

# Agenda

**Casper City Council Work Session  
City Hall, Council Meeting Room  
Tuesday, January 23, 2018, 4:30 p.m.**



<b>Work Session Meeting Agenda Items</b>		<b>Recommendation</b>	<b>Allotted Time</b>	<b>Beginning Time</b>
Recommendations = Information Only, Move Forward for Approval, Direction Reqeusted				
1.	Minor in Possession Ordinance (Judge Nicole Collier)	Direction Requested	40 min	4:30
2.	Snow Removal and Ordinance Change (Will Chambers)	Move Forward for Approval	20 min	5:10
3.	Council Sponsored Resolutions & Ordinances (Carter Napier)	Direction Requested	20 min	5:30
4.	Boards and Commissions Assignments (Ray Pacheco)	Direction Requested	20 min	5:50
6.	Legislative Update		20 min	6:10
7.	Council Around the Table		45 min	6:30
Approximate Ending Time				7:15



January 12, 2018

TO: Honorable Mayor, and Members of the Casper City Council  
FROM: Nichole Collier, Municipal Court Judge  
SUBJECT: Minor in Possession Sentences in Municipal Court

**Meeting Type & Date**

Work Session, January 23, 2018

**Recommendation**

That Council amend the Minor in Possession Ordinance (5.08.370) sentence to include up to six (6) months in jail and up to a \$750 fine.

**Summary**

Currently, a Minor in Possession under City Ordinance 5.08.370 is a fine-only offense. We are asking the Council to give the City Attorney and the Court more options at sentencing. We are only talking about 18-20 year old defendants, as we see very few juveniles due to the single point of entry team (SPE). The single point of entry team, through the District Attorney's office, receives all tickets involving children under the age of 18 and sends them to the appropriate court. More detail can be given at the meeting about that process. When asking for this change, we are not concerned about the first offenders – we are concerned about the second and subsequent offenders. We would like the ability for the City Attorney to request and the Court to order probation; however, we cannot order probation unless such violation is a jailable offense. This is a requirement recently outlined by the Wyoming Supreme Court. Probation would allow the Court to order ASIs and counseling, other pertinent counseling, community service, etc. Jail may be an option in some cases.

Also, for your consideration, by attaching jail to these offenses, the defendant is eligible for both a jury trial and court appointed counsel.

**Financial Considerations**

All projected costs are covered by the Municipal Court Budget.

**Oversight/Project Responsibility**

Municipal Court Judges

**Attachments**

None.

**Municipal Court  
Minor in Possession  
Ordinance**

**5.08.370 - Minors—Possession of alcohol or public intoxication.**

A. For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages.

B. It is declared to be illegal and a violation of this chapter for any person under the age of twenty-one years to have alcoholic liquor or malt beverages in his or her possession, or to be drunk or under the influence of alcoholic liquor or malt beverages on any street or highway or in any public place. Provided, however, this subsection does not apply to possession of alcoholic liquor or malt beverages by a person under the age of twenty-one years:

1. When making delivery of alcoholic or malt beverages pursuant to his lawful employment;
2. Who is in the physical presence of his or her parents or legal guardian;
3. Is a licensee under this title; or
4. When serving alcoholic or malt beverages pursuant to his or her employment if the person is at least eighteen years of age.

# What do we want?

- For 18-20 years olds, the Court would like the option to place some of these defendants, if found guilty, on probation. We cannot do this unless it is a jailable offense.
- We are asking to change the ordinance to allow up to 6 months in jail and up to the maximum fine of \$750.
- Pursuant to City Ordinance 1.28.010(E), the current sentence is a mandatory \$150 for a first offense; \$350 for a second offense and \$600 for a third.

