

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
March 16, 2021

1. ROLL CALL

Casper City Council met in regular session at 5:00 p.m., Tuesday, March 16, 2021. Present: Councilmembers Cathey, Gamroth, Johnson, Knell, Lutz, Pacheco, and Mayor Freel. Councilmembers Engebretsen and Pollock attended via video call.

2. PLEDGE OF ALLEGIANCE

Vice Mayor Pacheco led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Vice Mayor Pacheco, seconded by Councilmember Johnson, to, by minute action, approve the minutes of the March 2, 2021, regular Council meeting, as published in the Casper-Star Tribune on March 12, 2021. Councilmember Lutz abstained. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Gamroth, to, by minute action, approve the minutes of the March 2, 2021, executive session. Councilmember Lutz abstained. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Knell, seconded by Councilmember Lutz, to, by minute action, approve payment of the March 16, 2021, bills and claims, as audited by City Manager Napier. Motion passed.

Bills & Claims 03/16/21		
71Const	Services	17,789.57
AMBI	Services	1,016.57
AceHrdw	Goods	28.77
Adecco	Services	574.73
AhernRntls	Goods	870.15
Airgas	Goods	484.60
Alsco	Services	2,408.74
Ameritech	Services	778.52
Amerigas	Goods	24,408.28
AtInticElect	Services	11,949.01
AtlasOffice	Goods	1,153.34
AtlasReprod	Services	126.00
ATrujillio	Reimb	94.82
BankofAmrca	Goods	96,501.54
BBurgess	Services	45.00
BlakemanProp	Goods	1,413.36
BMattila	Reimb	185.91
BureauofRec	Fees	250.09

C&CSply	Goods	99.84
CAsbe	Services	1,400.00
CShipman	Reimb	150.00
CsprArtistGld	Funding	750.00
CsprElect	Services	10,759.00
CsprStarTrib	Services	3,284.52
CsprTin	Services	745.00
CsprTire	Services	60.00
CtrlWYRgWtr	Services	292,058.90
CenturyLink	Utilities	139.59
Citrix	Services	2,250.00
CtyofCspr	Services	282,245.54
CivilEng	Services	51,587.08
CMITeco	Goods	210,637.79
CommTech	Goods	2,156.64
CompssnLsing	Goods	2,500.00
CompProf	Goods	4,820.96
Comtronix	Goods	2,603.11
Convergeone	Services	317.30
CrumElect	Goods	30.00
DanaKepner	Goods	2,904.66
DavidsonFxd	Services	4,029.41
DeckerAuto	Goods	468.94
Dell	Goods	1,520.32
DennisSply	Goods	10.50
Dustbusters	Goods	105,650.95
EBratvold	Reimb	86.02
EmrgncyMedDir	Services	899.40
EnrgyLabs	Services	220.00
EngDsgn	Services	875.00
ExpressSvcs	Services	1,620.48
FergusonEnt	Services	1,050.00
FirefightersofNC	Dues	1,714.00
Firstdata	Services	19.76
FIB	Services	249.72
GCBldg	Goods	920.58
Galls	Goods	1,231.89
GolderAssoc	Services	4,181.50
Grainger	Goods	774.02
HaassConst	Services	204,171.86
HDREng	Services	45,922.09
HighPlnsConst	Services	61,150.37
Homax	Goods	32,910.07
HorizonCbl	Goods	601.34
HowardSply	Goods	627.54

Identisys	Goods	2,616.79
IndMaint	Goods	1,296.00
IndScreen	Goods	1,850.00
ITCElect	Goods	38,614.27
JacobsEng	Services	65,997.70
KeenanSply	Goods	2,954.00
KnuckleDragger	Goods	1,620.00
Kubwater	Goods	5,618.85
LawEnfSvc	Services	5,123.56
LBerg	Reimb	78.71
LisasSpicSpan	Services	600.00
LongBldg	Goods	702.00
LubEng	Goods	5,965.00
MAnderson	Reimb	89.12
MBurgardt	Reimb	137.96
MillsPD	Services	1,007.63
MonsonJant	Services	3,304.68
MSpaulding	Reimb	150.00
MtnStates	Goods	259.53
MtnWest	Services	1,599.90
MThomason	Reimb	50.00
NCSheriff	Services	1,007.63
Norco	Goods	1,007.20
NWContractors	Goods	1,318.10
OlsonAuto	Services	3,097.82
OneCall	Services	354.00
PCNStrtgs	Services	46,532.92
PeakRescue	Goods	1,200.00
PepperTnk	Goods	50.00
PostalPros	Services	2,203.13
PowerCntrls	Services	5,143.60
ProfClning	Services	1,395.00
PSCC	Services	16,948.57
RRMgmt	Fees	284.85
ReliantFCU	Services	100.00
ReliantTech	Services	7,334.00
Ricoh	Services	435.49
RckyMtnAirSol	Goods	10,471.00
RckyMtnPwr	Utilities	49,711.77
RTasler	Reimb	239.37
SftyVsn	Goods	1,292.96
SDaley	Reimb	75.04
ShamrockEnv	Services	329,753.30
ShrwnWllms	Goods	530.95
Smarsh	Services	1,870.00

SRyden	Reimb	100.00
SterlingInfo	Services	2,437.64
StotzEquip	Goods	61,400.00
SWI	Services	841.99
SWirtz	Reimb	129.14
TElhart	Reimb	45.99
Thatcher	Services	9,632.53
ThirtyThreeMileRd	Services	152.00
TopOffice	Services	296.76
TriState	Services	564.00
TrihydroCorp	Services	6,785.25
TylerTech	Services	700.00
Verizon	Services	467.26
WWTrt	Services	373,736.10
Wardwell	Services	26.71
WayneColeman	Services	18,013.90
WWCEng	Services	1,685.63
WLCEng	Services	1,135.75
WYFirstAid	Goods	501.15
WYLowVolt	Goods	525.00
WYPlnningAssoc	Dues	513.00
WySteel	Goods	1,208.78
XeroxCorp	Services	243.18
Total		2,605,618.85

6. COMMUNICATIONS FROM PERSONS PRESENT

No citizens addressed the Council.

7.A.1 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the ordinance amending Section 13.04.060 of the Casper Municipal Code.

City Attorney Henley entered one (1) exhibit: correspondence from John Henley to the Casper City Council and J. Carter Napier, dated March 10, 2021. City Manager Napier provided a brief report.

There being no one to speak for or against the issues involving Section 13.04.060, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 9-21
AN ORDINANCE AMENDING SECTION 13.04.060 OF THE
CASPER MUNICIPAL CODE.

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

7.A.2 PUBLIC HEARING - ORDINANCE

Mayor Freel opened the public hearing for the consideration of the vacation and replat creating the Central Services Addition No. 2.

City Attorney Henley entered two (2) exhibits: correspondence from Liz Becher to J. Carter Napier, dated March 3, 2021 and an affidavit of publication, as published in the Casper-Star Tribune, dated February 25, 2021. City Manager Napier provided a brief report.

There being no one to speak for or against the issues involving the Central Services Addition No. 2, the public hearing was closed.

Following ordinance read:

ORDINANCE NO. 10-21
AN ORDINANCE APPROVING THE VACATION AND
REPLAT CREATING THE CENTRAL SERVICES ADDITION
NO. 2.

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

Councilmember Knell had questions about the cost to build and maintain Memorial Way between the balefill and the VA Cemetery Road. He also asked if this would cause any traffic concerns. City Manager Napier stated that Evansville is responsible for the building of the roadway and requested more information from staff. Andrew Beamer, Public Services Director, explained that once the road is complete, the City will own and maintain it. He also said that Memorial Way will connect west of Station Road to avoid any possible conflict because a line of vehicles waiting to access the balefill often forms in the area.

Councilmember Cathey asked about building the road on the pipeline easement right-of-way and the how much of the road the City would maintain. Mr. Beamer shared that the layout of the road had been through an extensive negotiation process and that it was a permitted use. He stated that the City would maintain the portion within the City limits. He also shared that because of our standards, the City-owned portion would be paved, but the rest of the road would be gravel.

Councilmember Knell asked about the financial responsibility of this road. Mr. Beamer indicated that the construction of the road and platting of the project was being paid for by Evansville. He also shared that this will provide a safety mechanism for those in Evansville, should Curtis Street be cut off by an accident.

Mayor Freel confirmed that the Evansville portion of the road would be gravel. Mr. Beamer indicated that Evansville does not have funding to pave their portion at this time.

Vice Mayor Pacheco asked if some of the allocated funds for this project were agreed upon years ago for this project. City Manager Napier said that yes, these were funds distributed by the State of Wyoming for use at the county level. He said that although the funding program is no longer in place, Evansville is now able to use the monies previously set aside for this project.

