services | 2,532.43 |
| BHEnergy | Utilities | 17,371.87 |
| Bloedorn | Goods | 825.99 |
| BrakeSpply | Goods | 1,775.00 |
| BriansGoTo | Services | 403.46 |
| CArchibeque | Reimb | 104.98 |
| CAsbe | Services | 3,300.00 |
| Caselle | Services | 225.00 |
| CsprAreaCnvntn | Services | 2,500.00 |
| CsprFireExt | Goods | 49.25 |
| CsprNCHlthDept | Services | 425.00 |
| CsprStarTrib | Services | 4,063.44 |
| CsprTire | Services | 70.00 |
| CenturyLink | Utilities | 21,240.14 |
| CITech | Goods | 7,282.80 |
| CRodriguez | Refund | 600.00 |
| CtyofCspr | Services | 652,403.08 |
| CtySvcElect | Services | 9,025.00 |
| CivilEng | Services | 48,979.55 |
| CMITeco | Goods | 8,688.50 |
| CollectionCntr | Services | 683.79 |
| CommTech | Goods | 3,412.00 |
| Comtrnx | Goods | 339.99 |
| Convergeone | Services | 57,294.00 |
| CowboySply | Goods | 931.27 |
| CompProf | Goods | 1,166.00 |
| CrimeScnInfo | Services | 109.87 |
| CrumElect | Goods | 13.59 |
| Decker | Services | 310.01 |
| Dell | Goods | 1,520.32 |
| DPCInd | Goods | 7,612.32 |
| DrugTest | Services | 104.00 |
| EnergyLbs | Services | 4,056.00 |
| FalconEye | Goods | 50.00 |
| FHiday | Reimb | 150.00 |
| FIB | Services | 212.00 |
| Galls | Goods | 162.00 |
| Geosyntec | Services | 3,787.50 |
| GlobalPkg | Goods | 50,781.60 |
| GMayhue | Reimb | 119.66 |
| Golder | Services | 57,514.75 |
| Grainger | Goods | 1,605.92 |
| GrizzlyExc | Services | 125,595.30 |
| GulfStsDist | Goods | 2,875.00 |
| Gunners | Goods | 1,502.50 |
| HDREng | Services | 15,147.35 |
| HeinBond | Services | 18,627.00 |
| Homax | Goods | 34,133.70 |
| IndstlScrn | Goods | 407.46 |
| Innovyze | Services | 3,182.00 |
| Isco | Services | 67,157.00 |
| IntermtnMotor | Goods | 4,328.95 |
| JBrown | Reimb | 109.15 |
| JGall | Reimb | 510.15 |
| JSchall | Reimb | 150.00 |
| JSlotsve | Reimb | 250.00 |
| KnifeRiver | Goods | 518.72 |
| Kone | Goods | 289.73 |
| Kubwater | Goods | 5,618.85 |
| MichaelsFnc | Goods | 1,150.00 |
| MonsonJntrl | Services | 12,414.50 |
| MtnSttsLitho | Services | 843.38 |
| MunicpalCode | Goods | 1,771.13 |
| Nicolaysen | Funding | 23,944.76 |
| Norco | Goods | 1,105.83 |
| NWContractors | Services | 305.72 |
| OfficeShop | Services | 5,157.51 |
| OvrhdDoor | Services | 533.62 |
| Pedens | Goods | 18.00 |
| PostalPros | Services | 16,893.09 |
| PblcSftyComm | Services | 2,551.14 |
| Ricoh | Services | 53.03 |
| RckyMtnAir | Services | 7,295.11 |
| RckyMtnPwr | Utilities | 404,256.29 |
| RtrSwrSvc | Services | 1,475.66 |
| SrwinWilliams | Goods | 259.41 |
| ShoshoneDist | Goods | 90.00 |
| SoftDr | Goods | 289.00 |
| SterlingInfo | Services | 371.54 |
| SummitElect | Services | 477.41 |
| Swi | Services | 982.30 |
| Thatcher | Goods | 17,629.92 |
| TopOffice | Goods | 6,787.04 |
| TriTech | Goods | 1,040.00 |
| Trihydro | Services | 531.25 |
| TVEyes | Services | 2,400.00 |
| TylerTech | Goods | 9,710.00 |
| UofWY | Services | 19,802.00 |
| UVDctr | Goods | 48,000.00 |
| Verizon | Services | 3,138.26 |
| Vermeer | Goods | 4,022.47 |
| VogelTrffc | Goods | 353,673.00 |
| VCRCo | Goods | 77.93 |
| WColemanConst | Services | 80,633.87 |
| WstWtrTtmnt | Services | 375,156.30 |
| Wellborn | Services | 10,000.00 |
| WstPlnsEng | Services | 2,680.00 |
| WGonzales | Reimb | 100.00 |
| WLCEng | Services | 2,824.75 |
| WWCEng | Services | 6,486.85 |
| WyLwVltg | Goods | 980.00 |
| WyStateAuditor | Services | 15,598.91 |
| Xerox | Goods | 243.18 |
| Total |  | 2,816,167.71 |

7. Bright Spot

Mayor Freel welcomed members of the Casper Youth Council (CYC) to the meeting. Elissa Ruckle, CYC advisor and youth officers Kenzie Martini, Bryce Hebert, Brooklyn Wistisen, and Jimmy Ruble introduced themselves. CYC Chair Kenzie spoke about the newly formed group and thanked the Mayor for being their first guest speaker. Mayor Freel complimented the group on their interest in the community and encouraged them to keep up the good work.

8. communications from persons present

Michael Hamel, 2504 Bonnie, requesting Council consider ways to keep the community safe during the Covid pandemic.

9. establish public hearings

Moved by Councilmember Pacheco, seconded by Councilmember Cathey, to, by minute action, establish November 17, 2020, as the public hearing date for the consideration of:

a. zone change of Lots 3 and 4, Hembree Addition No. 2, from zoning classification R-2 (One Unit Residential) to C-2 (General Business), located east of Robertson Road, and directly north of 2671 South Robertson Road;

b. vacate and replat Mesa Del Sol III Addition, to create Mesa Del Sol IV Addition, generally located at the intersection of Jordan and Central Drive;

c. plat a portion of SE1/4NW1/4, Section 3, T33N, R79W, 6th P.M., Natrona County, Wyoming, to create the Kinco Addition No. 2, located at 813 North Elma Street, and comprising 0.77-acres, more or less; and,

d. amending Ordinance No. 11-11 an ordinance granting to SourceGas Distribution, LLC, a franchise agreement.

Motion passed.

10.a public hearing - ordinance

Mayor Freel opened the public hearing for the consideration of the massage therapy license and permit ordinance.

City Attorney Henley entered two (2) exhibits: correspondence from John Henley to the Casper City Council and J. Carter Napier, dated October 21, 2020 and an affidavit of publication, as published in the Casper-Star Tribune, dated October 26, 2020. City Manager Napier provided a brief report.

Speaking in support was Michael Seek, 932 S. Spruce. Speaking in opposition was Elizabeth Scott, 337 S. Conwell.

There being no others to speak for or against the issues involving the massage therapy license and permit ordinance, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 24-20

AN ORDINANCE to limit the practice of massage therapy to certified massage therapists, license required.

Councilmember Huber presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Bates. Councilmembers discussed the matter.

Moved by Councilmember Hopkins to amend Section 8.04.240 item D.2 pertaining to the grandfather provision to include “or provide documentation of applicable experience”. Seconded by Councilmember Bates. Council discussed the proposed amendment. Councilmember Hopkins voted aye. Motion to amend failed. Council then voted on the ordinance, on first reading. Motion passed.

10.b public hearing - minute action

Mayor Freel opened the public hearing for the consideration of the transfer of ownership of Retail Liquor License No. 32 Roaring 22, LLC d/b/a The Gaslight Social, located at 314 West Midwest Avenue.

City Attorney Henley entered five (5) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated October 20, 2020; an affidavit of publication, as published in the Casper-Star Tribune, dated October 26, 2020; an affidavit of website publication, as published on the City of Casper website, dated October 22, 2020; an affidavit of notice of conspicuous posting, as posted at 314 W. Midwest, dated October 23, 2020; and the liquor license application filed October 13, 2020. City Manager Napier provided a brief report.

Speaking in support was Richie Bratton, 1200 S. Mitchell. There being no others to speak for or against the issues involving Retail Liquor License No. 32, the public hearing was closed.

Moved by Councilmember Hopkins, seconded by Vice Mayor Lutz, to, by minute action, authorize the issuance of Retail Liquor License No. 32. Motion passed.

11. ordinance– third reading

Following ordinance read:

ORDINANCE NO. 23-20

AN ORDINANCE AMENDNG ORDINANCE NO. 18-17, A FRANCHISE GRANTING AN ELECTRIC UTILITY EASEMENT TO PACIFICORP, AN OREGON CORPORATION, DOING BUSINESS AS ROCKY MOUNTAIN POWER.

