

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
October 20, 2020

1. ROLL CALL

Casper City Council met in regular session at 6:10 p.m., Tuesday, October 20, 2020. Present: Councilmembers Bates, Cathey, Hopkins, Huber, Johnson, Lutz, Pacheco, Powell and Mayor Freel.

2. PLEDGE OF ALLEGIANCE

Casper Youth Council Chair, Kenzie, led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Hopkins, seconded by Councilmember Johnson, to, by minute action, approve the minutes of the October 6, 2020, regular Council meeting, as published in the Casper-Star Tribune on October 17, 2020. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Cathey, seconded by Vice Mayor Lutz, to, by minute action, approve the minutes of the October 6, 2020, executive session. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Johnson, seconded by Councilmember Hopkins, to, by minute action, approve payment of the October 20, 2020, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 10/20/20

307Cllsn	Services	530.20
307Wndws	Goods	3,645.00
71Const	Services	317,529.93
AMBI	Services	520.77
AAALndscp	Services	630.00
Adbay	Services	5,800.00
Adecco	Services	2,764.50
AdvncdTrffc	Goods	25,200.00
AecomTech	Services	9,980.00
Airgas	Goods	6,563.93
AllotFire	Services	30.00
Alluretech	Utilities	42.00
Alsco	Services	1,140.96
Amerigas	Goods	237.58
AtlasOffice	Goods	2,713.09
AtlasRepro	Services	243.31
B32Eng	Services	13,429.94
BnkofAmerica	Goods	70,514.58
BMattila	Reimb	149.90

BgHrnTire	Services	24,404.76
BHEnergy	Utilities	1,663.10
BrakeSpplly	Goods	890.36
CarolinaSftwr	Services	700.00
CATC	Funding	190,037.57
CsprElect	Services	94,500.00
CsprPD	Reimb	6,638.99
CsprStarTrib	Services	2,275.64
CsprTire	Services	88.00
CntrlWyRscMssn	Goods	7,290.25
CenturyLink	Utilities	245.23
ChldDev	Funding	4,250.00
CldrnAdvcy	Funding	13,833.30
CtyofCspr	Services	56,113.73
CivilEng	Services	36,425.86
CMITeco	Goods	3,283.50
CommTech	Goods	1,675.71
Comtrnx	Goods	300.00
Convergeone	Services	1,784.45
CPU	Utilities	149.06
CRickett	Reimb	117.12
CrwnConst	Services	80,545.00
DKepner	Goods	325.00
DvdsonFxd	Services	3,847.08
Dell	Goods	7,165.34
DFS	Services	90.00
DmndVgl	Goods	33.29
DLT	Goods	6,838.50
EBInc	Services	250.00
EBecher	Reimb	228.00
EBratvold	Reimb	150.00
EcnmcDevJntPBrd	Funding	86,603.25
Edenk-9	Services	522.00
EElston	Reimb	150.85
EmgncyMedDrct	Goods	1,798.80
EnergyLbs	Services	1,512.00
EngDsgn	Services	4,137.50
Fugro	Goods	7,524.41
GCBldg	Goods	135.88
Galls	Goods	162.96
GlobalSpec	Services	165,819.82
Golder	Services	6,360.05
Grainger	Goods	2,844.95
GrizzlyExc	Services	87,334.70
GSchenfish	Services	120.00

Homax	Goods	39,696.57
HydroOpt	Goods	761.25
IndstlScrn	Goods	2,500.00
Isco	Services	6,526.50
Intrado	Services	4,500.00
JacksTrck	Goods	372,846.00
JacobsEng	Services	74,301.67
JDCInvst	Services	590.00
JFHDist	Services	6,314.40
JKCEng	Services	957.50
JStowers	Reimb	150.00
KeenanSply	Goods	7,278.00
KJohnston	Reimb	90.00
KnifeRiver	Goods	6,928.71
KVDavis	Services	400.00
Lisas	Services	960.00
MCCI	Services	10,522.05
MdrnElect	Services	340.00
MGremp	Reimb	140.63
MMcDaniels	Reimb	99.99
Motorola	Goods	9,457.67
Napa	Goods	120,357.61
NCHCorp	Goods	900.00
NCHlth	Funding	128,250.00
NCShrf	Services	107,046.84
Nelson/Nygaard	Services	9,440.28
Norco	Goods	174.62
NrthrnLights	Goods	5,805.00
NWContractors	Services	1,482.72
OneCall	Services	932.25
ResourceMgmt	Goods	2,730.50
Ricoh	Services	224.16
RckyMtnAccrd	Services	1,900.00
RckyMtnPwr	Utilities	10,815.99
RDHInc.	Goods	14,400.00
RtrSwrSvc	Services	877.24
RtryClub	Dues	228.00
SftyKleen	Services	356.08
Smarsh	Services	1,856.00
SoftDr	Goods	178.00
StofWy-Dept	Services	6,191.75
StellarProg	Services	1,991.25
TopOffice	Goods	336.48
TylerTech	Goods	62,613.75
Uniforms2gr	Goods	1,277.44