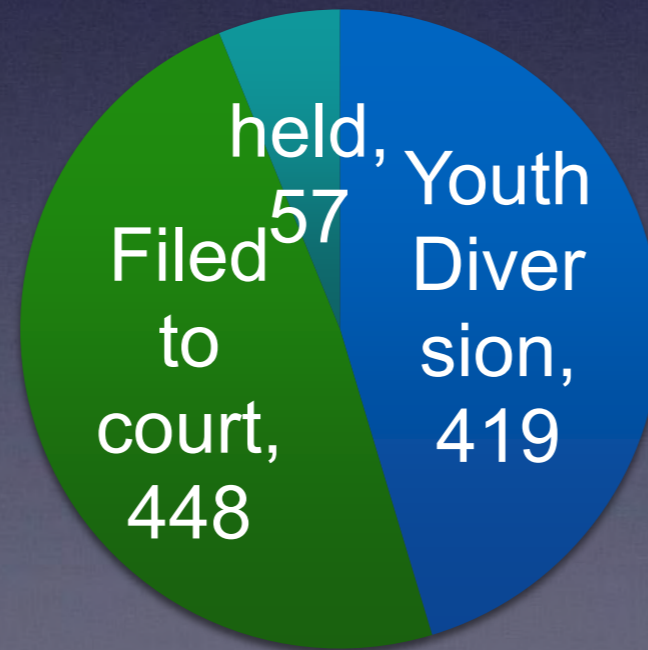
# Why only 18-20 year olds

- Because of the Single Point of Entry team (SPE), we do not see many juveniles (kids under the age of 18 in our court)
- The SPE was started in Natrona County in 2009 and exists in every county in Wyoming.

# What are the options for the SPE Team?

- Youth Diversion
- Holding Tickets
- District Court
- Circuit Court
- Municipal Court

- From January 1 2017 - December 15, 2017
- 893 cases were reviewed by the SPE





# Cases filed to court

## Jan 1 2017 - Dec 15 2017

- If they are a felony offense or a CHINS case, they go to District Court. The SPE sent 2 cases to adult District Court and 87 to Juvenile District Court.
- If they are a misdemeanor, a second or more MIP or a drug offense, they go to Circuit Court. The SPE sent 416 cases to Circuit Court.
- All others go to Municipal Court. This was a total of 6 cases.

- Almost all crimes in Muni Court are fine only offenses. They are also charged as adults and have an adult record.
- The only juveniles the Municipal Court sees regularly are traffic offenses.

# Why Does the City Need This Change


- Municipal Court had 173 cases of MIP starting January 2014 - January 2018. Roughly 55 cases per year.
- We currently have no tools to help the defendants or the community in these cases. We believe these tools can be used to change behavior.


- With the option of probation, we can order the defendants to obtain ASIs, complete counseling, attend other forms of treatment, complete community service, etc.
- Suspension of incarceration would give the Court some “teeth” behind the orders to enforce the terms of their probation.
- Jail might be appropriate in some cases.

# Considerations

- Making this a jailable offense also requires due process:
- Eligible for jury trials
- Eligible for court appointed attorneys

January 2, 2018

MEMO TO: J. Carter Napier, City Manager 

FROM: Andrew Beamer, P.E., Public Services Director   
Shad Rodgers, Streets and Traffic Manager

SUBJECT: Snow Removal and Ordinance Change

Meeting Type & Date:

Council Work Session

January 23, 2018

Action Type:

Ordinance

Recommendation:

That Council adopt changes to the City of Casper Snow Removal Ordinance.

Summary:

The City Streets Division is in charge of clearing snow from the City's streets. When snow is seen in the forecast, city employees will be placed on a shift work schedule, with all equipment operators either reporting for duty from 4AM to 12PM, 12PM to 8PM, or 8PM to 4 AM. The core of the snow fighting fleet is comprised of thirteen tandem axle dump trucks equipped with salters and plows. As snow begins to fall, plows will be sent along predetermined routes. The routes are laid out along the primary access ways of the city, and each is categorized as either an "A" or "B" level route. "A" level routes are plowed first; "B" level routes are plowed second. If school is in session, then additional streets will be plowed to provide access to public schools.

The routes are set up to cover most of the arterial and collector streets of the city. The routes are designed to give each neighborhood access to an arterial or collector street. Most residential streets are never plowed, though exceptions are made if the snow is deep and impassable. Most snow routes are plowed into a windrow that runs down the center of the street. Plowing to the center tends to minimize ice buildup along the gutter line, and allows citizens to keep vehicles parked on the street throughout the plowing operation. Once plowing is complete, city crews will collect the snow and haul it to one of nine snow dump sites.

Salting is also done along the snow routes to prevent the buildup of ice. Salting usually begins after the snow has fallen, or if the roads are becoming icy and slick. The city uses a product primarily made of salt, but it is enhanced with magnesium chloride and calcium chloride to improve its melting properties, especially at very low temperatures.

Some private companies and residences have taken it upon themselves to place snow in city street right-of-ways, either from parking lots or from plowing streets that are not on the city's plow route. The added snow often creates hazardous conditions and causes drifting, further restricting streets.

Current city ordinance does not specifically prohibit this practice. Adoption of the proposed ordinance change would specifically prohibit the placement of snow from private property onto city right-of-way, as well as the unauthorized plowing of city streets.

Currently, Wyoming State Statute 35-10-401 prohibits the obstruction of roadways, but it does not specifically address snow, nor does it define what constitutes an obstruction. Because of that, it is unclear whether placing snow into the right-of-way in varying degrees would amount to “obstructing” the roadway. Further, with it being a state statute that has not been adopted by the City, any violation would have to be cited into Circuit Court.

Casper Municipal Code §12.24, “Obstruction,” while titled promisingly, actually deals with structures, fences, signs, etc. obstructing sidewalks and streets. It does not address obstructing a street with snow or other debris.

Financial Considerations:

Adoption of the ordinance will result in lower costs for city staff to clear and haul snow.

Oversight/Project Responsibility:

Shad Rodgers, Streets and Traffic Manager

Attachments:

WY 35-10-401

Proposed ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING A CHAPTER TO TITLE 12-  
STREETS, SIDEWALKS, AND PUBLIC PLACES,  
PROVIDING FOR THE REMOVAL OF SNOW FROM  
PROPERTY LOCATED WITHIN THE CITY.

WHEREAS, THE REMOVAL OF SNOW FROM PRIVATE  
PROPERTY ONTO CITY STREETS CREATES A SAFETY HAZARD  
THAT NEGATIVELY IMPACTS THE ENTIRE COMMUNITY.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING  
BODY OF THE CITY OF CASPER, WYOMING THAT THE FOLLOWING  
CHAPTER BE CREATED AND ADDED TO THE MUNICIPAL CODE:

CHAPTER 12.25- SNOW REMOVAL

12.25.010- SNOW REMOVAL ONTO STREETS PROHIBITED

IT IS UNLAWFUL FOR ANY PERSON TO SHOVEL, REMOVE, PLACE, OR PILE  
SNOW FROM PRIVATE PROPERTY OR SIDEWALKS ONTO ANY STREET  
RIGHT-OF-WAY.

12.25.020- PLOWING OF SNOW ON STREETS

NO PERSON OTHER THAN AUTHORIZED MUNICIPAL, STATE OR COUNTY  
EMPLOYEES SHALL REMOVE, PLACE, PUSH, OR PLOW SNOW ON ANY CITY  
STREET.

12.25.030- ENFORCEMENT- AUTHORIZED PERSONNEL.

MUNICIPAL CODE ENFORCEMENT OFFICERS, CITY POLICE OFFICERS AND  
THE CITY MANAGER OR HIS/HER DESIGNEE SHALL HAVE THE AUTHORITY  
TO ENFORCE THIS CHAPTER BY ISSUING TO ANY VIOLATOR A CITATION  
OR SUMMONS INTO MUNICIPAL COURT.

12.25.040- VIOLATION

ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE  
GUILTY OF A MISDEMEANOR. THE PENALTY SHALL BE THAT SET  
FORTH IN CHAPTER 1.28 OF THIS CODE.

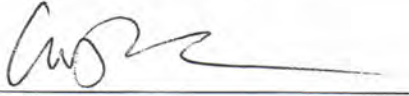


PASSED on 1<sup>st</sup> reading the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_.

PASSED on 2<sup>nd</sup> reading the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_.

PASSED, APPROVED, AND ADOPTED on third and final reading the  
\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED AS TO FORM:



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ATTEST:

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Fleur D. Tremel  
City Clerk

CITY OF CASPER, WYOMING  
A Municipal Corporation

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Ray Pacheco  
Mayor

**35-10-401. Obstructing or injuring highways, streets, bridges or navigable streams generally; offensive manufactures or businesses; pollution of waters.**

(a) If any person, company or corporation shall obstruct or injure or cause or procure to be obstructed or injured, any public road or highway, or common street or alley of any town or village, or any public bridge or causeway, or public river or stream, declared navigable by law, or shall continue such obstruction, so as to render the same inconvenient or dangerous to pass, or shall erect or establish any offensive trade, or manufacture or business, or continue the same after it has been erected or established, or shall in anywise pollute or obstruct any watercourse, lake, pond, marsh or common sewer, or continue such obstruction or pollution, so as to render the same unwholesome or offensive to the county, city, town or neighborhood thereabouts; every person, company or corporation so offending, shall upon conviction thereof, be fined not exceeding one hundred dollars (\$100.00); and every such nuisance may, by order of the district court before whom the conviction may take place, be removed and abated by the sheriff of the proper county.

(b) Whoever, in any manner, wrongfully obstructs any public highway, or injures any bridge, culvert, or embankment, or injures any material used in the construction of any such road, shall be fined in any sum not more than one hundred dollars (\$100.00), to which may be added imprisonment in the county jail not more than three (3) months.

**35-10-402. Entering mines, metallurgical works or sawmills while intoxicated; taking intoxicants into related structures.**

Whoever shall, while under the influence of intoxicating liquor, enter any mine, smelter, metallurgical works, machine shops or sawmills, or any of the buildings connected with the operation of the same in Wyoming where miners or workmen are employed or whoever shall carry or haul any intoxicating liquor into the same or any logging or grading camp shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars (\$500.00) to which may be added imprisonment in the county jail for a term not exceeding one (1) year.

**35-10-403. Boats for hire required to have life preservers.**

January 22, 2018

TO: J. Carter Napier, City Manager *JCN*  
FROM: Fleur Tremel, Assistant to the City Manager/City Clerk  
SUBJECT: Council Sponsored Resolutions and Ordinances

**Meeting Type & Date**

Work Session, January 23, 2018

**Recommendation**

None, for information only.

**Summary**

Council asked staff to look into a procedure allowing Council to sponsor items on the Council meeting agenda. Currently, the City of Casper uses a process which allows the City Manager to place items on the agenda in order to assist Council. Also, a Council majority may place items on the agenda. Staff reached out to the City of Cheyenne as they use a sponsorship process. This process is used for all resolutions and ordinances that need to go to a council meeting. This process is not used for minute actions. This process has been used by Cheyenne for a long time and does not come from any rule or law, but is historically how they have done their agenda.

The City of Cheyenne's process is a multi-step process which includes several different committee meetings for councilmembers. However, the sponsor for each item is automatically assigned to the chair of the council committee that would hear the item. The City of Cheyenne's process would, essentially, require that each item go to a formal council meeting twice, once to be sent to a committee, once to be voted on, and, additionally, it would go to the specific committee meeting. This information has been included in further detail as an attachment.

At this time, City of Casper staff does not recommend adopting Cheyenne's process as it will add additional time for each item, and it will add additional committee meetings to Council.

Staff now seeks direction on the process that Council would like to see, or if there are other models that Council would like staff to look into.

**Financial Considerations**

None.

**Oversight/Project Responsibility**

Fleur Tremel, City Clerk

**Attachments**

City of Cheyenne Sponsorship Process  
City of Cheyenne Agenda Cover Sheet

# City of Cheyenne Sponsorship Process:

1. A city staff member would fill out the agenda cover sheet.
2. The item is initially introduced at a regular city council meeting and referred to one of the standing committees.
3. Depending on the item going to council they would refer it to the corresponding committee and the sponsor would automatically become the sponsor of the item.
4. Items would go to one of the three standing committee which meet on the off weeks of council meetings.
  - a. The three committee are:
    - i. Finance Committee-any item relating to revenue or expenditure with the exception of the full budget document approval.
    - ii. Public Services Committee-any item relating to zoning or plat changes, etc.
    - iii. Committee of the Whole-all council with exception of the Mayor serves on this committee and they oversee the budget document and any city-wide ordinance such as a smoking ban.
5. The standing committee meets and votes on a recommendation on the item (a non-binding vote).
6. Each item is automatically sponsored by the chair of each committee, but any others or all may also co-sponsor it.
7. The chairman of the standing committee then reports back at the next regular city council meeting to advise council of the committee's recommendation, which the chairman then typically makes a motion to approve or adopt the respective item.
  - a. Ordinances, which require three readings, go before a committee at two separate meetings.



## Council Committee Assignments

### Governmental Affairs

**Goal:** To build strong relationships with each governmental entity to enhance communication and collaboration.

<b>Objectives:</b> Meet with each entity quarterly. Develop an open line of communication when political concerns arise				
Natrona County Council of Governments	Council Legislative Committee (WAM)	City/County Hall of Justice/Detention Facility Joint Powers Board	Municipal Court Coordination Committee	Public Safety Communications Center
3 <sup>rd</sup> Wednesday 7:00 am Eggington's	TBD	TBD	TBD	
1. Ray Pacheco 2. Charlie Powell	1. Charlie Powell 2. Jesse Morgan	1. Kenyne Humphrey 2. Chris Walsh	1. Dallas Laird 2. Shawn Johnson	1. Kenyne Humphrey

### Budgetary and Financial Items

**Goal:** To monitor and provide support and guidance to the city manager pertaining to the city's financial status and budget development and implementation.

**Objectives:**

Council Finance Committee	Economic Development JPB
TBD	2nd Thursday, 10:30am Feb, May, Aug, Nov CAEDA Conference Room
1. Bob Hopkins 2. Jesse Morgan	3. Shawn Johnson 4. Kenyne Humphrey 1. Bob Hopkins 2. Dallas Laird

### Social Services and Recreation

**Goal:**

**Objectives:**

Leisure Services Advisory Board	C.A.T.C.	Central Wyoming Senior Services	Casper Housing Authority	Community Action Partnership	Youth Empowerment
2nd Thursday 4:30pm Events Center	4th Monday 2:00pm Senior Center	2nd Wednesday 2:00pm City Hall	3rd Thursday 10:30am City Hall	4 <sup>th</sup> Wednesday 5:15pm	Every Thursday 7:00 p.m. 535 W. Yellowstone
1. Amanda Huckabay 2. Charlie Powell	1. Kenyne Humphrey	1. Kenyne Humphrey	1. <b>Need Rep</b>	1. <b>Need Rep</b>	1. Ray Pacheco

### Press and Community Outreach

**Goal:**

**Objectives:**

K2 Morning Radio Show	College National Finals Rodeo Committee	Travel & Tourism Council
1 <sup>st</sup> & 3 <sup>rd</sup> Fridays of each month	1st Monday 5:00pm Parkway Plaza	4th Tuesday 11:30am 139 W 2nd, Suite 1B
1. Ray Pacheco 2. Charlie Powell	1. Chris Walsh	1. Shawn Johnson

City Services

**Goal:**

**Objectives:**

Central Wyoming Regional Water System JPB	Council Solid Waste Committee	Contractors' Licensing and Appeals Board	Casper Utilities' Advisory Board
3rd Tuesday 11:30am 1500 SW Wyoming Blvd	TBD	3rd Thursday 4:00pm City Hall	4th Wednesday 7:00am City Hall
1. Chris Walsh 2. Shawn Johnson	3. Charlie Powell 4. <b>Need Rep</b>	1. Dallas Laird	1. Dallas Laird

Land Use and Economic Development

**Goal:** To provide direction to interested parties about the future direction of the city and the City Council.

**Objectives:** Attend land use/economic development meetings in order to share the vision and direction of the City Council.

MPO Policy Committee	Planning & Zoning Commission	OYD Advisory Committee	OYD Architectural Review Committee	Platte River Restoration Advisory Committee
Quarterly	3rd Thursday 6:00pm City Hall	3rd Monday 4:00pm	Each Friday 9:00 am	1st Wednesday 5:30pm City Hall
1. Bob Hopkins	1. Bob Hopkins	1. Bob Hopkins	1. Bob Hopkins	1. Dallas Laird

Downtown Development Authority	Amoco Reuse Agreement JPB	Casper Area Chamber of Commerce
2nd Wednesday 11:30 a.m. 159 N. Wolcott	2nd Wednesday 6:00pm City Hall	3rd Tuesday 4:00 p.m. Chamber
1. Charlie Powell	1. Bob Hopkins	1. Amanda Huckabay

Boards & Commissions are responsible for filling openings on their boards. They must advertise the opening, interview, and then receive City Council approval. The board/commission will need to submit the following documentation for approval at a regular Council meeting.

A memo that includes the following information:

- Total number of applicants.
- How many applicants were interviewed.
- Why this applicant was selected.
- Include information about the term - is this a full or a partial term, is this their first term or are they being reappointed.
- Include the beginning and ending dates of this term.

Attach the following documents to the memo:

- Name of publication and copy of advertisement that announced opening and requested applications, as well as the dates advertised.
- Copy of all resumes submitted for board opening.