

INFORMATION PACKET

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Friday, August 14, 2020



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We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

The Grid

A working draft of Council Meeting Agendas

August 18, 2020 Councilmembers Absent: Johnson

| Regular Council Meeting Agenda Items | Est. Public Hearing | Public Hearing | Ordinances | Resolutions | Minute Action |
|---|----------------------------|-----------------------|-------------------|--------------------|----------------------|
| Pre-meeting: Municipal Court Update (Beginning at 5) | | | | | |
| Pre-Meeting: Open Container Area | | | | | |
| Approval of August 4 Executive Session Minutes | | | | | |
| Bright Spot - September Hunger Action Month/Wyoming Food Bank of the Rockies | | | | | |
| Bright Spot - Gastroparesis Awareness Proclamation | | | | | |
| Establishing September 1, 2020 as the Public Hearing for Consideration of Revisions to Chapter 13.32.030 of the Casper Municipal Code Related to Local Limits for the Industrial Pretreatment Program. | C | | | | |
| Establishing September 1, 2020 as the Public Hearing for Consideration of Massage Therapy License and Permit Ordinance. (Title will likely change) | C | | | | |
| Amending Sections of Chapter 6.04 - Animal Care and Control 3rd Reading | | | N | | |
| 2020 NFPA70 National Electrical Code. 2nd Reading | | | N | | |
| Annexation and Plat Creating the Ide Addition to the City of Casper, and Zoning said Addition as C-3 (Central Business). 2nd Reading | | | N | | |
| Vacating Tract G, Mesa Del Sol Addition, as Public Parkland; and Approving a Zone Change of said Parcel from PH (Park Historic) to R-4 (High Density Residential). 2nd Reading | | | N | | |
| Authorizing a Lease Agreement between the City of Casper and the Casper Midget Football Association. | | | | C | |
| Establishing the Assessment of In-house Engineering Service Fees to Capital Projects. | | | | C | |
| Authorizing Acceptance of a Grant Award from the Wyoming Office of the Attorney General Division of Victim Services, in the Amount of \$87,890. | | | | C | |
| Authorizing a Quitclaim Deed Conveying Three Parcels as Set Forth in Section 1 of Casper Municipal Ordinance No. 22-95. | | | | C | |
| Authorizing a Quitclaim Deed Conveying South Melrose Street between East 3rd and 5th Street and the East-west Alley within Block 51, White's Addition that runs from South Conwell Street to South Melrose Street with the Exception of an Access and Utility Easement. | | | | C | |
| Authorizing a Quitclaim Deed Conveying the North/South Alley between the Casper Surgical Center and East 15th Street, South Melrose and Washington Streets, Starting at the South Lot Line of Lot 17, Natrona Heights Resubdivision and Extending South to East 5th Street. | | | | C | |
| Authorizing a Memorandum of Understanding with the Nicolaysen Art Museum and Discovery Center Regarding Tree Decorations. | | | | C | |
| Authorizing a Contract with Motorola Solutions, Inc. as the Designated Primary Consultant Responsible for Oversight and Maintenance of Critical Public Safety Equipment in the Total Amount of \$567,460. | | | | C | |

| | | | | | |
|---|--|--|--|---|--|
| Authorizing a License Agreement between the City and Thomas and Sonja Rohrbach for the Private Use of a City-owned, Undeveloped Street Right-of-way. | | | | C | |
| Authorizing a Contract for Professional Services with Highlander Ski Lift Services & Construction, Inc., in the Amount of \$67,780 for the Hogadon Bullwheel Service. | | | | C | |
| Executive Session - Property, Litigation, & Personnel | | | | | |

August 25, 2020 Councilmembers Absent:

| Work Session Meeting Agenda Items | Recommendation | Allotted Time | Begin Time |
|--|---------------------|---------------|------------|
| Recommendations = Information Only, Move Forward for Approval, Direction Requested | | | |
| Meeting Followup | | 5 min | 4:30 |
| Junior Council (Elissa Ruckle) | Information Only | 20 min | 4:35 |
| COVID-19 Reimbursement Application | Direction Requested | 20 min | 4:55 |
| Public Comment Periods for Ordinances | Direction Requested | 30 min | 5:15 |
| Council Ethics Discussion | Direction Requested | 30 min | 5:45 |
| LAD Billing Process | Information Only | 20 min | 6:15 |
| Agenda Review | | 20 min | 6:35 |
| Legislative Review | | 10 min | 6:55 |
| Council Around the Table | | 10 min | 7:05 |
| Approximate Ending Time: | | | 7:15 |

September 1, 2020 Councilmembers Absent:

| Regular Council Meeting Agenda Items | Est. Public Hearing | Public Hearing | Ordinances | Resolutions | Minute Action |
|--|---------------------|----------------|------------|-------------|---------------|
| Approval of August 18 Executive Session Minutes | | | | | |
| Public Hearing: Revisions to Chapter 13.32.030 of the Casper Municipal Code Related to Local Limits for the Industrial Pretreatment Program. | | N | | | |
| Public Hearing: Massage Therapy Ordinance | | | N | | |
| 2020 NFPA70 National Electrical Code. 3rd Reading | | | N | | |
| Annexation and Plat Creating the Ide Addition to the City of Casper, and Zoning said Addition as C-3 (Central Business). 3rd Reading | | | N | | |
| Vacating Tract G, Mesa Del Sol Addition, as Public Parkland; and Approving a Zone Change of said Parcel from PH (Park Historic) to R-4 (High Density Residential). 3rd Reading | | | N | | |
| COVID-19 Reimbursement Application Reso | | | | C | |
| Authorizing the Appointment of Dennis R. Gazdiewich to the Civil Service Commission for a Three (3) Year Term Expiring September 30, 2023. | | | | | C |

September 8, 2020 Councilmembers Absent:

| Work Session Meeting Agenda Items | Recommendation | Allotted Time | Begin Time |
|--|---------------------------|---------------|------------|
| Recommendations = Information Only, Move Forward for Approval, Direction Requested | | | |
| Meeting Followup | | 5 min | 4:30 |
| Amending Ordinance No. 18-17 - Rocky Mountain Franchise | Move Forward for Approval | 30 min | 4:35 |
| Snow Plow Plans (cost saving proposals) | Direction Requested | 30 min | 5:05 |
| Agenda Review | | 20 min | 5:35 |
| Legislative Review | | 10 min | 5:55 |
| Council Around the Table | | 10 min | 6:05 |
| Approximate Ending Time: | | | 6:15 |

Future Agenda Items

| Item | Date | Estimated Time | Notes |
|---|------|----------------|--------------------------|
| Proud to Host the Best | | | September 22 (tentative) |
| Roof Inspections | | | |
| Parking on the Parkways | | 30 min | |
| David Street Station 501(c)(3) | | 30 min | |
| Meadowlark Park | | | Spring 2020 |
| Private Operation of Hogadon | | | |
| Formation of Additional Advisory Committees | | | |
| LAD Billing Process | | | August |
| TOPOL Addition Release of Zoning Restrictions (tentative) | | | |
| Consideration for responsible bidder status | | | |
| Off-Season Hogadon Use | | | |
| Wind Turbines | | | |

Staff Items

| | | | |
|--|--|--------|-------------|
| Limo Amendment | | | |
| Sign Code Revision | | | |
| Wind River Traffic Update | | | Summer 2020 |
| Land and Water Conservation Fund Grant | | | |
| Blood Borne Pathogens | | | |
| Community Relations Spec Update Followup | | 30 min | |

Future Council Meeting Items

Sept. 15 - An Ordinance Amending Ordinance No. 18-17, a Franchise Granting an Electric Utility Easement to PacifiCorp, an Oregon Corporation, doing Business as Rocky Mountain Power.

Public Hearing on September 15, 2020: Resolution certifying Annexation compliance with Title 15, Chapter 1, Article 4 of the Wyoming State Statutes to determine if the Annexation of the Ide Addition to the City of Casper complies with W.S. §15-1-402.

1. Resolution.
2. Third reading Ordinance Approving Annexation, and Zoning of the Ide Addition.

Retreat Items

| |
|---|
| Economic Development and City Building Strategy |
|---|



**AMOCO REUSE AGREEMENT
JOINT POWERS BOARD**

2435 King Blvd, Suite 249
Casper, WY 82604
(307) 472-5591



renee@arajpb-casper.org

AMOCO REUSE AGREEMENT JOINT POWERS BOARD

MEETING MINUTES

6:00 p.m. Wednesday, July 8, 2020

2435 King Blvd, ~~Big Horn Conference Room~~, Casper, WY 82604

Due to COVID-19 the meeting was held in the Big Room Conference Room and by teleconference

Present: Bob Chynoweth, Ben Schrader, Terry Lane, Jim Belcher, Brook Kaufman, and Rob Hurless

Absent: Reed Merschat, Bob Hopkins, and Doug Follick

Others Present: Matt Reams (Three Crowns) and Executive Director Renee Hahn

With a quorum in attendance, the meeting was called to order at 6:01 p.m. by Chairman Chynoweth. All attendees were asked to participate in the Pledge of Allegiance to the Flag.

1. FY2020 -2021 Budget

PUBLIC HEARING

Chairman Chynoweth opened the public hearing at 6:03 to consider the FY20-21 Budget, as published in the Casper Star-Tribune on July 6, 2020. Mr. Lane presented the following information:

Properties Operations and Maintenance Budget

| | |
|----------|-------------|
| REVENUES | \$2,502,780 |
| EXPENSES | \$2,502,780 |

Building/Facilities Fund Budget

| | |
|----------|------------|
| REVENUES | \$ 700,000 |
| EXPENSES | \$ 700,000 |

Economic Development Fund Budget

| | |
|----------|-------------|
| REVENUES | \$2,416,200 |
| EXPENSES | \$2,416,200 |

Chairman Chynoweth asked three times if there was anyone in attendance that would like to speak in favor or against the proposed budget. Since no one spoke in favor or against the budget, Mr. Chynoweth continued and closed the public hearing at 6:09 p.m.

A motion was made by Mr. Schrader and seconded by Mr. Belcher to approve the budget. There being no further discussion, the Board proceeded to vote. The motion carried with all members in attendance voting aye. (Copies on file.)

Please see 2020-2021 Budget for an itemization of the Three Crowns Expenditures.

2. Minutes from June 10 2020 and June 26 2020 Regular Meeting

A motion was made by Mr. Lane and seconded by Mr. Schrader to approve the Minutes of the June 10, 2020 Meeting. There being no further discussion, the Board proceeded to vote. The motion carried with all members in attendance voting to accept the Minutes as presented.

(Copy of Minutes on file.)

A motion was made by Ms. Kaufman and seconded by Mr. Hurless to approve the Minutes of the June 26, 2020 Meeting. There being no further discussion, the Board proceeded to vote.

The motion carried with all members in attendance voting to accept the Minutes as presented. (Copy of Minutes on file.)

3. Approval of July 8, 2020 Treasurer's Report

Details of investment accounts, the checking account and the various vouchers listed on the Treasurer's Report as of July 8, 2020 were presented by Mr. Lane.

A motion was made by Mr. Belcher and seconded by Mr. Hurless to approve the Treasurer's Report of July 8, 2020, containing the financial report of the investment funds, checking account and interest accrued, as well as the authorization for payment of all vouchers listed on the report. There being no further discussion, the Board proceeded to vote. The motion carried with all members in attendance voting to accept the report. Mr. Lane then explained the investments.

The June 2020 monthly financial statement draft by Lenhart Mason was presented by Mr. Lane. He inquired if any of the Board had questions. No questions were asked.

- **Investment/Financial Committee**

Mr. Lane discussed the securities that will be maturing in August 2020 and November 2020. He informed the Board that these securities will automatically be reinvested.

4. Committee Reports

- **Architectural Review**

No Report.

- **PRC**

Ms. Hahn shared that BP will be installing slats in the fencing around Site C.

- **Refined Properties**

Mr. Schrader informed the Board that last month discussion took place on the erosion in Salt Creek Heights in Phase 1, between Lot 18 and 19. He informed the Board that Refined Properties presented an estimate from Eastland Properties for \$5,600 to rectify the issue. The work will be performed by 71 Construction and completed by the next month.

The Western Opportunity Area (WOA) has completed the testing for the electro-magnetic survey and drilling. The findings will be presented in a report format which will be completed by next week.

Mr. Schrader reported that the SFA Feasibility Study is still currently on hold. All the participants who shared in the cost of the study received the final analysis from Flag Development.

He also informed the Board that Wyoming Otolaryngology is looking to expand. A price per square foot was presented to them by Refined Properties for future development.

Mr. Schrader updated the Board on the lot under contract in Salt Creek which has been delayed. The PUD is to allow above ground flammable storage tanks and is now awaiting current owners' signatures in the Salt Creek Business Center. Upon completion of gathering the signatures, the County is expected to review the PUD and determine whether it is allowable. The closing is now expected to occur in September.

Refined Properties has received an acceptable estimate on repairing the pathway. Mr. Belcher inquired on the cost of the estimate. Ms. Hahn informed him it was \$2,900 and would be presented to BP for payment.

- **Three Crowns**

Mr. Reams stated "The course is busy and they are following all Covid-19 restrictions." Three Crowns is now 100% staffed with an excellent team. The restaurant manager's position has been divided amongst two people. They now have an Executive Chief and a Kitchen Manager. He believes that this has already proven to be more efficient. The food sales have been impacted by Covid-19.

- **Executive Committee**

Mr. Chynoweth asked Ms. Hahn to review the upcoming meetings.

5. Interaction with City and County Representatives – Specific Issues and Concerns

Ms. Kaufman shared that the County's Building Department continues to be busy. She also informed the Board that the County approved and passed their 2020-2021 Budget.

6. Other

Mr. Chynoweth asked Ms. Hahn to inform the Board on the Status of the proposed change to ARAJPB's By-Laws. Ms. Hahn stated "The Attorney, Kyle Ridgeway has submitted the change creating a Third Amendment to the Reuse Agreement. The submittal will be presented to the City Council's Work Session on July 14th, and then move to the Council Meeting on the July 21st. If passed, then the County will be presented with the same document in their August Meeting." Mr. Belcher understood why the change is being requested but had concerns. He was worried that if this goes forward it could deter future applicants from applying to the Board. Mr. Schrader and Ms. Hahn agreed with his concerns, but were also worried about the current situation of four senior board members terms ending in December. The history the Board would lose from these individuals would be extreme. Mr. Schrader and Mr. Chynoweth assured Mr. Belcher that most board members will not apply for their third term or even stay the entire third term. This third term allows more time for the first term board members to feel comfortable with all the information there is to acquire.

7. Future Meetings/Agenda

- Three Crowns Committee Meeting – July 16th, 7:30 am, 2435 King Blvd., Big Horn Conference Room.
- Regular Board meeting – August 12th, 6:00 pm at 2435 King Blvd., Big Horn Conference Room, or via teleconference.
- Three Crowns Committee Meeting – August 20th, 7:30 am, 2435 King Blvd., Big Horn Conference Room.

Office Closures:
July 13th – July 17th

8. Public Comment
There was no public comment.

9. Good of the Order
None.

10. Adjournment
There being no further action by the Board, a motion was made by Mr. Belcher and seconded by Ms. Kaufman to adjourn the meeting at 6:41 p.m. The motion carried with all members in attendance voting aye.

8/12/20
Date

8/12/20
Date



Board Officer



Presiding Officer



**Central Wyoming Regional Water System
Joint Powers Board**

1500 SW Wyoming Boulevard
Casper, Wyoming 82604
(307) 265-6063 • Fax (307) 265-6058

**Board
Members:**

H. H. King, Jr.,
Chairman

Larry Keffer,
Vice-Chairman

Ken Waters,
Secretary

Paul Bertoglio,
Treasurer

Steve Cathey

Steve Freel

Mike Huber

Charlie Powell

REGULAR JOINT POWERS BOARD MEETING AGENDA

Tuesday

August 18, 2020

11:30 a.m.

**Regional Water Treatment Plant
Joint Powers Board Conference Room
1500 SW Wyoming Boulevard
Video Conference**

1. Announcements
2. Approve Minutes – July 21, 2020
3. Approve Vouchers – August 2020 *
4. Approve Financial Report – July 2020 *
5. Operations Update
6. Public Comment
7. Old Business
 - a) Other
8. New Business
 - a) Consider Request from Powder River Development, LLC for Two 8-inch Taps into the 12-inch RWS Permastrand Water Main at 3019 North Salt Creek Highway for Polar Service Centers *
 - b) Other
9. Chairman's Report

Next Meeting: Regular JPB Meeting – September 15, 2020

****Indicates Attachment***



**CENTRAL WYOMING REGIONAL WATER SYSTEM
JOINT POWERS BOARD**

MEETING PROCEEDINGS

July 21, 2020

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, July 21, 2020 at 11:30 a.m., in the Joint Powers Board Conference Room, Regional Water Treatment Plant, 1500 SW Wyoming Boulevard, Casper, WY.

Board Members Present - Chairman King, Vice-Chairman Keffer, Secretary Waters, and Board Members Cathey, Huber and Powell. Treasurer Bertoglio and Board Member Freel were absent.

City of Casper – Cathey, Huber, Powell, Andrew Beamer, Bruce Martin, Brian Schroeder, Janette Brown, Scott Baxter

Natrona County –

Salt Creek Joint Powers Board – King

Wardwell Water & Sewer District – Keffer

Pioneer Water & Sewer District – Waters

Poison Spider Improvement & Service District –

Wyoming Water Development Office -

Sandy Lakes Estates -

Lakeview Improvement & Service District -

33 Mile Road Improvement & Service District –

Mile-Hi Improvement and Service District –

Central Wyoming Groundwater Guardian Team (CWGG) –

Others — Charlie Chapin – Williams, Porter, Day & Neville, P.C.;

The Board meeting was called to order at 11:31 a.m.

1. In Announcements, Mr. Martin stated that one additional item regarding checking account fees has been added to the agenda to be discussed under Other New Business.

2. Chairman King asked for a motion to approve the minutes from the June 16, 2020 and June 23, 2020 meetings. A motion was made by Vice-Chairman Keffer and seconded by Secretary Waters to approve the minutes from the June 16, 2020 and June 23, 2020 meetings. Motion put and carried.
3. Mr. Martin informed the Board that one additional voucher was added to the voucher listing; voucher 8185 for Equivalent Controls Corporation in the amount of \$8,333.72 for two Ammonia System mag meters. Mr. Martin recommended approval of the vouchers and offered to answer any questions the Board may have on the voucher listing.

Board Member Huber arrived at 11:33 a.m.

Chairman King asked for a motion to approve the July 2020 vouchers. A motion was made by Secretary Waters and seconded by Board Member Cathey to approve the July 2020 voucher list to include voucher numbers 8178 through 8185 in the amount of \$527,965.94. Motion put and carried.

4. Mr. Martin asked the Board to reference the Gallons Produced table in the agenda packet. Mr. Martin stated that production for June 2020 was 651 MG, which is 150 MG more than the five-year average of 501 MG. Mr. Martin stated that year-to-date production is 3.933 BG, which is approximately 247 MG more than the five-year average of 3.69 BG. Mr. Martin stated that water production was very good through the entire fiscal year.

Mr. Martin asked the Board to reference page 2 of the monthly compilation. Mr. Martin stated that Water Sales is \$7,590,765, which is \$1,397,010, or 22.56% more than last year due to the rate increase and above average water sales.

Mr. Martin stated that Total Operating Expenses are \$3,421,990 for June compared to \$2,843,592 for the same time last fiscal year which is an increase of 20.34%. Mr. Martin stated that increased production caused increased chemical purchases.

Chairman King asked for a motion to approve the June 2020 Financial Report as presented. A motion was made by Board Member Huber and seconded by Board Member Powell to approve the June 2020 Financial Report as presented. Motion put and carried.

5. Chairman King turned the time over to Mr. Schroeder for the Operations Update.

Mr. Schroeder stated that he will also be giving the Distribution update for Mr. Conner, who is not in attendance today.

Mr. Schroeder stated that Water Distribution staff has been working on cleaning out the Actiflo lagoon drying beds. Mr. Schroeder stated that they are half way done cleaning out the sludge from last year, and then will be cleaning out lagoons that need to be put into service.

Mr. Schroeder stated that Water Distribution staff has been mowing thistle in the well fields. Mr. Schroeder stated that they did a really nice job on that. Mr. Schroeder stated that there has been a really bad thistle crop for the last couple of years and staff has been working on cutting it down just before it goes to seed. Mr. Schroeder stated that the effort has started to work as this year the thistle is not nearly as bad as previous years.

Mr. Schroeder stated that Water Distribution staff has been working at Pioneer Booster installing new seal lines.

Mr. Schroeder stated that Water Distribution staff has been running main line valves on Salt Creek Highway.

Mr. Schroeder stated that Water Distribution staff is waiting on HOA, the SCADA contractor, to install a new power supply at Metro Booster.

Mr. Schroeder stated that sampling for lead and copper has been completed by Water Distribution staff.

Mr. Schroeder stated that Water Distribution staff has been mowing and spraying for weeds at the boosters and tanks.

Mr. Schroeder stated that water demand this month has been 25 MGD+ each day. Mr. Schroeder stated that usually, the WTP will see demand hit 25 MGD a couple of times in a month, but it has been every day this month. Mr. Schroeder stated that he suspects that once people start getting their July water bills, water demand will go down. Mr. Schroeder stated that the Operators have been doing a great job keeping up with demand, and the new SCADA system has been a great help and made it easier. Mr. Schroeder stated that production for July could very easily be over 700 MG.

Board Member Powell asked how the SCADA system is making it easier to keep up with water demand. Mr. Schroeder stated that the new SCADA system is very fast; the old system would take 20 minutes to make a change. Mr. Schroeder stated that it is faster seeing changes to chemical feeds and reporting. Mr. Schroeder stated that the SCADA system is easier for compliance reporting.

Board Member Cathey asked if the mowing of the thistles in the well field was being done instead of using chemical sprays in order to protect the wells. Mr. Schroeder stated that was correct.

Mr. Schroeder stated that there has been a steady flow of chemical trucks each week, and there hasn't been any interruptions.

Chairman King asked if there was any fluctuation in the price of the chemicals. Mr. Schroeder stated that the prices pretty much stayed the same, except for the sodium hypochlorite, which increased.

Mr. Schroeder stated that staff has been working on the HVAC system general maintenance. Mr. Schroeder stated that the HVAC maintenance contract has been renegotiated to where staff will be doing the general maintenance, such as changing belts and filters. Mr. Schroeder stated that the HVAC system has been stressed this summer.

Mr. Schroeder stated that everything is going really well and staff has been meeting demand each day. Mr. Schroeder stated that some mornings get hit so hard it is a challenge to meet demand, but thankfully there is storage out in the system to make up the difference.

6. There was no Public Comment.

7. There was no Old Business.

a. There was no Other Old Business.

8. In New Business:

a. Mr. Martin stated that the Raw Water Building contains a lot of electrical equipment that was installed in 1974. Mr. Martin stated that the Facility Plan identified this electrical equipment as a High Priority for replacement as the pump station is a critical component of the surface water treatment plant and critical to meeting summertime water demands. Mr. Martin stated that the pump station is in need of electrical upgrades in the form of new Motor Control Centers, Electrical Switchgear, and Variable Frequency Drives. Mr. Martin stated that lighting replacements were included as an Add Alternate Bid Item.

Mr. Martin stated that the Board entered into a design contract with West Plains Engineering, which estimated the project cost to be \$200,000.

Mr. Martin stated that seven bids were received on June 30, 2020 for the construction of the project. Mr. Martin stated that Automation & Electronics, Inc. was the low bid with the base bid of \$106,213 and add alternate bid of \$9,832, for a total bid amount of \$116,045. Mr. Martin recommended the Board authorize a construction contingency account, in the amount of \$13,955, for a total project amount of \$130,000.

A motion was made by Secretary Waters and seconded by Vice-Chairman Keffer to approve the contract with Automation & Electronics, Inc. in amount of \$116,045, with a contingency amount of \$13,955, for a total project amount of \$130,000. Motion put and carried.

b. In Other New Business, Mr. Martin stated that in the past few months there has been a service fee of \$25 - \$30 on the Board checking account. Mr. Martin stated that Ms. Brown contacted Hilltop Bank about the service fee and was informed that the Board accounts are Analysis Accounts and the interest that is earned is credited against any service fees. Mr. Martin stated that with interest rates so low

for the last several months, the earned interest has not been enough to offset the service fees. Mr. Martin stated that Hilltop Bank recommended switching the accounts to Snap Shot Checking, which would lower the service fees to approximately \$8 per month.

Mr. Martin asked the Board what they would like to do. Chairman King stated that if it will save the Board some money, he was for the change. Mr. Martin requested the Board make a motion as to how they would like to proceed.

A motion was made by Board Member Cathey and seconded by Vice-Chairman Keffer to switch the accounts at Hilltop Bank from Analysis Accounts to Snap Shot Checking accounts. Motion put and carried.

- 9. In the Chairman’s Report, Chairman King stated that the next regular meeting will be held on August 18, 2020.

A motion was made by Board Member Cathey and seconded by Secretary Waters to adjourn the meeting at 11:50 a.m. Motion put and carried.

Chairman

Secretary

**Central Wyoming Regional Water System
Joint Powers Board**

**UNAPPROVED VOUCHER LISTING
August 12, 2020**

| VOUCHER NO. | VENDOR | DESCRIPTION | AMOUNT |
|--------------------|---|--|--------------------|
| 8186 | Hydro Optimization & Automation Solutions, Inc. | Capital Expense – SCADA Laptop | \$3,123.00 |
| 8187 | West Plains Engineering, Inc. | Capital Expense – WTP Raw Water Building MCC Replacement Project No. 18-078 PP#3 | \$1,500.00 |
| 8188 | Williams, Porter, Day & Neville, P.C. | Legal Expense – July2020 | \$227.50 |
| 8189 | KROHNE Inc. | Capital Expense – Well Turbidimeters | \$16,213.87 |
| 8190 | City of Casper | Operations Reimbursement – June 2020 – Third Billing | \$195.74 |
| 8191 | HDR Engineering, Inc. | Capital Expense – 2.6M Gallon Tank Roof Replacement Project No. 18-093 PP#8 | \$3,174.13 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | Total | \$24,434.24 |

*

Central Wyoming Regional Water System

Gallons Produced
Water Rates Billed

Fiscal Year 2020-2021

| Entity | Gallons of Water Produced | | Water Rates Billed | |
|----------------|---------------------------|------------------------|-----------------------|-----------------------|
| | 7/31/2020 | Year-to-Date | 7/31/2020 | Year-to-Date |
| Salt Creek JPB | 6,526,368.367 | 6,526,368.367 | \$ 13,248.53 | \$ 13,248.53 |
| Wardwell W&S | 45,505,286.735 | 45,505,286.735 | \$ 92,375.73 | \$ 92,375.73 |
| Pioneer | 10,229,624.490 | 10,229,624.490 | \$ 20,766.14 | \$ 20,766.14 |
| Poison Spider | 2,771,836.735 | 2,771,836.735 | \$ 5,626.83 | \$ 5,626.83 |
| 33 Mile Road | 1,594,846.939 | 1,594,846.939 | \$ 3,237.54 | \$ 3,237.54 |
| Sandy Lake | 2,618,221.429 | 2,618,221.429 | \$ 5,314.99 | \$ 5,314.99 |
| Lakeview | 1,006,235.714 | 1,006,235.714 | \$ 2,042.66 | \$ 2,042.66 |
| Mile-Hi | 1,046,403.061 | 1,046,403.061 | \$ 2,124.20 | \$ 2,124.20 |
| City of Casper | 667,333,140.531 | 667,333,140.531 | \$ 1,354,686.28 | \$ 1,354,686.28 |
| Regional Water | (1,525,300.000) | (1,525,300.000) | \$ (3,096.36) | \$ (3,096.36) |
| TOTAL | 737,106,664.000 | 737,106,664.000 | \$1,496,326.53 | \$1,496,326.53 |

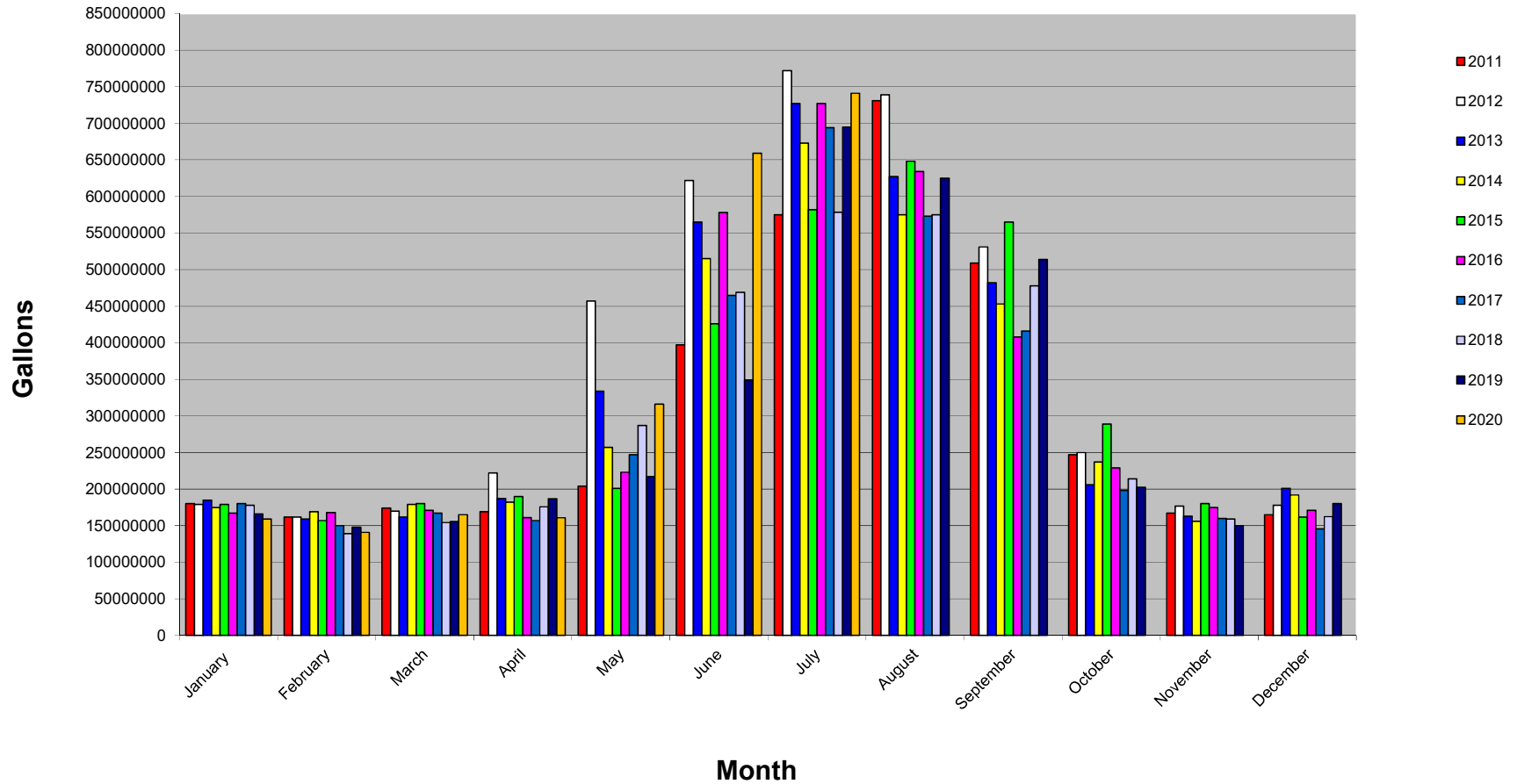
TOTAL PRIOR YEAR (FY2020) GALLONS: 3,933,039,105.000

TOTAL PRIOR YEAR (FY2020) BILLING:

\$ 7,590,424.53

*Total water produced does not equate to total water billed due to credit given.

WTP PRODUCTION



August 11, 2020

MEMO TO: H. H. King Jr., Chairman,
Members, Central Wyoming Regional Water System Joint Powers Board

FROM: Andrew Beamer, P.E., Public Services Director
Bruce Martin, Public Utilities Manager

SUBJECT: Regional Water System Water Tap Request

Meeting Type & Date

Regular Central Wyoming Regional Water System Joint Powers Board (JPB) Meeting Scheduled for August 18, 2020.

Action Type

Authorization

Recommendation

That the JPB consider a water tap request for Polar Service Centers, 3019 Salt Creek Highway.

Summary

Powder River Development, LLC has requested a pair of 8-inch water taps to serve the Polar Service Center industrial building located at 3019 Salt Creek Highway. The taps would be made off of the 12-inch Regional water main running along Salt Creek Highway and would serve a looped water main through the Powder River Development, LLC property. Once constructed, the new 8-inch water main would be owned, operated, and maintained by the Wardwell Water and Sewer District and Polar Service Center would be a customer of Wardwell. The Wardwell Water and Sewer District Board has approved the Polar Service Center site plan and Wyoming DEQ is prepared to issue a permit to construct pending JPB approval of the tap request.

The 12-inch permastrand water main located along Salt Creek Highway is available for taps per RWS policy. Because the main is permastrand in this location, the connections would be made by cutting in a tee and valve using mechanical joint fittings with stiffening rings. City Water Distribution staff will be onsite during construction of the tie-ins.

Financial Considerations

N/A

Oversight/Project Responsibility

Bruce Martin, Public Utilities Manager
Clint Conner, Water Distribution Manager

Attachments

Water tap request letter

Powder River Development, LLC
4950 County Club Road
Casper, WY 82609

July 27, 2020

Wardell Water and Sewer District
P.O. Box 728
Mills, WY 82644
Attn: Gloria Brainard

Dear Mrs. Brainard:

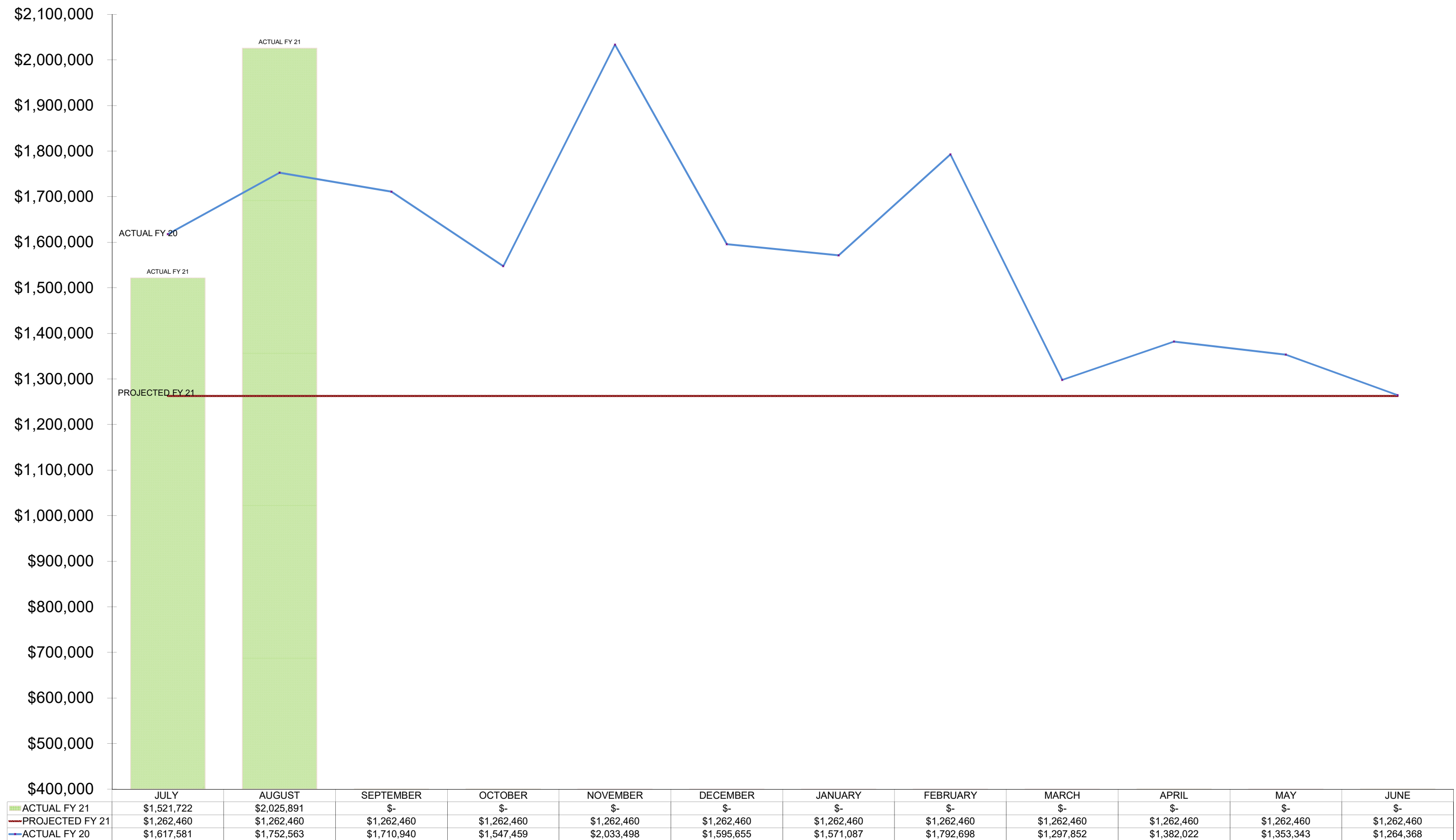
The letter is to serve as a request letter for water and sewer services at 3019 Salt Creek Highway, Casper, WY 82601 from Wardwell Water and Sewer District.

Sincerely,



James R Boyles, Manager.

Sales Tax FY 2021 Versus Projection and Prior Year



| | ACTUAL FY 20 | PROJECTED FY 21 | ACTUAL FY 21 |
|--|--------------|-----------------|---------------------|
| YTD TOTAL | \$ 3,370,144 | \$ 2,524,920 | \$ 3,547,613 |
| YTD VARIANCE | | | \$ 1,022,694 |
| | | | % Difference |
| CHANGE FROM FY21 PROJECTED TO FY20 ACTUAL-SAME MONTH | | | 60.47% |
| CHANGE FROM FY21 PROJECTED TO FY20 ACTUAL-YEAR TO DATE | | | 40.50% |
| CHANGE FROM FY20 ACTUAL TO FY21 ACTUAL-SAME MONTH | | | 15.60% |
| CHANGE FROM FY20 ACTUAL TO FY21 ACTUAL-YEAR TO DATE | | | 5.27% |
| | | | In Dollars |
| CHANGE FROM FY21 PROJECTED TO FY20 ACTUAL-SAME MONTH | | | \$763,431 |
| CHANGE FROM FY21 PROJECTED TO FY20 ACTUAL-YEAR TO DATE | | | \$1,022,694 |
| CHANGE FROM FY20 ACTUAL TO FY21 ACTUAL-SAME MONTH | | | \$273,329 |
| CHANGE FROM FY20 ACTUAL TO FY21 ACTUAL-YEAR TO DATE | | | \$177,470 |

City of Casper
Optional 1% and State Shared Sales Tax Receipts
16.67% of Fiscal Year 2021 has Lapsed

Below is the optional Sales tax report for FY21 we are currently at 16.67% of the budget year.
 General Fund is up 40.50% from projected year to date which is at 23.42% of budget.
 1%16 is up 42.43% from projected year to date which is at 23.74% of budget.

| | | State Shared Sales Tax | | | | |
|-----------------------------|--------------|-------------------------------|---------------------|----------------------|--------------------------|---------------------|
| | | Date | Amount | Amount | Percent of Annual | |
| | | Received | Received | Budgeted | Actual-Budget | |
| | | | | | Budget | |
| FY 2020 General Fund | | 7/6/2020 | \$ 1,521,722 | \$ 1,262,460 | \$ 259,263 | 10.04% |
| | | 8/10/2020 | 2,025,891 | 1,262,460 | 763,431 | 23.42% |
| | | Sep | | 1,262,460 | | |
| | | Oct | | 1,262,460 | | |
| | | Nov | | 1,262,460 | | |
| | | Dec | | 1,262,460 | | |
| | | Jan | | 1,262,460 | | |
| | | Feb | | 1,262,460 | | |
| | | Mar | | 1,262,460 | | |
| | | Apr | | 1,262,460 | | |
| | | May | | 1,262,460 | | |
| | | Jun | | 1,262,460 | | |
| | | Total FY 2021 | | \$ 3,547,614 | \$ 15,149,519 | \$ 1,022,694 |
| FY 2020 1%16 | | 7/6/2020 | \$ 1,265,670 | \$ 1,033,333 | 232,336 | 10.21% |
| | | 8/10/2020 | 1,677,982 | 1,033,333 | 644,649 | 23.74% |
| | | Sep | | 1,033,333 | | |
| | | Oct | | 1,033,333 | | |
| | | Nov | | 1,033,333 | | |
| | | Dec | | 1,033,333 | | |
| | | Jan | | 1,033,333 | | |
| | | Feb | | 1,033,333 | | |
| | | Mar | | 1,033,333 | | |
| | | Apr | | 1,033,333 | | |
| | | May | | 1,033,333 | | |
| | | Jun | | 1,033,333 | | |
| | | Total FY 2021 | | \$ 2,943,652 | \$ 12,400,000 | \$ 876,985 |
| | Total | | \$ 6,491,265 | \$ 27,549,519 | \$ 1,899,679 | |

August 14, 2020

MEMO TO: J. Carter Napier, City Manager
Liz Becher, Community Development Director

FROM: Craig Collins, AICP, City Planner

SUBJECT: Banner Health/Natrona County Property Sale Information

Planning has been working extensively with Banner Health, their legal team, their surveyor, their title company, and the County to facilitate the sale of all Natrona County properties related to the Hospital. This has been an ongoing project for several months.

I was the initial point of contact who was able to locate all the previously unrecorded ordinance documents in the City's files, which vacated various public right of ways (streets and alleys). Those vacations occurred over a number of years, decades ago, and unfortunately, included some non-standard language that caused trouble for the title company. Specifically, the issue that arose was that some of the ordinances indicated that upon vacation, title to some of the properties would be transferred, by the City to the County, by Quitclaim Deed. WS 34-12-102 specifically states that upon vacation, ROW's revert to the adjoining property owner(s) by OPERATION OF LAW (automatically). The attorney's office has been very clear that the City will not issue a Quitclaim Deed for any vacated ROW because 1) it is unnecessary per State Law, and 2) it causes legal/title issues if someone refuses to accept said deed.

Upon learning of the Title Company's insistence that the City issue quitclaim deeds for some of the properties, per the explicit language of some of the ordinances, I forwarded the issue to our legal Department (June of this year). Wallace Trembath responded to Tim Stubson on 6/15/2020, explaining that the City typically does not issue quitclaim deeds for vacations, but acknowledged that the language of the vacation ordinances was problematic from a purchaser's viewpoint. Wallace agreed to make an exception to the City's long-standing policy, and to issue quitclaim deeds to the County, in order to facilitate this very important property transaction.

In addition, there are a couple of other issues that surfaced during the property transfer that still need to be cleaned up. Namely, over a period of many years, the County/Hospital has constructed several building improvements within the City's ROW, and the purchaser does not feel comfortable with our standard license agreement language because our license agreements are all revocable. The City and all involved parties met last week to discuss solutions to this issue, and are working our way through it. I also understand that one of the vacations that occurred many years ago left out a very small portion of an alley due to a surveying error, so at some point, Banner Health will ask the City to complete another vacation for the portion of alley that was accidentally omitted.

If you need further information on the work that Planning has completed on behalf of Banner Health and the County, I can provide a more detailed accounting. That work has also included Christa Wiggs with the Clerk's Office, as well as Wallace Trembath in the Attorney's office.



1611 Casper Mountain Road
Casper WY 82601

NON PROFIT
ORGANIZATION



U.S. POSTAGE >> PITNEY BOWES



ZIP 82601 \$ 000.11²
02 4W
0000334620

Please Come to the Groundbreaking Ceremony for the YMCA - Phase 2 Pool Project

Thursday, August 20th
at 10:00am

1611 Casper Mountain Rd

We will practice social distancing.
Please bring a mask.

Casper City Council
200 N David St
Casper WY 82601-1815

GTBOANS 82601





Home of Your New YMCA Swimming Pool



OFFICE OF THE MAYOR

CITY OF CASPER

200 NORTH DAVID STREET
CASPER, WYOMING 82601-1815
PHONE (307) 235-8224
FAX: (307) 235-8313
www.cityofcasperwy.com

August 11, 2020

Ms. Karen Blumenstein
Flower & Stone, Ltd.
1015 Spring Ranch Drive
Golden, CO 80401

Dear Karen:

As mayor of the city of Casper, I want to express my appreciation for your generous sponsorship and organization of the Blackmore Marketplace "Drive-In Movie Nights!"

What wonderful family events both of the movie nights were, and so perfectly planned at a time that our communities need happiness, and a sense of togetherness. You, and your team, thought of everything! The food, entertainment, glow sticks, and movie selections were orchestrated with first-class precision. We are very grateful that you are a part of our community.

Please let us know how we may assist you with your business needs or future community projects.

Wishing you all the best,

Steven K. Freel
Mayor



OFFICE OF THE MAYOR

CITY OF CASPER

200 NORTH DAVID STREET
CASPER, WYOMING 82601-1815
PHONE (307) 235-8224
FAX: (307) 235-8313
www.cityofcasperwy.com

August 11, 2020

The Honorable Elaine Chao
Secretary, U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Chao:

As mayor of the City of Casper, I want to express my deep appreciation to the U.S. Department of Transportation's Federal Transit Administration (FTA) for the \$3M in CARES Act funding that the City of Casper received for its transit program.

The fact that the CARES Act funding is able to cover 100% of the costs associated with implementing transit programs, with NO local match required, is a tremendous financial benefit to municipalities. The Casper Metropolitan Area qualifies as a small urbanized area and was granted \$2,965,326 by the FTA Section 5307 Urban Area Apportionment to be used on operational expenses and capital purchases to install technology into our fleet and an ADA, 4-wheel drive van to support passenger needs during the extreme winter conditions that the Casper area experiences.

The financial support from the U.S. Department of Transportation has allowed our transit operations to continue, without interruption, in Casper and its surrounding municipalities. Thank you for keeping us running.

With sincere appreciation,

Steven K. Freel
Mayor

cc: Casper City Council
Ms. Cindy E. Terwilliger, Regional Administrator – FTA Region 8
Mr. K. Luke Reiner, Director – WYDOT
Mr. Carter Napier, City Manager



City of Casper

Incorporated 1889
Casper, Wyoming 82601

OFFICE OF CITY ATTORNEY
200 NORTH DAVID STREET
PHONE (307) 235-7503
FAX (307) 235-7506

June 8, 2020

Ms. Bridget Hill
Attorney General
State of Wyoming
Kendrick Building
2320 Capitol Avenue
Cheyenne, WY 82002

Re: Request for Wyoming Attorney General's opinion: Are Wyoming Liquor License Holders permitted to deliver liquor away from their licensed properties, in the absence of specific statutory permission.

Dear Attorney General Hill:

Certain liquor license holders in Casper, retail, manufacturers, restaurant and bar and grill, and micro-brewers, want to incorporate liquor delivery, generally to private residences, as part of their sale process. Casper has in the past declined to allow delivery of alcohol away from the licensed premise, absence a specific statutory exemption, such as a catering permit for a retail license holder, an off-premise promotional permit for manufacturers, a promotional off-premise malt beverage permit for micro-brewers, and the limitation upon restaurants to ever permit partially consumed wine bottles to go home with their customers, absent special protections to reseal the partially consumed wine container.

Casper has also been cognizant of the very broad definition of "sell" or "sale" in Title 12 of the Wyoming Statutes.

Wyo. Stat. Ann. § 12-1-101(a)(xvi) defines the terms "sell" or "sale":

(xvi) "Sell" or "sale" includes offering for sale, *trafficking in*, bartering, *delivering* or dispensing and pouring for value, exchanging for goods, services or patronage or an exchange in any way other than purely gratuitously. *Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale[.]* (emphasis added).

COPY

Ms. Bridget Hill

Page 2

June 8, 2020

Also of note, the Legislature, when it wants to permit sales of alcohol off premises, provides for that in the Statutes; in addition to the prior examples: hotels may deliver room service to rooms within the hotel, a holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises, so long as the boundaries are a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license, and similarly, wineries may deliver to homes, but only by the express permission and conditions contained within the State Statutes.

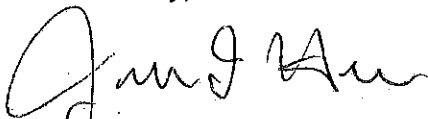
Notwithstanding the above, I obtained a copy of a Cheyenne Ordinance adopted as an emergency ordinance, to expire after 180 days, as a response to the COVID-19 restrictions which prohibited in building gatherings of ten (10) or more people. I enclose a copy of that Ordinance.

I also heard from a local retail license holder; he had visited with a State Liquor Division employee who referenced two prior Attorney Generals' Opinions, one from 1947 and a 1962 Opinion, about filling liquor orders through a Western Union service, for delivery to a third party, essentially permitting someone using the service to order, buy and have delivered liquor as a gift. Neither of these Attorney General Opinions reference the language (WS 12-1-101(xvi)) for "sell or sale" in the analysis, but instead use a generic definition of sale. I attach both Opinions.

Finally, in 1982, a new member of the Attorney General's staff, wrote a Memorandum Opinion to the Liquor Commission, which used the UCC definition of sale. A copy of that Memorandum is also included.

Thank you very much for your consideration of this question.

Sincerely,



John Henley
City Attorney
City of Casper, Wyoming

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING CHAPTER 5.12, ALCOHOLIC LIQUOR AND MALT BEVERAGES, OF TITLE 5, BUSINESS LICENSES AND REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, CONCERNING THE DELIVERY OF ALCOHOLIC LIQUOR OR MALT BEVERAGES."

WHEREAS, the City of Cheyenne Governing Body is the local licensing authority pursuant to Wyo. Stat. § 12-4-101, *et seq.*; and

WHEREAS, the City of Cheyenne Municipal Ordinance No. 4186 prohibits the delivery of alcoholic liquor or malt beverages by a delivery service; and

WHEREAS, pursuant to Wyo. Stat. § 15-1-101(a)(iii) and Wyo. Stat. § 15-1-115(c), the City may pass an emergency ordinance to preserve the public health, safety, or welfare; and

WHEREAS, the State of Wyoming and the City of Cheyenne are currently prohibited from gatherings of more than ten (10) people and are being encouraged to engage in social distancing as a result of the COVID-19 virus; and

WHEREAS, the COVID-19 virus is causing significant economic harm to alcoholic liquor and malt beverage licensees which constitutes an emergency situation; and

WHEREAS, the emergency situation is deemed to be continuing and thus this emergency ordinance shall remain in effect for one hundred eighty (180) days.

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

1. Ordinance No. 4186, Section 5.12.070(B)(3), shall be suspended for one hundred eighty (180) days from the execution of this Ordinance.

2. For purposes of this Ordinance, the following definitions shall apply:

a. *Serve*: The act of delivering alcohol to a purchaser or delivery employee or contractor on the licensed premises.

b. *Delivery*: The act of providing alcohol to a purchaser.

c. *Delivery Service*: A liquor licensee's process in which their employee or contractor provides alcohol to a purchaser.

d. *Delivery Employee*: The licensee's employee or contractor responsible for delivering alcohol to the purchaser.

3. Retail liquor licensees shall be permitted to provide delivery service for the delivery of alcohol to customers. Microbreweries and wineries shall be permitted to only provide delivery of their manufactured product. Delivery services shall be subject to the following:

a. No order shall be received from nor delivery made to a person under twenty-one (21) years of age. Each purchaser shall be required to provide a valid driver's license or valid government issued identification.

- b. No part of a publicly owned sidewalk, highway, street, or alley shall be used for taking orders or conducting sales. No sales shall be made to intoxicated individuals per Cheyenne Municipal Code Section 5.12.160(C).
 - c. Alcohol shall be delivered to customers only in the original, unopened package.
 - d. Deliveries shall not be made to or on public property and shall not be delivered outside the City of Cheyenne boundaries unless otherwise allowed by Wyoming Statute, resolution of the Laramie County Commissioners, or order of the Governor of Wyoming.
 - e. Delivery service employees have completed an alcohol server training program as approved by the Wyoming Liquor Division and pursuant to Cheyenne Municipal Code Section 5.12.090; be at least twenty-one (21) years of age; maintain a valid driver's license; maintain valid vehicle insurance coverage as required by Wyoming Statute; and be an employee or contractor of the licensee.
 - f. The licensee and/or the delivery service employee shall notify the Cheyenne Police Department of any criminal incident or criminal activity which is observed or occurs as soon as reasonably possible.
 - g. All sales must occur on the licensee's premise by in-person purchase, online order, order by app, or order by phone. Payment must be received at the time of purchase. Payment may not occur upon delivery.
 - h. Licensees shall keep a record of each delivery service transaction which shall be made available to the City upon request. The record shall include, at minimum, the name and address of the purchaser, date and time of order, address of delivery, name of delivery employee, and the product purchased and delivered.
 - i. Deliveries shall only be made to the purchaser.
 - j. Deliveries shall be prohibited for kegs.
4. All retail liquor licensees, microbreweries, and wineries may establish a delivery service without submitting an amended operational plan, provided that the licensee submits a written notice to the City Clerk of its intent to provide delivery services. Failure to provide notice shall prohibit the licensee from providing delivery services.
5. All retail liquor licensees, microbreweries, and wineries may establish curbside pick-up services at the licensed premise without submitting an amending operational plan.
6. Any violation of the aforementioned requirements, restrictions, or procedures by any licensee or licensee's employee shall be a misdemeanor punishable pursuant to the general penalty provisions set forth in Chapter 1.24.010 of the Municipal Code.
7. Should any portion of this Ordinance be in conflict with any other City of Cheyenne Ordinance, this Ordinance is deemed to control and supersede.
8. This Ordinance shall remain in effect for one hundred eighty (180) days from the date of execution.

9. Pursuant to Wyo. Stat. § 15-1-115(c), this Ordinance shall go into effect immediately.

WHEREUPON, a motion was passed and this Ordinance was declared adopted by three-quarters or more of the City of Cheyenne Governing Body this _____ day of _____, 2020.

Marian J. Orr, Mayor

(SEAL)
Attest:

Kristina F. Jones, City Clerk

EFFECTIVE THIS _____ DAY OF _____, 2020.

1
Honorable Earl Wright, Director
Wyoming Liquor Commission
Supreme Court Building

Dear Sir:

You have asked for the opinion of this office on the proposition expressed in the following question: "Can a holder of a retail liquor license lawfully deliver liquor to the residence of a purchaser and receive payment at the place of delivery?"

Our opinion will be confined to the facts indicated by the question, assuming that an order is placed with the

liquor dealer at his place of business, that the delivery is made by him or someone under his direction, and that the parties intend, at the time the order is placed, to make and receive payment on delivery to the purchaser's residence.

It seems quite clear that the Legislature, in enacting our liquor licensing statutes, intended that the holder of a retail license should sell liquor no place except on the licensed premises. Section 53-204 requires that the application for a license shall contain "a description in detail of the place within which alcoholic or malt beverages will be sold." Section 53-207 requires the license, when issued, to contain "a description of the place in which alcoholic and/or malt beverages may be sold." Section 53-208 provides that no retail licenses shall be sold or transferred, "nor shall it be used for any place not described in the license at the time of issuance." (All citations are to Wyoming Compiled Statutes, 1945).

Under the foregoing, it would appear that sale by a licensee holder any place other than on the premises described in the license is a violation of the law for which appropriate penalties may be invoked. The question then is whether or not a sale under the above indicated circumstances is a sale which takes place at the dealer's place of business or elsewhere.

A sale is ordinarily considered complete when title has passed to the buyer. When title passes is largely a matter of intent of the parties. 55 C. J. 629. Our statutes have laid down several rules for determining the intent of parties to sale contracts and we find in Sec. 41-203, Wyoming Compiled Statutes, 1945, the following:

Rule 5. "If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon."

In determining the question of intent, there must also be taken into consideration the provision of Section 53-221, Wyoming Compiled Statutes, 1945, that "any retailer who sells on credit shall, upon proof thereof to the licensing authority have his license revoked." If the parties intended the sale to be complete at the time the order was placed, with payment to be made at a later time, there would be

a sale on credit. We must assume that the dealer does not intend to ignore this provision, and that he intends to make a sale only when the price is paid.

Thus, in answer to your question, we are of the opinion that liquor may not be sold elsewhere than in the premises described in the license, and that in the case where, in response to an order, liquor is delivered to a place designated by the buyer, with payment being made at that place, a sale is consummated at the latter place and is therefore made in violation of law.

Very truly yours,
Norman B. Gray,
Attorney General

TO: B. L. Powers, Director
Wyoming Liquor Commission

BY: Norman B. Gray
Attorney General

QUESTION: You have submitted certain information pertaining to a so-called "beverage by wire" arrangement, whereby licensed retail liquor dealers in Wyoming would undertake to place or fill orders for alcoholic beverages through a Western Union service, and you inquire whether or not the method pursued would be permissible under the statutes designed to regulate the sale of alcoholic beverages.

ANSWER: Yes, as qualified by the opinion.

You will recall that heretofore a rough outline of the plan was submitted to me for consideration and under date of November 17, 1961, I advised you that absent further information, it appeared that the plan might possibly run afoul of the requirement for completion of the sale on the licensed premises and the inhibition of sales on credit. I have now been furnished a copy of the agreement proposed to be used by the dealers and the American Beverage Delivery Service and also some further supplemental information.

The transaction here is not the same that was dealt with in our opinion dated March 28, 1947 (A.G. Ops. 1941-1947, p. 925), but deals with a purchaser and donor at a distant point, utilizing an arrangement for the making of a gift of alcoholic beverages to a donee. For the purposes of this opinion we need only deal with that phase of the matter whereby the licensed dealer here accepts and fills the order from such purchaser to such donee. Briefly to describe the transaction, and assuming that the dealers described had contracted with Delivery Service, John Doe would contact a dealer in Denver, Colorado. Through information furnished by the Delivery Service, the price of a bottle of whiskey at Cheyenne would be ascertained, the dealer would take the order, and John Doe would pay the purchase price at that time, with direction to deliver the gift to Richard Roe at Cheyenne, Wyoming. A small charge for the service would also be made. Thereupon, in keeping with the procedural manual, the Denver dealer would transmit the order by Western Union to a licensed retail dealer at Cheyenne. Such dealer, upon receipt of the wire, would fill the order by setting aside from his stock the brand ordered and advise Richard Roe that a gift from John Doe was available. Richard Roe might either take delivery at the dealer's place of business or request the dealer to deliver it at a certain address.

It occurs to me that through the initial approach of ascertaining the relationship existing between dealers subscribing to the service, the conclusion to be reached in this matter is simplified. This for the reason that it in essence the dealer accepting the order at the distant point is acting in the capacity of an agent for the Wyoming dealer, then payment for the gift has been received and no problem with respect to credit exists.

The provisions of the service agreement mentioned that appear pertinent are:

"Whereas, ABD is engaged in the business of providing a service to convey orders by telegraph in order to assure the rapid filling of such orders in a city or town other than in that in which it is delivered;

"Dealer agrees to accept and deliver to Western Union Telegraph Company, through a designated operator, or otherwise as provided in the procedural manual, herein after described, all orders for liquor or other beverages to be delivered to any person, firm, or corporation outside of the town or city where dealer has his place of business.

ONLY FREE INITIALS

ATTORNEYS GENERAL OPINIONS

"It will be the responsibility of Dealer to collect from the customer placing the order the sum of money designated in the procedural manual for the particular liquor or other beverage covered by the order in the procedural manual, for the city in which the liquor or other beverage is to be delivered.

"Dealer agrees to deliver all incoming orders on the date received unless it is impossible to do so."

While it is true that each dealer separately enters into such agreement, it is also true that a certain community of interest in an integrated business transaction flows therefrom. It will be noted that each dealer subscriber undertakes and consents to act in a certain manner on behalf of another dealer subscriber. His obligation under the agreement is fixed and enforceable. All of the elements of an agency arrangement are as clearly indicated just as though the dealers were individually contracting. Using our illustration, it is apparent that the Denver dealer has agreed in advance to take an order on behalf of the Cheyenne dealer, to transmit the order for acceptance and filling, and to collect and remit the price of the goods for which the order was taken.

The mere fact that utilization of a service intervenes to assist in the mechanics of the transaction would not seem to alter the relationship and particularly here where dealers desiring to handle transactions of this nature could not perforce individually deal directly with the thousands of such dealers throughout the United States. Consequently I am inclined to the view that such transaction does not fall within the category of a sale on credit inhibited by Wyoming law.

The matter of delivery to the donee presents a more difficult problem. Obviously, when John Doe makes the purchase he will direct that delivery be made to Richard Roe at a certain address in Cheyenne, Wyoming. In those instances where Robert Roe receives delivery on the premises of the Wyoming licensed dealer, no problem results. However, where Richard Roe requests delivery at some other address in Cheyenne, a different situation arises. Turning to the Uniform Commercial Code of Wyoming for assistance in the matter (Ch. 219, S.L. of Wyo., 1961), attention is directed to Sec. 2-401(2), which provides:

"Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods.***"

Under this provision, where the dealer, in order to complete his performance, is required to deliver off his business premises, his right so to do might be questioned.

No doubt this could be remedied by provision in the arrangement whereby a purchaser accepts title to the goods when set aside by the Cheyenne dealer for the recipient with an obligation imposed upon the dealer by the service agreement promptly to notify Richard Roe and seek instructions from Richard Roe as to the place of delivery. If the substance of this could be worked out, I would see no difficulty with respect to delivery.

In addition to the questions above answered, it is to be expected that some imperfections in the service might well be encountered, but those I believe would be problems to be worked out between the dealers and the Service, and that so long as the transactions in substance comply with the requirements of our statutes with respect to credit and delivery and other provisions with respect to sales, the proposed method of doing business would not be unlawful.

*Attorney General*CHEYENNE, WYOMING 82002
PHONE 307 777-7841

January 28, 1982

MEMORANDUM

TO: Robert E. Brenner
Wyoming Liquor Commission

FROM: Rowena L. Heckert
Assistant Attorney General

RE: Home deliveries, consumption in package stores,
and free beverages for employees after hours

Question One: May a retail liquor licensee provide home deliveries of alcoholic beverages sold for cash or on credit?

Answer: Sales are limited to the licensed premises, but a telephone or wire service order can constitute a completed sale. To do so, seller and buyer must agree that title to the goods shall pass to the buyer at the time the order is taken. Subsequent delivery of the alcoholic beverages is not prohibited, and the time of payment is unimportant.

Question Two: May a licensee dispense alcoholic beverages for on-premise consumption in a package store facility?

Answer: This may be outside the authority granted by the license, and must in any case be in compliance with the health and sanitation laws.

Question Three: May a licensee allow employees to drink alcoholic beverages at no charge after hours within the licensed premises?

Answer: Sales after hours are forbidden, and a customary practice of allowing employees "free" drinks after hours could be construed to be part of their regular compensation and thus a sale. A bona fide gift, rather than an exchange for services or an inducement to work, is not prohibited.

Discussion

Question One

The clear intent of the statutes controlling distribution and sale of alcoholic beverages is that retail sales must occur on premises licensed locally for that purpose.

Because the statutes contain no prohibition against retailers' making credit sales (as they once did) or against their making deliveries, it is only the requirement that sales occur on the licensed premises which causes concern.

The application for a license or permit must contain "the location and a description of the room in which the applicant will sell under the license" or "suitable plans of the room and premises to be licensed." W.S. 12-4-102(a)(i) (1977). Then the license must contain "the description of the place in which alcoholic or malt beverages may be sold." W.S. 12-4-702(b)(ii). Lastly, W.S. 12-5-201(a) begins:

The principal place in which alcoholic and malt beverages are sold under a license shall be located in one (1) room upon the premises for which the license is issued. . . [emphasis added]

This office concluded in an opinion dated March 28, 1947, that home delivery of alcoholic beverages, paid for in cash when delivered, was improper under Wyoming law. A portion of the commercial code relied upon then to establish the passage of title and thus the point of sale has since been repealed.

In a more recent opinion issued since the adoption of the Uniform Commercial Code, it was the opinion of the Attorney General, Norman B. Gray, that a "beverage by wire" arrangement could probably be tailored to comply with our statutes. The proposed arrangement was analogous to that commonly used to send flowers to someone at a distant location.

It can be quite difficult to determine precisely when and where a sale occurs. In a face to face encounter when goods and the purchase price change hands simultaneously there is no problem. When a beverage is ordered and consumed long before the price is paid the situation is different. Even more confusing are the cases in which telephone or wire service orders are placed with payment to be made then or later.

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The Uniform Commercial Code, W.S. 34-21-101 through 34-21-1002, provides some guidelines as to when a sale occurs. According to W.S. 34-21-206(a):

A "sale" consists in the passing of title from the seller to the buyer for a price [34-21-246].

The Code also provides some guidelines as to when title passes in W.S. 34-21-246:

(a) . . . Insofar as situations are not covered by the other provisions of this article and matters concerning title become material the following rules apply:

. . .

(ii) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods. . .

(B) If the contract requires delivery at a destination, title passes on tender there;

The U.C.C. is generally not concerned with title, but rather the respective rights of the parties. This catch-all provision covers situations not otherwise dealt with by the Code and those bearing on other rights and liabilities, such as tax or criminal liability. Our concern with where a sale occurs for the purposes of the liquor laws is not otherwise contemplated by the Code so this provision would seem to control. Title would normally pass upon delivery of the alcoholic beverages. However, the Code allows the parties to explicitly agree otherwise. W.S. 34-21-249 provides:

(a) The buyer obtains a special property and an insurable interest in goods by identification of existing goods as goods to which the contract refers. . .
. Such identification can be made at any time and in any manner explicitly agreed to by the parties. In the absence of explicit agreement identifi-

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cation occurs:

- (i) When the contract is made if it is for the sale of goods existing and identified;

According to this provision, absent a contrary agreement, the goods are identified to the contract at the time the contract is made, that is, when the retailer receives the order.

Then, if his customary procedure includes an "explicit agreement" that title pass at that time too, as allowed by W.S. 34-21-246(a)(ii), a sale has occurred. The time or method of payment is unimportant, so long as the retailer has "identified the goods to the contract" and "explicitly" transferred title to the buyer, who has incurred the obligation to pay the price for them. This is not to say that the transaction is irrevocable, however if the details of the operation are in substantially this form, the transaction would probably be in compliance with the state liquor laws.

Question Two

The question of whether the proprietor of a package store may allow on-premise consumption when no dispensing room facility exists has been addressed before. It was the opinion of this office that a retail liquor licensee who permits on-premise consumption in a package store, under a license issued only for the package store operation, is acting outside the terms of his license. (Opinion of March 8, 1968).

If the licensee regularly is engaged in the preparation and serving of beer and mixed drinks, the establishment is functionally a bar and must comply with the standards set by the Department of Health and Social Services as indicated in the attached letter from this office to Robert Coffman dated December 8, 1975.

Question Three

Several statutes relate to the question of whether employees may drink alcoholic beverages at no charge after hours. W.S. 12-5-101 does control the closing hours of licensees and requires that dispensing rooms be cleared of all persons other than employees within thirty minutes after closing. Also, W.S. 12-5-203(b) allows employees under age nineteen to work in the dispensing room after hours. Further sales are prohibited, and W.S. 12-1-101(a)(xvi) defines sale as any transfer of alcoholic beverages other than one which is purely gratuitous. It then becomes a question for the trier of fact

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to determine if any sort of exchange for value occurred which would constitute a sale. Factors to consider include the frequency of this practice and whether it has become an expected part of the employees' compensation. If so, this would be an inducement to work and therefore a prohibited sale. On the other hand, the occasional practice of allowing employees to drink alcoholic beverages at no charge after hours might well be viewed as a bona fide gift.

Respectfully submitted,

Rowena L. Heckert

Rowena L. Heckert
Assistant Attorney General

RLH:dh



Office of the Attorney General

Governor
Mark Gordon

Attorney General
Bridget Hill

Administration Division
Kendrick Building
2320 Capitol Avenue
Cheyenne, Wyoming 82002
307-777-7841 Telephone
307-777-6869 Fax

Chief Deputy Attorney General
Ryan Schelhaas

June 15, 2020

Mr. John Henley
Casper City Attorney
City of Casper
200 North David Street
Casper, WY 82601

RE: Request for Attorney General Opinion

Dear Mr. Henley,

We are in receipt of your request for an Attorney General's opinion dated June 8, 2020. Unfortunately, this office cannot assist you in this matter. Pursuant to state statute, this office is the legal adviser of elective and appointive state officers and of the county and district attorneys of the state. We are without statutory authority to provide legal opinions or advice to city attorneys. Accordingly, we cannot assist you with your opinion request.

However, you may contact Tom Montoya, the chief of enforcement for the Liquor Division of the Department of Revenue. He may be able to help you with this matter. He can be reached at (307) 777-6453.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Schelhaas".

Ryan Schelhaas
Chief Deputy Attorney General

From: Keith McPheeters <kmcpheeters@casperwy.gov>
Sent: Friday, August 14, 2020 9:21 AM
To: Renee Jordan-Smith <rjordansmith@casperwy.gov>; Jolene Martinez
<jmartinez@casperwy.gov>; Carter Napier <cnapier@casperwy.gov>
Subject: Parking Enforcement

By way of reporting the activity of parking enforcement in the last two weeks, 23 Parking Citations have been issued and 56 Parking Violation investigations have occurred.

At the same time, multiple parking, abandoned vehicles, and other related issues have been taken care of across the City.

Respectfully,

Keith McPheeters
Chief of Police
Casper Police Department
Office: 307-235-8225

Some facts about the Wind Turbine and Motor Housing Project; FY21:

Casper Regional Landfill (CRL) has 2,606,300 cubic yards of unlined landfill spaced design as our construction and demolition cell and this is estimated to be full in 2073.

- Turbine fiberglass blades and motor housing units are being disposed of in the unlined landfill.
- CRL has 10,252,220 cubic yards of lined landfill spaced designed and is estimated to be full in 2041.
- City staff are planning to amend our permit to add another 10 million cubic yards of lined landfill space in 2022.
- The construction and demolition (C&D) cell was built for special waste projects to generate revenue to keep landfill fees low for all the regional customers.
- The wind turbine blade project is the ideal disposal project for utilizing our C&D cell – one of the most inert (non-toxic) materials we accept for disposal is fiberglass.
- Each turbine blade is placed in the C&D cell to minimize air space used; approximate 44.8 cubic yards (max) and ~30 cubic yards (min) of spaced used for each blade; a maximum of 448,000 cubic yards of air space is estimated for the project.
- One turbine blade is 120 feet long and is cut into three (3) 40-foot lengths. One turbine blade (3, 40-foot sections) comes on each semi-truck trailer. The gross weight of each semi-truck trailer is 50,340 pounds or 25.2 tons. One Thousand trips to and from the CRL are planned. The 1000 loads coming in to the CRL are each 25.2 tons (GVW plus 5.9 tons of disposal material) for a total of 25,200 tons and the 1000 empty semi-truck trailers leaving the CRL each weigh 19.3 tons for a total of 44,500 tons of additional weight crossing our City streets.
- The CRL crushes/breaks the motor housing units. Each 120 turbine blade is cut into 40 foot lengths prior to disposal and the CRL staff inserts the two (2) smaller diameter turbine blade pieces into the largest diameter blade. The turbine blades are stacked in a manner with the motor housing units to minimize air space used. One (1) turbine blade and one (1) motor housing is estimated to take 30 cubic yards.
- Casper Regional Landfill rates increase approximately 2% every two (2) years and we have very low rates compared to other landfills in the state. Our special waste projects generate on average \$800,000 in revenue per year to make it possible to keep our rates low.
- Wind Farms repurpose and recycle 90% of all the materials in a wind turbine; the only material not recyclable is fiberglass; the blades and motor housing are the only fiberglass components.
- Areas of landfill where the wind turbine blades are buried are recorded for the historical record (elevation, longitude & latitude); therefore, in the future, the blades could be mined/recovered.
- Compactors used to compact garbage are equipped with a pressurized cab and filtration system to help prevent employees from being exposed to fine particle dust. Approximately 15 to 20 motor housing units from wind turbines are off-loaded in a designated area of the landfill. During the off-loading process the units collapse on themselves (similar to a cardboard box), and City staff direct commercial customers to dump municipal solid waste (MSW) on top of the 15 to 20 housing units before operating a compactor over the units. The process used to compact the motor housing units minimizes the release of fine particle dust into the atmosphere.
- Our CRL permit allows waste anywhere within the state of Wyoming. If a customer from out of state contacted us about disposing wind turbine blades, we would need to amend our CRL permit with the Wyoming Department of Environmental Quality (WDEQ).
- The CRL has received wind turbine blades from the Glenrock, Saratoga/Hanna, and Arlington areas to-date, and we have received near \$600,000 in revenue over a two (2) fiscal year period.