Verizon	Services	40.01
VolanceLng	Services	26.04
VRCCo	Goods	158.40
Wardwell	Services	141.68
WstPlnsEng	Services	2,500.00
WWCEng	Services	18,132.36
WyMach	Goods	195,346.14
WyLwVltg	Goods	118.15
WyPthways	Goods	1,000.00
Total		2,616,021.38

6. COMMUNICATIONS FROM PERSONS PRESENT

Madelaine Stout, 735 English, requesting more information on her solid waste utility bill.

7. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Cathey, seconded by Councilmember Hopkins, to, by minute action, establish November 3, 2020, as the public hearing date for the consideration of:

- a. Massage Therapy License and Permit Ordinance
 1. Remove from the Table
 2. Establish the Public Hearing Date
- b. Transfer of ownership for Retail Liquor License No. 32 Roaring 22, LLC d/b/a The Gaslight Social, located at 314 West Midwest Avenue.

Motion passed.

8.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 21-20 AMENDED
AN ORDINANCE AMENDING SECTION 2.60.050 TO THE
CODE OF ETHICS OF THE CASPER MUNICIPAL CODE.

WHEREAS, the members of the City Council desire to conduct their business in a manner that is legally and ethically beyond reproach; and

WHEREAS, on October 15, 2019, the City Council passed Ordinance No. 29-19 creating Chapter 2.60 Code of Ethics; and

WHEREAS, since 2019 the City Council has determined the following modifications and additions to Section 2.60.050 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the Section 2.60.050 of the Casper Municipal Code is hereby amended and replaced as follows:

2.60.050 — A. Official decisions and votes.

1. A public official or public member shall not make an official decision or vote on an official decision if the public official or public member has a personal interest in the matter. In determining whether he or she has a personal interest in a matter, the public official or public member shall recognize the importance of his or her right to represent his or her constituency and shall abstain from voting only in clear cases of a personal interest, as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself or herself except for tax reductions affecting the general public. For purposes of this section, a personal interest is:

a. With respect to the public official or public member, an interest which is direct and immediate as opposed to speculative and remote; and

b. An interest that provides the public official or public member, a greater benefit or lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

2. A public official or public member, described by subsection "a" of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's or public member's abstention from voting must be recorded in the city's, board's or committee's official records.

3. This section shall not be construed to supersede Wyoming Statutes Sections 15-9-220, or 16-6-118. Those provisions shall control to the extent inconsistent with this section.

B. Definition of/purpose for Conflict of Interest. Prohibition.

1. Definition of "Conflict of Interest" A conflict of interest will be deemed to exist, whenever an individual is in the position to approve or influence policies or actions of the City of Casper or one of its boards or commissions (hereafter City), or reasonably appears to be in a position to approve or influence policies or actions of the City, which involve or could harm, or benefit financially: (i) the individual; (ii) any member of the member's immediate family (spouse, parents, children, brothers or sisters, and spouses of these individuals and/or cohabitation partner); (iii) any organization in which he or she or an immediate family member or cohabitation partner is a director, trustee or officer or has more than five percent equity or investment interest or the right to acquire any equity or investment interest of more than five percent; (iv) any organization in which he or she or an immediate family member or cohabitation partner has a compensation arrangement; For the avoidance of doubt, service on a joint powers board while on the City Council, and service as a liaison or representative to a City or Casper commission or board, shall not constitute a conflict of interest, but the duty of the council member is to act in the best interest of the City.

2. Purpose. The purpose of this policy recognizes the mere appearance of a conflict may be as serious and potentially damaging to the public trust as an actual conflict. Therefore, potential conflicts must be disclosed, evaluated and managed with the same thoroughness as actual conflicts. Each city council member shall promptly disclose any conflict of interest or potential conflicts of interest that exist or may arise; a council member is to act in the best interest of the City.