WHEREAS, on November 21, 2017, City Council approved Ordinance No. 18-17, which granted an electric utility franchise and general utility easement ("Franchise") to PacifiCorp, an Oregon corporation, doing business as Rocky Mountain Power; and,

WHEREAS, the City receives a seven percent (7%) franchise fee from Rocky Mountain Power; and,

WHEREAS, unless Council acts, the franchise fee automatically decreases to five percent (5%) on November 21, 2021; and,

WHEREAS, the projected loss of revenue to the City is approximately Seven Hundred Sixty Thousand Dollars ($760,000) or more each fiscal year if the automatic decrease occurs; and,

WHEREAS, Council has determined that the projected revenue loss is impractical and unworkable from a budgetary perspective; and,

WHEREAS, the Franchise allows the City to change the franchise fee amount at any time; and,

WHEREAS, the City must give Rocky Mountain Power 60 days' prior written notice of the franchise fee change before it is implemented; and,

WHEREAS, Council wants to amend the Franchise to keep the current, seven percent (7%) franchise fee in place throughout the term of the Franchise.

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

SECTION 1:

Section 13 A. of Ordinance No. 18-17 is amended to read:

In consideration of the rights, privileges, and franchise hereby granted, Rocky Mountain Power shall pay to the City seven percent (7%) of its gross revenues derived from within the corporate limits of City. The term "gross revenue" as used herein shall be construed to mean any revenue of Rocky Mountain Power derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. Notwithstanding any provision to the contrary, at any time during the term of this franchise, the City may elect to change the franchise fee amount as may then be allowed by state law. The City shall provide Rocky Mountain Power with prior written notice of such change following adoption of the change in percentage by the City. The change shall be effective sixty (60) days after the City has provided such written notice to Rocky Mountain Power.

SECTION 2:

The City Manager or his designee shall notify Rocky Mountain Power of this change to the franchise fee by providing it with a copy of this executed Ordinance. The persons and addresses to whom notice shall be given are set forth in Section 19 of Ordinance No. 18-17.

PASSED on 1st reading the 6th day of October, 2020.

PASSED on 2nd reading the 20th day of October, 2020.

PASSED, APPROVED, AND ADOPTED on third and final reading the 3rd day of November, 2020.

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

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

12. ordinance– second reading

Following ordinance read:

Ordinance No. 20-20

An ordinance amending section 13.32.030 of the chapter 13.32 of the casper municipal code, pertaining to division iii wastewater – sewer discharge regulatsions.

Councilmember Cathey 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.

13. consent resolutions

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-208

A RESOLUTION AUTHORIZING A "REAL ESTATE PURCHASE AGREEMENT" AND OTHER NECESSARY DOCUMENTS FOR THE PURCHASE OF REAL PROPERTY FROM GRAHAM BROWN COMPANY, LLC.

RESOLUTION NO. 20-209

A RESOLUTION AUTHORIZING AN AGREEMENT WITH ACCENT PACKAGING, INC., FOR THE 2020 SOLID WASTE BALER BAG PROCUREMENT.

Councilmember Bates presented the foregoing two (2) resolutions for adoption. Seconded by Councilmember Powell. Motion passed.

14. minute action– consent

Moved by Councilmember Hopkins, seconded by Councilmember Cathey, to, by consent minute action, authorize the purchase of one (1) new truck mounted self-contained asphalt repair/patch machine from CMI Teco, in the total amount of $222,255, before trade; and authorize submission of a Wyoming State Historic Preservation Office FY 2021 Certified Local Government Grant. Motion passed.

15. introduction of measures and proposals

Councilmembers shared their concerns with the meeting held by the Natrona County Commissioners on November 2, 2020 to inform the public on the COVID situation in the community. Councilmember Powell asked about the authority needed to carry out a mask mandate. City Attorney Henley indicated that the local health department could do so with permission from the State Health Officer. Councilmember Powell requested that Council adopt a resolution of support for our health care officials. Councilmembers provided a thumbs up to the resolution of support. Mayor Freel made a plea to the community to take precautions to stay healthy during the pandemic.

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, November 10, 2020, in the Council Chambers; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, November 17, 2020, in the Council Chambers. Mayor Freel indicated that the Executive Session for this evening is cancelled.

17. adjournment

At 7:28 p.m., it was moved by Councilmember Cathey, seconded by Vice Mayor Lutz, to adjourn the regular Council meeting. Motion passed.