Motion passed.

7.B PUBLIC HEARING - RESOLUTION

Mayor Freel opened the public hearing for the consideration of fiscal year 2021 budget amendment #4.

City Attorney Henley entered two (2) exhibits: correspondence from Tom Pitlick to J. Carter Napier, dated March 10, 2021 and an affidavit of publication, as published in the Casper-Star Tribune, dated March 9, 2021. City Manager Napier provided a brief report.

There being no one to speak for or against the issue, the public hearing was closed.

Following resolution read:

RESOLUTION NO. 21-28
A RESOLUTION AMENDING THE CURRENT BUDGET FOR
THE FISCAL YEAR ENDING JUNE 30, 2021.

Councilmember Knell presented the foregoing resolution for adoption. Seconded by Councilmember Cathey. Vice Mayor Pacheco emphasized the significance of the budget and requested a synopsis from staff. City Manager Napier shared that this is not a request to expand the budget, rather to reconcile unanticipated revenues and expenses, as well as to transition unspent project funds across budget years. Motion passed.

8.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 6-21 AMENDED
AN ORDINANCE REPEALING ORDINANCE NO. 54-00 AS
CODIFIED BY ARTICLE IV, CHAPTER 9.40 OF THE CASPER
MUNICIPAL CODE AND CREATING A NEW ARTICLE IV – OF
CHAPTER 9.40 OF THE CASPER MUNICIPAL CODE TITLED
“SALE OF NICOTINE PRODUCTS”.

Councilmember Gamroth presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Lutz.

No citizens spoke on the ordinance. Council then considered two proposed amendments, which were included in the March 9, 2021 work session packet as well as the March 16, 2021 meeting packet.

Moved by Vice Mayor Pacheco to adopt proposed amendment 1, modifying 9.40.180 pertaining to penalties for the underage purchase of nicotine products. Seconded by Councilmember Gamroth. Motion to amend passed.

Moved by Councilmember Pollock to adopt proposed amendment 2, modifying 9.40.190 pertaining to penalties for the underage possession of nicotine products. Seconded by Councilmember Lutz. Motion to amend passed.

Council voted on the ordinance, on third reading, as amended. Councilmember Johnson voted nay. Motion passed.

Ordinance as amended follows:

ORDINANCE NO. 6-21 AMENDED
AN ORDINANCE REPEALING ORDINANCE NO. 54-00 AS
CODIFIED BY ARTICLE IV, CHAPTER 9.40 OF THE CASPER
MUNICIPAL CODE AND CREATING A NEW ARTICLE IV – OF
CHAPTER 9.40 OF THE CASPER MUNICIPAL CODE TITLED
“SALE OF NICOTINE PRODUCTS”.

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statute §15-1-103(a)(xiii) and (xli) to adopt ordinances and resolutions necessary to protect the health, safety and welfare of the City and of its citizens; 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, effective July 1, 2020, Wyoming Statutes §§ 14-3-301 *et. seq.*, prohibit the sale of nicotine and tobacco products to persons under twenty-one years old and the purchase, possession and use of and nicotine and tobacco products by persons under twenty-one years of age; 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 repeal Ordinance No. 54-00 as codified by Article IV, Chapter 9.40 of the Casper Municipal Code, and Create a new Article IV of Chapter 9.40 of the Casper Municipal Code titled "Sale of Nicotine Products" for the purpose of consistency between the Wyoming State Statutes and the Casper Municipal Code.

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

Section 1: Chapter 9.40 Offenses by or Against Minors — Article IV — Sale of Tobacco (Sections 9.40.150 through 9.40.190), is repealed and to be replaced by Section 2 of this Ordinance.

Section 2: Chapter 9.40 Offenses by or Against Minors — Article IV titled "Sale of Nicotine Products" (Sections 9.40.150 through 9.40.190) is hereby created and shall be codified as follows:
9.40.150 - Definitions.

A. As used in this article:

1. "Tobacco products" means any substance containing tobacco leaf or any product made or derived from tobacco that contains nicotine including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;
2. "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses nicotine products;
3. "Retailer" means a business of any kind at a specific location that sells nicotine products to a user or consumer;
4. "Self service display" means any display of nicotine products that is located in an area where customers are permitted and where the nicotine products are readily accessible to a customer without the assistance of a salesperson;
5. "Electronic cigarette" means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the

United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

6. "Nicotine products" means tobacco products and electronic cigarettes;

7. "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.

9.40.160 — Prohibited sales or delivery

A. No individual shall sell, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.

B. Any individual violating subsection A. of this section is guilty of a misdemeanor punishable by a fine of not more than:

1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed.

C. No retailer shall sell, permit the sale, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.

D. Any person violating subsection C. of this section is guilty of a misdemeanor punishable by a fine of not more than:

1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty- four (24) month period.

E. Nothing in this Municipal Code Chapter shall modify or limit the provisions for injunctive relief pursuant to Wyoming Statutes § 14-3-302 (e).

F. It is an affirmative defense to a prosecution under subsections A. and C. of this section that, in the case of a sale, the person who sold the nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the nicotine product as being over twenty-one (21) years of age.

G. Notwithstanding the provisions of subsection D. of this section, no fine for a violation of subsection C. of this section shall be imposed for a first offense in a twenty-four (24) month period if the retailer can show it had:

Adopted and enforced a written policy against selling nicotine products to persons under the age of twenty-one (21) years;

2. Informed its employees of the applicable laws regarding the sale of nicotine products to persons under the age of twenty-one (21) years;

3. Required employees to verify the age of nicotine product customers by way of photographic identification or by means of electronic transaction scan device; and

4. Established and imposed disciplinary sanctions for noncompliance.

9.40.170 Posted notice required; location of vending machines

A. Any person who sells nicotine products shall post signs informing the public of the age restrictions provided by this article at or near every display of nicotine products and on or upon every vending machine which offers nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of nicotine products to persons under twenty-one (21) years of age is prohibited by law. Any person who owns, operates or manages a business where nicotine products are offered for sale at retail and at which persons under the age of twenty-one (21) are allowed admission with or without an adult, shall maintain all nicotine products within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this subsection:

1. "Within the line of sight" means visible to a cashier or other employee while at the sales counter; and

2. "Under control" means protected by security, surveillance or detection methods.

B. No person shall sell or offer nicotine products:

1. Through a vending machine unless the vending machine is located in:

a. Businesses, factories, offices or other places not open to the general public;

b. Places to which persons under the age of twenty-one (21) years of age are not permitted access; or

c. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under twenty-one (21) years of age is prohibited.

2. Through a self service display except in:

a. A vending machine as permitted in paragraph 1. of this subsection; or

b. A business where entry by persons under twenty-one (21) years of age is prohibited.

C. Any person violating subsection A. or B. of this section is guilty of a misdemeanor punishable by a fine of not more than:

1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.

D. For purposes of subsection A. of this section, each day of continued violation under subsection A. or B. of this section shall be deemed a separate offense.

E. Nothing in this Municipal Code Chapter shall modify or limit the provisions for injunctive relief pursuant to Wyoming Statute §14-3-303(e).

9.40.180 Purchase by person under twenty-one years of age prohibited.

A. No person under the age of twenty-one (21) years shall purchase or attempt to purchase nicotine products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase nicotine products.

A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense committed by all persons eighteen (18) years of age or older and charged under this section in an amount equal to the fine imposed by subsection B.1. of this section.

B. Any person violating subsection A. of this section is guilty of a misdemeanor:

1. Any person eighteen (18) years of age or older violating subsection A. of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).

2. For persons under the age of eighteen (18):

a. For the first offense, the person in violation of subsection A. of this section shall at their own cost attend a nicotine or tobacco education/cessation program approved by the Municipal Court. Approved providers of the course shall charge no more than twenty-five dollars (\$25.00) for the course.

b. For the second offense, the person in violation of subsection A. of this section shall at their own cost, attend a substance use/intervention class approved by the Municipal Court. Approved providers of the course shall charge no more than twenty-five dollars (\$25.00) for the course.

c. For the third and each subsequent offense thereafter, the person in violation of subsection A. of this section shall perform at least ten (10) hours but not more than twenty (20) hours of community service as determined by the Court. The imposition of the customary ten dollars (\$10.00) in court costs may be assessed as determined by the court at its discretion.

C. For those individuals eighteen (18) years to twenty (20) years of age, who are in violation of subsection A. of this section, the court may allow the defendant to perform community service and receive credit against his/her fine at a rate of ten dollars (\$10.00) for each hour of community service work performed or each hour of attendance of a court approved tobacco or nicotine cessation program which cost shall be no greater than twenty-five dollars (\$25.00). The imposition of the customary ten dollars (\$10.00) in court costs shall be assessed as determined by the Court.

D. No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment/completion of the fine/penalty imposed by subsection B.1., and B.2., of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction.' For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

9.40.190 Possession or use by person under twenty-one years of age prohibited.

A. It is unlawful for any person under the age of twenty-one (21) years to possess or use any nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense committed by persons eighteen (18) years of age and older and charged under this section in an amount equal to the fine imposed by subsection B.1. of this section.

B. Any person violating subsection A. of this section is guilty of a misdemeanor:

1. Any person eighteen (18) years of age or older violating subsection A. of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).

2. For persons under the age of eighteen (18):

a. For the first offense, the person in violation of subsection A. of this section shall at their own cost attend a nicotine or tobacco education/cessation program approved by the Municipal Court. Approved providers of the course shall charge no more than twenty-five dollars (\$25.00) for the course.

b. For the second offense, the person in violation of subsection A. of this section shall at their own cost, attend a substance use/intervention class approved by the Municipal Court. Approved providers of the course shall charge no more than twenty-five dollars (\$25.00) for the course.

c. For the third and each subsequent offense thereafter, the person in violation of subsection A. of this section shall perform at least ten (10) hours but not more than twenty (20) hours of community service as determined by the Court. The imposition of the customary ten dollars (\$10.00) in court costs may be assessed as determined by the court at its discretion.

C. For those individuals eighteen (18) years to twenty (20) years of age, who are in violation of subsection A. of this section, the court may allow the defendant to perform community service and receive credit against his/her fine at a rate of ten dollars (\$10.00) for each hour of community service work performed or each hour of attendance of a court approved tobacco or nicotine cessation program which cost shall be no greater than twenty-five dollars (\$25.00). The imposition of the customary ten dollars (\$10.00) in court costs shall be assessed as determined by the Court.

D. No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment/completion of the fine/penalty imposed by subsection B.1., and B.2., of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

PASSED on 1st reading the 2nd day of February, 2021.

PASSED on 2nd reading the 16th day of February, 2021.

PASSED, APPROVED, AND ADOPTED on third and final reading the 16th day of March, 2021.

8.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 7-21

AN ORDINANCE APPROVING A VACATION/REPLAT, SUBDIVISION AGREEMENT AND ZONE CHANGE FOR THE TRAILS WEST ESTATES NO. 4 ADDITION SUBDIVISION IN THE CITY OF CASPER, WYOMING.

WHEREAS application has been made for the creation of the Trails West Estates No. 4 Addition subdivision, consisting of a vacation and replat of Lots 1-4, Block 16, Cottonwood Addition, Lots 13-19, Block 17, Trails West Estates, and Lot 20A, Block 17, Trails West Estates No. 3, and Lot 14 of Lots 8-14, Block 17, Trails West Estates No. 2, and the Westerly Portion of Indian Scout Drive, and the southerly portion of Whispering Springs Road; and,

WHEREAS application has been made to rezone the proposed Trails West Estates No. 4 Addition from combined zoning classifications PUD (Planned Unit Development) and R-1 (Residential Estate), to entirely R-1 (Residential Estate); and,

WHEREAS, the property owners in the Trails West Estates No. 4 subdivision will enter into a written subdivision agreement with the City of Casper, executed upon third reading of this ordinance; and,

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

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

WHEREAS, the governing body of the City of Casper finds that the above-described vacation, replat, zone change, and Trails West Estates No. 4 Addition Subdivision Agreement should be approved.

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

SECTION 1:

The vacation and replat creating the Trails West Estates No. 4 Addition is hereby approved.

SECTION 2:

The subdivision agreement between the property owners and the City of Casper is hereby approved, and the Mayor is hereby authorized and directed to execute, and the City Clerk to attest said document.

SECTION 3:

The zoning of the Trails West Estates No. 4 Addition shall be R-1 (Residential Estate).

SECTION 4:

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 16th day of February, 2021.

PASSED on 2nd reading the 2nd day of March, 2021.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 16th day of March, 2021.

Councilmember Johnson presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Knell. No citizens spoke on the ordinance. Councilmember Engbretsen and Mayor Freel abstained. Motion passed.