3. Procedures regarding conflicts of interest:

a. Duty to disclose:

i. In connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the City of Casper or its governing body, a council member shall promptly disclose the existence of any conflict or potential conflict that may give rise to a conflict of interest with respect to the proposed transaction, contract arrangement, policy, program or other such matter.

ii. Potential conflicts of interest can be seriously damaging to the public's trust. A council member shall promptly disclose the existence of any potential conflict of interest. When in doubt, the council member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict.

iii. If any council member has reason to believe that another council member has a potential conflict of interest, the council member with such belief shall inform the governing body, including disclosing all relevant facts and concerns relating thereto.

iv. If any citizen or group of citizens has reason to believe that a council member has or had a conflict of interest, the citizen or group of citizens can bring the complaint to a council member,

who shall forward the complaint to the mayor or the vice mayor. The mayor or vice mayor will acknowledge receipt of the complaint to the complainant and will advise the complainant that appropriate measures will be taken, based upon a review of the complaint, which may include communications with the parties, city staff or others as deemed necessary.

b. Procedures for addressing a conflict of interest.

If a council member declares a conflict of interest, or a potential conflict of interest exists, or two thirds of the governing body less the member with an alleged potential conflict determine that a conflict of interest exists, the conflicted member may make a presentation to the governing body in open session regarding the conflict of interest but shall only state facts; the member shall not argue for or against the item under consideration. The conflicted member shall then leave the meeting and all future meetings where the potential conflict may be discussed or considered and shall not be present during any discussion of the matter which gave rise to the conflict of interest or potential conflict of interest of the member.

c. Duty to abstain.

After disclosing the existence of a potential conflict, the council member shall refrain from using their potential influence (either at or outside a council meeting, or otherwise) to influence the governing body's handling of the transaction, contract, arrangement, policy, program, or other matter.

ii. No council member may vote on, or each council member must abstain from voting on, any matter in which the council member has a conflict of interest or potential conflict of interest.

C. Preemptive policy to avoid conflicts of interest or the appearance of a conflict of interest.

1. If a council member votes on a matter before council, he or she shall decline to take any financial ownership in the transaction, contract, arrangement, policy, or other such matter upon which he or she voted, for the entirety of the time that member is a member of city council and/or is a city council board or commission appointee. (Ord. No. 29-19, 10-15-2019)

PASSED on 1st reading the 15th day of September, 2020.

PASSED on 2nd reading the 6th day of October, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 20th day of October, 2020.

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

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

8.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 22-20

AN ORDINANCE APPROVING THE VACATION OF A 0.017-
ACRE PORTION OF PUBLIC RIGHT OF WAY (ALLEY)
LOCATED BETWEEN LOT 17, NATRONA HEIGHTS RE-
SUBDIVISION AND LOT 4 OF WHITE'S ADDITION

WHEREAS, Natrona County has requested the vacation of a 0.017-acre portion of public right-of-way (alley), located between Lot 17, Natrona Heights Re -Subdivision and Lot 4 of White's Addition; and,

WHEREAS, said portion of public right-of-way is more particularly described by metes and bounds in Exhibits "A" and "B," which by reference herein are hereby incorporated into this

ordinance; and,

WHEREAS, a petition containing the signatures of a majority of the owners who own a majority of the property abutting the segments of the right-of-way (alley) proposed to be vacated and extending 300 feet in all directions from the street to be vacated has been submitted to the City as provided by W.S. §15-4-305; and,

WHEREAS, prior to third and final reading, Natrona County will submit signed consents to release and abandon the utility easement associated with said portion of right-of-way (alley) being proposed for vacation, from all of Casper's utility companies; and,

WHEREAS, the City of Casper has determined that said portion of right-of-way (alley) can be vacated without adversely impacting utility services or traffic circulation within the area; and, WHEREAS, it is the desire of the governing body of the City of Casper to approve said vacation of a portion of right-of-way (alley).

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

SECTION 1:

That the vacation of a 0.017-acre portion of public right-of-way (alley), located between Lot 17, Natrona Heights Re -Subdivision and Lot 4 of White's Addition, as described in Exhibits "A" and "B," is hereby approved.

SECTION 2:

That the vacated portion of public right-of-way (alley) shall revert to the adjoining land owners, as provided by law.

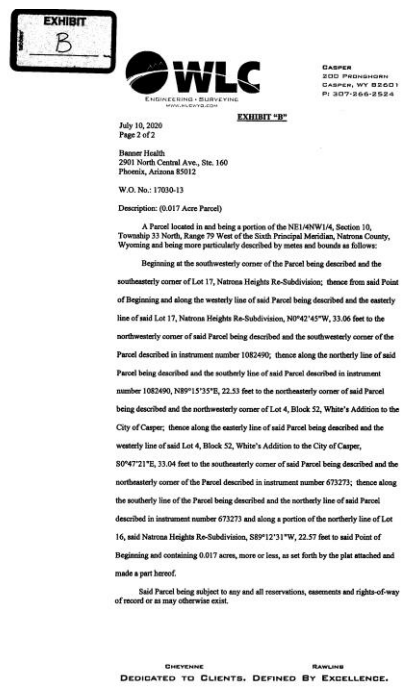
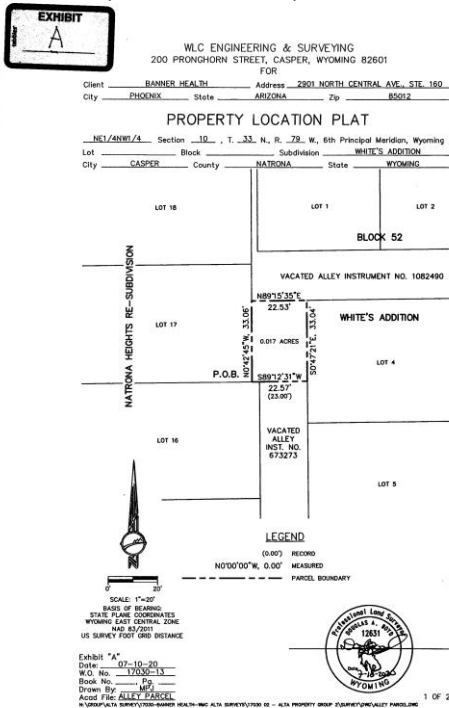
SECTION 3:

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

PASSED on 1st reading the 29th day of September, 2020.

PASSED on 2nd reading the 6th day of October, 2020.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 20th day of October, 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.

9.A ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 23-20

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

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

No citizens spoke on the ordinance. Vice Mayor Lutz asked about the franchise fee terms, which City Manager Napier addressed. Councilmember Johnson voted nay. Motion passed.

10. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 20-202

A RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE CASPER AREA METROPOLITAN PLANNING ORGANIZATION AND MOORE & ASSOCIATES, INC. FOR THE FIVE-YEAR TRANSIT STRATEGIC DEVELOPMENT PLAN AND TRANSIT MARKETING PLAN IN AN AMOUNT OF \$98,067.75.

RESOLUTION NO. 20-203

A RESOLUTION AUTHORIZING THE SMALL ENTERPRISE AGREEMENT COUNTY AND MUNICIPALITY GOVERNMENT (E214-3) AND AMENDMENT NO. 1 THERETO.

RESOLUTION NO. 20-204

A RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE CASPER AREA METROPOLITAN PLANNING ORGANIZATION AND HDR ENGINEERING, INC. FOR THE PUBLIC PARTICIPATION PLAN IN AN AMOUNT OF \$74,921.53.

RESOLUTION NO. 20-205

A RESOLUTION GRANTING AN ENERGY EFFICIENT COMMERCIAL BUILDING DEDUCTION FOR THE CASPER FIRE-EMS STATION NO. 5,16-050.

RESOLUTION NO. 20-206
A RESOLUTION AUTHORIZING ALL CITY OF CASPER
LIQUOR LICENSE HOLDERS TO REMAIN OPEN FOR AN
ADDITIONAL TWO (2) HOURS FOR ONE (1) DAY DURING
THE YEAR 2020.

Councilmember Hopkins presented the foregoing five (5) resolutions for adoption. Seconded by Councilmember Bates.

City Manager Napier shared that the contract with Westnet for the Fire Station No. 1 alerting system project would be postponed to a later meeting.

Council then discussed the following resolution.

RESOLUTION NO. 20-207
A RESOLUTION AUTHORIZING A CONTRACT FOR
PROFESSIONAL SERVICES WITH WESTNET, INC., FOR THE
FIRE STATION NO. 1 ALERTING SYSTEM PROJECT.

Moved by Councilmember Hopkins to remove Resolution No. 20-207 from consideration. Seconded by Vice Mayor Lutz. Motion passed. All voted aye on the five consent resolutions. Motion passed.

11. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers spoke on meetings they attended and upcoming events. Councilmembers also spoke on the need for safety and caution during the Covid pandemic. Mayor Freel shared that a news conference regarding the virus would be held on October 22nd.

12. ADJOURNMENT

Mayor Freel noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, October 27, 2020, in the Council Chambers; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, November 3, 2020, in the Council Chambers. Moved by Councilmember Pacheco, seconded by Councilmember Cathey, to, by minute action adjourn. Motion passed. The meeting was adjourned at 6:43 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor