

WORK SESSION AGENDA

**Casper City Council
City Hall, Council Meeting Room
Tuesday, July 9, 2019, 4:30 p.m.**



Work Session Meeting Agenda		Recommendation	Allotted Time	Beginning Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Council Meeting Follow-Up		5 min	4:30
2.	Parade Permit Revisions	Direction Requested	20 min	4:35
3.	Museum Donations	Direction Requested	20 min	4:55
4.	Food Truck Permits	Direction Requested	40 min	5:15
5.	Annexation Update	Direction Requested	20 min	5:55
6.	Council Vacancy Discussion	Direction Requested	20 min	6:15
6.	Agenda Setting		20 min	6:35
7.	Legislative Review		10 min	6:55
8.	Council Around the Table		10 min	7:05
Approximate End Time:				7:15

July 5, 2019

MEMO TO: Casper City Council
J. Carter Napier, City Manager 7.7. for JCN

FROM: John Henley, City Attorney JH

SUBJECT: Parades/Conflicts between the City Code and the Special Events Guide and Policy, Application and fees as adopted by Council Resolution.

Meeting Type & Date:

Work Session
July 9, 2019

Action Type

Parade Permitting/Information and direction requested

Recommendation

That Council consider the request and circumstances and provide direction.

Summary

Questions about the process to obtain a parade permit and the appropriateness of fee and insurance requirements as proscribed in the Special Events Planning Guide and Policy have arisen.

A motorcycle group, who has in the past, applied for and received a parade permit for its motorcycle parade, takes issue that this year, the process was different; the request for a parade permit was filed with the Casper Police Chief, but the group was also referred to the City Clerk's office to fill out an application that the group felt was lengthy; specifically, that the group obtain, pursuant to the Guide and Policy, a general liability insurance policy.

The group also felt the restrictions on the route of the parade were too restrictive, that the speed limitations placed on the drivers were too slow and that the drivers, in order to shorten the length of the motorcycle entourage, ride greater than single file. There was also a concern that the riders were asked not to wear their "colors."

The position of the motorcycle group seems to be that because the City had adopted an ordinance, the Casper City Code must be followed without reference to the Special Events Guide and Policy.

There is no expressed language or intent in the Event Policy that the code dealing with parades should be by implication overruled. And, indeed, the Code provisions, with respect to parades provide specific guidance and authority and explicit authorization that it is within the purview of the police and Police Chief to incorporate a wide variety of criteria in evaluating a parade permit application. The ordinance specifically provides that law enforcement "shall" consider and place conditions upon the minimum speed, the maximum speed, the maximum interval of space between

units of the parade and the maximum length of the parade in miles or fractions thereof, as well as the general obligation to place conditions upon the conduct of the parade, so it will likely not cause a clear and present danger of injury to persons and property.¹

The specifics of the Code provisions cited above seem reasonable and not generally inconsistent with the Event Guide and Policy.

In addition to the Event Guide and Policy, the application and fees for special events were adopted by Council's Resolution 18-259 (attached).

The question then becomes did the Council by adopting Resolution 18-259 intend for it also to apply to parades.

¹ See Casper Code Sections 10.72.040 and 10.72.050, respectively –

10.72.040 Permit—Contents.

Each parade permit shall state the following information:

- A. Starting time;
- B. Minimum speed;
- C. Maximum speed;
- D. Maximum interval of space to be maintained between the units of the parade;

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- E. The portions of the streets to be traversed that may be occupied by the parade;
- F. The maximum length of the parade in miles or fractions thereof;
- G. Such other information as the chief of police shall find necessary to the enforcement of this article.

(Prior code § 24-133)

10.72.050 Permit—Conditions for issuance.

The chief of police shall issue a permit as provided for under this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- E. The conduct of such parade will not interfere with the movement of fire-fighting equipment in route to a fire;
- F. The conduct of the parade is not reasonably likely to cause a clear and present danger of injury to persons and property;
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route;
- H. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit. (prior code § 24-128)

Of note, the policy defined a “special event” broadly:

A special event is generally defined as an organized activity that occurs outdoors on City property. More specifically, in order to meet the criteria of this policy, a Special Event:

- Occurs on City property, but not on property that is already under lease to another entity. “City property” includes any City owned park, trail, street, parking lot, alley, lawn, sports field, or similar outdoor place. Property is “already under lease” to another entity if that other entity has day to day control of the property.

If your event meets the criteria of an outdoor event that occurs on City property, then your event is a Special Event...(Bolded within Policy).

In addition, the Special Event Application; specifically references “Street Closure/Parade Permits.”

Thus, it seems clear that the Council anticipated that the parade ordinance which provides for “parade permits” would still be utilized and that parades would be considered a special event, pursuant to the Council’s adoption of the Guide and Policy.

This is consistent with general legal principles.

As the Wyoming Supreme Court has held many times the interpretation of legislative pronouncements is to look at the intent of the legislative body and harmonize differing pronouncements, if possible.

An ordinance is municipal legislation which prescribes some permanent rule of conduct or government. A resolution is an expression of policy concerning some particular item of business usually reacting to the administrative business of the municipality.

Thus, the adoption of a Special Event Guide and Policy to promote the administration of business, such as the planning and execution of individual events (parades), is appropriate and consistent with the Parade Ordinance and consistent with the distinction and differing functions of an ordinance and a resolution.

One of the requirements of particular consternation is the requirements of general liability insurance. However, to protect against unforeseen injuries and protecting the public health and safety, such a requirement is not unusual.

The motorcycle group has contended when addressing Council that individual motorcycle policies should be insurance enough, and implying that this requirement is duplicative.

However, the state only requires policy limits for motor vehicles of \$25,000 per person and a total of \$50,000 per accident, no matter how many people are injured and \$20,000 for destruction or

injury to property of another. Thus, the limits, even if all motorcycle participants are insured, may well be insufficient to even come close to protecting the public and/or the City.

In addition, the operators' insurance does not protect the City in a lawsuit. As an example, all of the motorcycles moving down a street with all the noise and the spectacle of different vehicles and riders would surely draw the interest of a six-year-old who runs to the street and stops before he/she is hit by a vehicle, but the little brother or sister does not stop, gets hit and develops a brain injury.

It will be opined by the Plaintiff's attorney that the City which gave a permit actually went so far as to permit an "attractive nuisance." The City will almost certainly be sued, as will the Police Chief and potentially other City employees or volunteers. Thus, having insurance protections for both the public and the City and its employees/volunteers is an important consideration.

Additionally, courts will not attempt to control or interfere with the discretion of a municipal legislative body or of a duly designated board or official relative to the grant or denial of a license or permit, approval or disapproval of its transfer, or a revocation or cancellation of a license or permit. Substantial legal authorization provides that all reasonable doubts as to the correctness of the licensing authority's rulings should be resolved in its favor.

Admittedly, there is probably a conflict between the time required to obtain the necessary parade permit\permission-not less than 5 days or more than 10 days before the proposed parade, by Code reference, but at least 35, 25, or 10 business days, if the event is classified as high, moderate or low impact pursuant to the Guide and Policy. The timing questions can be corrected by ordinance amendment, if that is the desire of counsel.

There are likely other inconsistencies, such as the appeal times, which may need to be reworked to permit Council to hear appeals at a regular meeting instead of a special meeting.

Financial Considerations

None anticipated

Oversight/Project Responsibility

Keith McPheeters, Chief of Police

Carla Mills-Laatsch, Licensing Specialist

John Henley, City Attorney

June 28, 2019

MEMO TO: J. Carter Napier, City Manager *J. C. Napier*

FROM: Tim Cortez, Parks and Recreation Director

SUBJECT: Fort Caspar Museum Donation

Meeting Type & Date
Council Work Session
July 9, 2019

Action Type
Direction Requested

Recommendation
That Council provide direction on displaying the Tripeny Collection on the grounds of Fort Caspar.

Summary
In February of this year, the City took possession of a large collection of material from the Tripeny family. The agreement between the Tripeny family and the City states the material shall be permanently displayed at the Fort Caspar Museum by January of 2022.

In support of this effort, the Fort Caspar Museum Association has agreed to raise funds for the project. The fundraising effort must be very clear regarding the intended use of funds raised and what monetary goal will be established based on the anticipated scope of work. At this juncture, two options exist.

The first would be to add onto the existing museum. The scope of this project could vary greatly, but the construction costs would likely start around \$900K for a 1500 sq. ft. addition. More information would be ascertained after working with a designer and getting Council's direction. If there is a building expansion, the Fort Caspar Museum Association has agreed to raise money for the exhibit acquisition, design fabrication and installation which is estimated to cost around \$250K.

The second option would be to convert existing space within the museum. There is a multi-purpose room and an activity room that could be reconfigured. The obvious downside to this option is the loss of existing space currently used to provide programming opportunities. This option would likely start around \$50K for remodeling costs and vary depending on design and Council's direction.

Financial Considerations
If Council selects the option for the addition to the museum, the cost is estimated to be \$900K, and a funding source would need to be identified. If Council selects the option to convert the existing space, the cost is estimated to be \$50K, and a funding source would need to be identified.

Oversight/Project Responsibility
Tim Cortez, Parks and Recreation Director

Attachments
None

July 1, 2019

MEMO TO: J. Carter Napier, City Manager 22 for JCN
FROM: Fleur Tremel, Assistant to the City Manager 22
SUBJECT: Health Licenses and Food Truck Permits

Meeting Type & Date:
Council Work Session
July 9, 2018

Action type:
Direction Requested

Recommendation:
None.

Summary:

Title 8.04 of the Casper Municipal Code provides rules and regulations for “Businesses Affecting Public Health.” In this code, Businesses affecting the public health are defined as,
“any business within the city furnishing to the public any food and drink, lodging, laundry or dry cleaning service, septic tank cleaning service, amusements, public baths, massage treatments, supervision and care of children or the aged, restroom facilities and all like services or business, whether such services or businesses are on or off the premises.”

Based on this definition, City of Casper has been requiring food trucks to obtain a license. This is a yearly license and costs Seventy-Five Dollars (\$75.00). There is also a license for temporary food establishments; this is defined as “those operating at a fixed location for a period of time not exceeding fourteen consecutive days and in conjunction with a single event or celebration.” This license costs Ten Dollars (\$10.00) and has been used by food trucks who wish to temporarily operate within City limits.

Recently, Staff met with the Casper-Natrona County Health Department and learned that the State and has a similar license for food trucks. Therefore, the Health Department would have to inspect these businesses regardless of City Ordinance. Because the Fire Codes adopted in Casper require a fire inspection, it appears that, should Council choose, Council could repeal the City code requiring a health license. However, this may affect the City’s ability to do electrical inspections for all the other businesses listed under the ordinance, and therefore, may cause a safety concern for our citizens. The Health Department did indicated that they could amend their policies to include language to ensure that they communicate with the Casper Fire Department to ensure the businesses applying for a health license are inspected. Staff can look further into this, if this appeals to Council.

The City also requires mobile vendors parking in the Downtown area and Old Yellowstone District (DOY) to obtain a Mobile Vendor Parking Permit. This costs Twenty-Five Dollars (\$25.00) per parking space; this is solely for parking in the DOY, parking on any other public street or a private area would not require a permit from the City.

Because of the licenses and permits required, a few vendors have asked Council to review and decide whether these regulations are necessary. Several have stated that Casper requires more licenses and permits than any other community and that Casper “is not food truck friendly.” Staff researched the rules and regulations in place in other similar Wyoming cities, as well as Denver, as these are often the jurisdictions cited by others as not requiring as many fees. Staff has attached a spreadsheet of the requirements and what is allowed by each jurisdiction.

Financial Considerations

The health license fees generate roughly Forty Thousand Dollars (\$40,000). The Mobile Parking permits, as well as the temporary food permits, and the other items covered under Title 8 Section 04 generate an additional Twenty Thousand Dollars (\$20,000). This cost may be higher based on the electrical inspections which are done under this ordinance.

Oversight/Project Responsibility

Fleur Tremel, City Clerk

John Henley, City Attorney

Attachments

Food Truck Requirements for Other Towns Spreadsheet

Food Truck Requirements in Other Towns

City/Town	Allowed	Not Allowed	Permits/Inspections Required
Cheyenne	Allowed to utilize parking places parallel to the public sidewalk to serve customers.	Not allowed within 100' feet of a primary entrance of a restaurant, without written consent of the owner. Not allowed in right of way. Cannot park in public right of way for the purpose of selling food in such a manner as to impede or interfere with free movement of vehicular, bicycle or pedestrian traffic or visually obstruct the safe movement of vehicular bicycle or pedestrian traffic. May not operate, store, leave unattended on the public right of way after 3:00 am and before 5:00am. If serving from public right of way onto a public sidewalk the interior kitchen length of any mobile food truck shall be no longer than eighteen and one half feet long.	State of Wyoming Food Service permit from Health Department, Sales tax permit through the Wyoming Department of Rev and an Annual License from City Clerk's office which costs \$90.00 . The Police Department recently took over parking and are entertaining changes and fees to the Mobile Food chapter.
Laramie	Allowed in the public right away only with a special event permit. Some standards may be waived by city staff for the duration of an approved special event permit.	No vending shall be permitted within city right-of-way. No smoking within a mobile vending unit, minimum fifteen foot separation from all fire hydrants, and ten foot separation from all structures. One person on site at all times that is qualified to move said operation.	All mobile vending units shall be inspected in an appropriate manner that is approved by city fire department to receive an Annual License, which costs \$100 . Propane systems, piping, fire suppression systems, fire extinguishers and installation of new kitchen equipment shall be inspected by licensed and approved contractors. Shall be registered with the Wyoming Secretary of State if applicable.
Denver	Allowed to park on a street or private parking	Not allowed within 20' of intersections, not on any street, alley or right of way in the central business district. Not allowed in a park or within 300' of a park or parkway unless associated with a public event or special occasion.	Denver requires all food trucks to get a Retail Food Mobile Business license. The cost to apply is \$200. The License fee is \$125, annually.
Jackson	Currently the town does not have standards to address food trucks.		Food trucks can operate under the umbrella of a special event which costs \$150 or \$25 if it is a non-profit. They do not rent out any public spaces for food trucks to operate. They have to obtain a food permit from the Teton County Environmental Health and then they apply for a business license. They can apply for a transient or temporary merchant business license to conduct business on private property however, they can only operate on private property for 8 days within 1 calendar year and no more than 4 consecutive days with the temporary one.

June 28, 2019

MEMO TO: J. Carter Napier, City Manager *J.C. Napier*
FROM: Liz Becher, Community Development Director *LB*
Craig Collins, AICP, City Planner
SUBJECT: Annexation Discussion

Meeting Type & Date:

Council Work Session, July 9, 2019.

Action Type:

Staff requests direction on the potential annexation of two (2) residential areas located in proximity to the current City limits.

Summary:

In continuation of the ongoing annexation of residential areas throughout the City, staff is presenting two (2) more areas for discussion. With the fast-approaching 2020 Census, the City is looking at the annexation of residential areas that are in proximity to the current City limits, and that would require a minimal amount of infrastructure and investment to bring up to City standards. Staff requests that the Council review the preliminary analysis provided below, and direct staff as to which areas staff should move forward on, and initiate the annexation process.

Financial:

Preliminary fiscal analysis indicates that the annexation of the two areas may, over time, result in positive cash flow to the City's General Fund. More in-depth analysis would occur with the State mandated annexation studies, should the annexations proceed.

Project Oversight:

Craig Collins, AICP, City Planner.

Attachments:

Preliminary annexation analysis (10 pgs)

- Estimated Population - 32
- Potential yearly sales tax revenue - \$18,112
- Potential yearly property tax revenue - \$8,000
- Area within designated Growth Boundary - Yes
- Enterprise Departments - Service is available
- Emergency Services - Service is available
- Potential building permit revenue - Negligible, area is built-out
- Surveying requirements - Platted, no surveying required
- Transit/Bus - Area is not currently served. Nearest transit stop is located at Sunrise Shopping Center
- Municipal Code Compliance - No visually apparent Code issues
- Likely City zoning - R-1 (Residential Estate)

Long Term Fiscal Impact

South Poplar Street			
Description	Revenue	Expenditures/Costs	Notes
Sales Tax (Population increase of 32)	\$18,112 yearly		
Property Tax	\$8,000 yearly		
Building Permits (Area is fully built-out)	\$0		
Public Street/Improvements Construction		\$0	
Public Street Maintenance over 20 year period		N/A	
Surveying, recording, public notice & administrative costs to process annexation		\$0	
Total Yearly Revenue	\$26,112		
Total Expenditures/Costs		\$0	
20-year projections	\$522,240	\$0	
20-year projected Net	\$522,240		
Estimated Time to Break-Even (Revenues equal Expenditures)	Not Applicable		*Revenue exceeds costs

Reference Photos

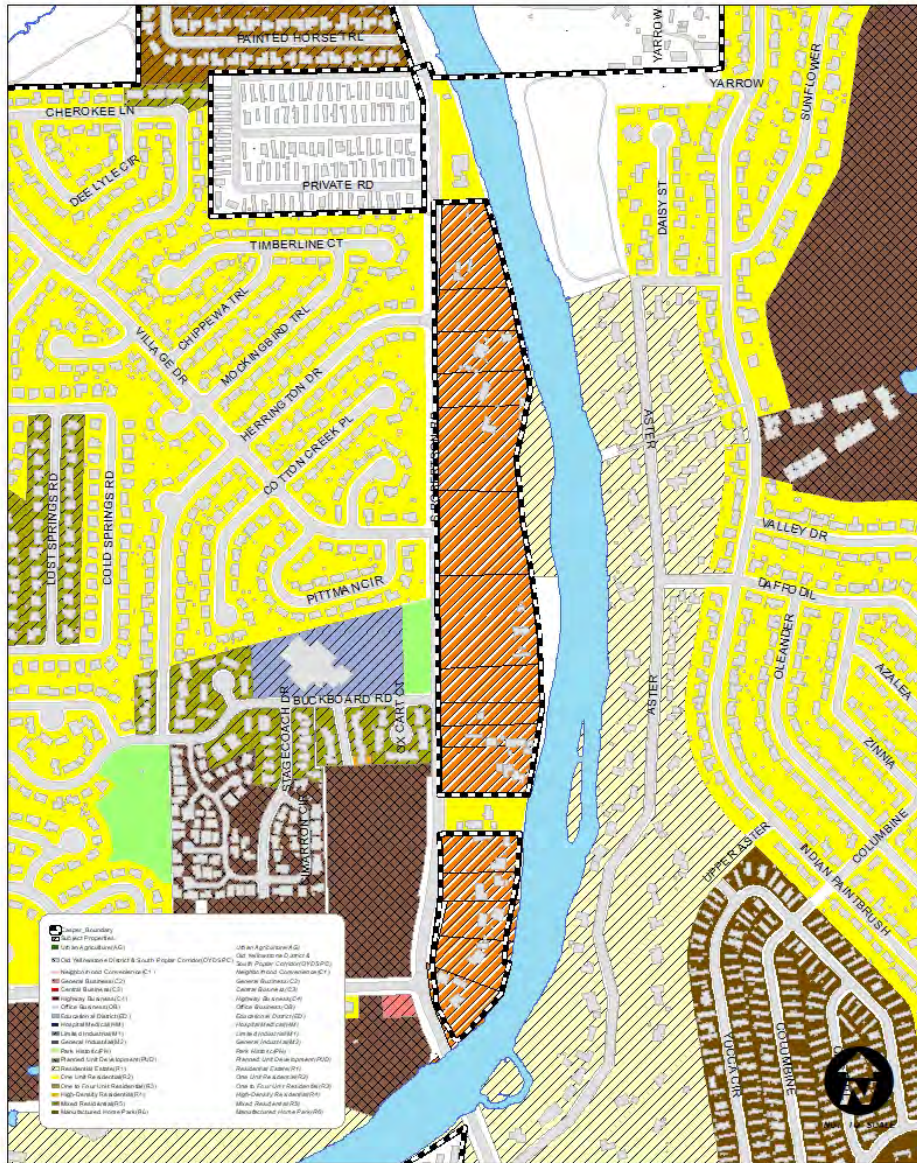




Robertson Road

This group of properties consists of fourteen (14) homes, located on the east side of Robertson Road, north of the bridge, and west of the North Platte River. The properties are approximately 75% encompassed by properties currently annexed into the City. All are unplatted, and surveying would be required in order to describe the area being annexed. No Commitments to Annex were found for these properties, and it doesn't appear that they are currently utilizing public water or sewer. All lots front on Robertson Road, which is fully constructed, and will not require immediate improvements.

Robertson Road Annexation



- Estimated Population - 34
- Potential yearly sales tax revenue - \$19,244
- Potential yearly property tax revenue - \$2,845
- Area within designated Growth Boundary - Yes
- Enterprise Departments - Service is available
- Emergency Services - Service is available
- Potential building permit revenue - Negligible, area is built-out
- Surveying requirements - City-paid surveying required
- Transit/Bus - Area is not currently served.
- Municipal Code Compliance - No visually apparent Code issues
- Likely City zoning - R-2 (One Unit Residential)

Long Term Fiscal Impact

Robertson Road			
Description	Revenue	Expenditures/Costs	Notes
Sales Tax (Population increase of 34)	\$19,244 yearly		
Property Tax	\$2,845 yearly		
Building Permits (Area is fully built-out)	\$0		
Public Street/Improvements Construction		\$0	
Public Street Maintenance over 20 year period		N/A	
Surveying, recording, public notice & administrative costs to process annexation		(\$6,000)	
Total Yearly Revenue	\$22,089		
Total Expenditures/Costs		(\$6,000)	
20-year projections	\$441,780	(\$6,000)	
20-year projected Net	\$435,780		
Estimated Time to Break-Even (Revenues equal Expenditures)	Not Applicable		*Revenue exceeds costs

Reference Photos:





Appendix

- 2.45 persons per household in Casper. (*Source: US Census*)
- \$566 – Amount of sales revenue the City receives per person in Casper. Sales tax is distributed by the State based on population, NOT where the tax is collected. (*Source: Casper Financial Services Division*)
- 2,056 – Population density of Casper, per square mile. (*Source: US Census*)
- 27 square miles – current area of Casper. (*Source: City GIS Division*)
- 57,814 – Most-recent population estimate for Casper. (*Source: US Census, 2017*)
- 1% - Historical long-term growth rate of Casper. (*Source: Generation Casper Comprehensive Plan*)
- 8 mills – Property tax allocation for properties within the City. (*Source: Natrona County Assessor*)
- 9.5% - Assessed value is figured as 9.5% of the market value of properties. (*Source: Natrona County Assessor*)
- \$500-\$600 per lineal foot – Cost to build a standard City (local) street. Equates to \$2,640,000 - \$3,168,000 per mile, and includes curb, gutter, sidewalk, streetlights, asphalt, etc. (*Source: CEPI – Civil Engineering Professionals Inc.*)
- \$300,000 - \$591,000 per mile – Cost to maintain a local City Street (not collector or arterial) over a 20-year life-cycle. (*Source: City Engineering Division*)
 - Expected routine maintenance includes:
 - Year 2 – Crack Sealing
 - Year 5 – Chip Seal and Crack Seal
 - Year 7 – Crack Sealing
 - Year 10 – Major Repair/Patching
 - Year 13 – Crack Seal
 - Year 15 – Chip Seal and Crack Seal
 - Year 20 – Reconstruction
- \$300,000 - Average construction valuation of new home (*Source: City Building Division*)
- 150 – Average number of single-family homes constructed per year, over the last 20+ years. (*Source: City Building Division*)
- \$2,241 – Building permit fee/revenue (one time capture) on an average \$300,000 home in Casper. (*Source: Casper Building Division*)
- 30% - 40% of average - Estimated level of construction occurring currently in Casper. (*Source: Casper Building Division*)
- 5 – 6 months – time required to process an annexation. (*Source: Wyoming State Statutes*)
- \$1,500 – Cost of State mandated legal notice and recording fees for an annexation. (*Source: Community Development Department*)

- \$3,000 - \$5,000 – Administrative (staff) costs for an average annexation. (*Source: Community Development Department*)
- \$1,500 - \$7,000 – Surveying costs for annexing an unplatted property. (*Source: Community Development Department*)
- \$4.85 – 2018 cost per trip/passenger of bus (transit) service in 2018. (*Source: Casper Area MPO*)
- 1% - Estimate of the number of persons in Casper that rely on transit (578 total based on current population estimate). (*Source: Casper Area MPO*)