8.C ORDINANCE—THIRD READING

Following ordinance read:

ORDINANCE NO. 8-21

AN ORDINANCE CREATING CITY OF CASPER, WYOMING, LOCAL ASSESSMENT DISTRICT NO. 158 (HEREINAFTER CALLED THE "DISTRICT"); ORDERING THE CONSTRUCTION OF IMPROVEMENTS THEREIN; DESCRIBING THE SAME, DIRECTING THE PREPARATION OF PLANS AND SPECIFICATIONS THEREFOR; PROVIDING FOR THE PUBLICATION OF NOTICE TO CONTRACTORS; FIXING THE BOUNDARIES OF SAID DISTRICT; RATIFYING ACTION PREVIOUSLY TAKEN; AND, PRESCRIBING DETAILS IN CONNECTION WITH SAID DISTRICT.

WHEREAS, pursuant to Title 15, Chapter 6, Wyoming Statutes, 1977, as amended, on the 19th day of January, 2021, the City Council (hereinafter called the "Council") of the City of Casper, Wyoming, (hereinafter called the "City") adopted a resolution declaring the intention of said Council to establish the City of Casper, Wyoming, Local Assessment District No. 158, to authorize the construction of certain local improvements therein, and to assess the cost or portion thereof of the local improvements on the property benefited thereby; and,

WHEREAS, said resolution was duly mailed and published as a notice, affidavits of such mailing and publication being now on file in the Office of the City Clerk; and,

WHEREAS, in response to said notice, no written remonstrances were filed against the proposed improvements; and,

WHEREAS, a public hearing shall be held on the first reading of this ordinance, February 16, 2021.

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

Section 1. Creation of District.

That there be, and there hereby is created and established within the corporate limits of the City of Casper, Wyoming, a local improvement district for the purpose of making certain local improvements consisting of asphaltic concrete pavement on the roads hereinafter designated, and, to assess the cost thereof (except as hereinafter provided) on the property benefited thereby and included within the Local Assessment District herein described.

Section 2. Name of District.

The Council has determined and does hereby determine that:

A. The Local Assessment District herein described, as such might hereinafter be modified, shall be known as the "City of Casper, Wyoming, Local Assessment District No. 158";

Section 3. Location of Paving Improvements.

The City proposes to establish grades for the following named streets, intersections, and parts of streets, within the City between the termini specified, as such are set forth on the official plats of the subdivisions or additions in said City, now on file and of record, as follows:

LOCATION OF ROADWAY PAVING IMPROVEMENTS

<u>STREET</u>	<u>WIDTH</u>	<u>PROPOSED IMPROVEMENT</u>
1. Coates Road	26.0'	Asphaltic Concrete Pavement

The width in feet of said road, hereinabove set forth, is measured from the edge of the blacktop to the edge of the blacktop on each side.

Section 4. Description of Paving Improvements.

The character, kind, and extent of the asphaltic concrete pavement improvements shall be as follows:

A. All streets as denoted in Section 3 shall include installation of a sub-base aggregate base course, a plant mix bituminous base, tack coat, and a plant mix pavement surface course, in accordance with approved City Standards. The work shall include all necessary removal, excavation, filling, grading, and replacement to design elevations and appurtenant work.

Section 5. Boundaries of the District.

It is proposed to create the District, the boundaries of which lie entirely within the City of Casper, as follows:

Skyline Ranches

Lots 2-7, Lot 8 (East Half), Lots 9-14

Section 6. Determination of Benefits.

The City Council has determined, and does hereby determine, that the method of assessment will result in a distribution of costs among property owners in proportion to the special benefits conferred by the improvements, and that any other method of assessment would result in an inequitable distribution of costs among some owners whose property is benefitted by the improvements.

Section 7. Method of Assessment.

A. Paving Improvements. Each piece of property with access to the road in or along which the improvements are to be made shall be assessed by the following method:

Each property shall be assessed on the basis of its acreage so that the total assessment on each piece of property shall be in proportion to the total accessible acreage of the property to be assessed for the same improvement.

B. Assessment Liens. Notwithstanding any provision to the contrary, the assessment shall be levied and an assessment lien attached on all, or a piece, of benefitted property so as to avoid the imposition of a lien upon a part of the subdivided lot or partial lot under common ownership and use.

Section 8. Estimated Costs.

The City of Casper has agreed to design the improvements in-house. The construction of the improvements will be performed by a qualified contractor with the lowest competitive bid. The properties will be assessed the full cost for a contractor to install the asphalt pavement, plus the cost of engineering.

The estimated total costs for the total improvement project (including, but not limited to, all incidental improvements or work) are as follows:

1. The estimated contract price for installation of asphalt pavement is \$171,820.
2. The estimated cost for engineering is \$15,620.
3. The estimated total cost of the total improvement project is \$187,440.
4. The estimated assessable costs for each acre of property are as follows:
 - a. All Improvements \$1,575.83 per acre.
5. The estimated project cost of the Local Assessment District is \$187,440, which includes all improvements.

The City's funding source will be from 1%#16 funds for miscellaneous street improvements.

The City Council shall accept no bids or combination of bids, which shall exceed by more than ten percent (10%) the aforesaid estimate of the contract price unless approved by the property owners, subject to a special assessment.

Section 9. Direction to Engineer to Proceed.

The City Engineer is hereby directed and authorized, immediately upon the passage of this Ordinance, to prepare and file with the City Clerk final plans, specifications, and the estimated cost of said improvements, which plans, specifications, and estimated cost shall show in detail the work to be done, the quantities of materials to be handled and the estimated cost of said improvements, which plans, specifications, and estimated cost shall be hereafter approved by the Council, by resolution.

It is hereby determined and ordered, that such improvements shall be made as soon as practical. Immediately after the approval of said plans and specifications, the City Clerk shall call for bids for the making of said improvements, by publishing notice in at least one issue of a newspaper published and of general circulation within the City of Casper, which notice shall be substantially in agreement with the provisions of Wyoming Statutes, 1977, as amended, and this Ordinance.

Section 10. Maintenance of Improvements.

The maintenance of the proposed improvements after their acceptance by the City on said streets, intersections, and parts thereof, shall not be included in the construction contract or contracts, and there shall be no charges for such maintenance included in the assessments for the proposed improvements; provided, however, that nothing herein shall be construed to preclude provision in the contract or contracts relating to the guarantee of improvements thereunder.

Section 11. Ratification.

All action heretofore taken by the City and officers thereof, directed toward the creation of the City of Casper, Wyoming, Local Assessment District No. 158, the improvement of property therein and the levy of assessments therefor, be, and the same hereby is, ratified, approved, and confirmed.

Section 12. Severability.

If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 13. Repealer.

All orders, bylaws, resolutions, and ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 14. Authorization of Officers and Employees.

The officers and employees of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

PASSED on 1st reading the 16th day of February, 2021.

PASSED on 2nd reading the 2nd day of March, 2021.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 16th day of March, 2021.

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

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

9. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 21-29

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT, QUITCLAIM DEED, AND DRAINAGE, UTILITY, AND ACCESS EASEMENT WITH THE WYOMING DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION ACTIVITIES FOR THE SOUTH POPLAR STREET AND WEST 1ST STREET PROJECT.

RESOLUTION NO. 21-30

A RESOLUTION AUTHORIZING AN AGREEMENT WITH INSTALLATION AND SERVICE COMPANY, INC., FOR THE 2021 CPU ASPHALT REPAIR PROJECT NO. 21-001.

RESOLUTION NO. 21-31
A RESOLUTION AUTHORIZING A CONTRACT FOR
OUTSIDE-CITY WATER SERVICE WITH L. L. ENTERPRISES.

Councilmember Johnson presented the foregoing three (3) resolutions for adoption. Seconded by Councilmember Gamroth. Motion passed.

10. MINUTE ACTION– CONSENT

Moved by Councilmember Johnson, seconded by Councilmember Lutz, to, by consent minute action, appoint new board member Larry Madsen to the Amoco Reuse Agreement Joint Powers Board. Motion passed.

11. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmember Knell requested further discussion of the parking on the parkways issue. Councilmembers expressed their gratitude to City staff and the community for working together during and following the historic snowstorm over the weekend. Mayor Freel noted that this meeting had been shifted by an hour for safety reasons. Councilmembers also spoke on meetings and events they attended.

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, March 23, 2021, in the Council Chambers; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, April 6, 2021, in the Council Chambers.

At 5:47 p.m., it was moved Councilmember Knell, seconded by Vice Mayor Pacheco, to adjourn into executive session to discuss litigation, security, property, and personnel. Motion passed.

At 7:25 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Knell, to adjourn the executive session. Motion passed.

13. ADJOURNMENT

At 7:25 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Knell, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor