

COUNCIL WORK SESSION

Tuesday, December 8, 2020 at 4:30 p.m.
City Hall – Council Chambers

AGENDA

1. Council Meeting Follow-up
2. Nolan Status Update
3. Downtown Development Authority Update
4. Downtown Speed Limits
5. Building Permit Requirements
6. Prostitution Ordinance
7. Massage Therapy Ordinance
8. Creation of CARES ACT Fund
9. Agenda Review
10. Legislative Review
11. Council Around the Table

Mayor Freel called the work session to order at 4:34 p.m. with the following Councilmembers present: Lutz, Bates, Huber, Pacheco, Powell, Cathey, Hopkins, and Freel. Councilmember Johnson called into the meeting.

Councilmember Huber asked about the status of renaming Conwell Park. City Manager Napier responded that this will be presented as a resolution item at next week's Council meeting.

Next, City Manager Napier introduced Martin Axlund of True Land and Realty to update Council on the status of the projects relating to the old Nolan properties. Mr. Axlund described the vision for the project and provided a copy of the rendering, showing residential townhomes, retail shops, and restaurants. He stated that they are trying to incorporate the existing historical elements into the design. Construction is scheduled to begin in the spring of 2021 and is expected to be completed in 12 to 18 months from the start date.

Next, City Manager Napier introduced Kevin Hawley, Executive Director of the Downtown Development Authority (DDA), to update Council on David Street Station and the DDA's non-profit 501(c)(3) status. Mr. Hawley explained that instead of filing for 501(c)(3) status, the DDA is looking to establish a foundation which would be the fundraising arm of David Street Station. He explained why this would be more beneficial financially for the DDA and David Street Station. He also discussed issues that the DDA has had financially, including having to acquire insurance privately, which was an unexpected \$35K per year cost.

Mr. Hawley then discussed the DDA's lease with the City for an office building at 135 N Ash Street. He described the history of the lease and the sublease of the building to the State of Wyoming in return for land used for David Street Station. The sublease was originally supposed to be for 3 years, but was extended to 5 years which became financially problematic for the DDA. The DDA paid for 3.5 years of the lease and paid for maintenance of the building, which was a term of the lease, but has been unable to fulfill the \$115K per year lease payment to the City for

the past year. He stated that the DDA does not have the money to fulfill the State office lease and owes the City just under \$150K. He requested that the 5th year of the lease amount be forgiven by the City. He stated that they would offer to continue paying for the operations and maintenance costs through the end of the lease and would forfeit the \$14K awarded to them as part of the one cent allocations.

Vice Mayor Lutz and Councilmembers Cathey and Huber pressed Mr. Hawley on how the DDA has gotten to this place financially and what they planned to do to prevent this from happening in the future. Mr. Hawley stated that the pandemic caused David Street Station to be closed for events, which hurt them financially, and fundraising has also been difficult. He stated there was no real business plan for the future other than to continue trying to fundraise and to sustain. Several Councilmembers stated that they would like to see the DDA's business plan for improvement of their finances in the future. Mr. Hawley stated that the DDA is an arm of the City, and therefore the City is responsible for what happens to the DDA as well as David Street Station, which is leased by the DDA from the City. Councilmember Huber suggested delaying collection of the lease money as opposed to forgiving it, and Council gave their thumbs up for this idea of delaying collection. Council directed staff to get together with the DDA to draft up an MOU for delaying the collection of the lease and an amenable way to pay back the lease, which could be through things like in-kind donations. City Manager Napier stated that the lease money from the DDA was not budgeted for FY21, so a budget amendment will not be necessary.

Council gave their thumbs up to move the massage therapy discussion up in the agenda in order to accommodate citizens who came to listen to that item. Councilmember Cathey discussed the five amendments included in the Council work session packet, including changes to definitions, the grandfathering clause, and travelling therapists. Council gave their thumbs up to move the amendments forward to the regular Council meeting to be formally introduced on third reading.

Next, City Manager Napier introduced Andrew Beamer, Public Services Director, to review possible downtown speed limit changes. Mr. Beamer reviewed the changes outlined in a street map that was included in the work session packet. Council gave their thumbs up to move the speed limit changes forward for formal consideration at a regular Council meeting. This item will be presented as an ordinance change.

Next, Dan Elston, Building Supervisor, gave an informational overview of building permit requirements. He explained when permits are required and stated that consults are offered at no cost to citizens. He also explained that permitted work allows the City to inspect a dwelling and confirm that it is up to code, and the purpose of this is the safety of the citizenry. He also stated that putting all of this information on the website may be difficult and that staff would rather people call and explain their situation in order for staff to help them ascertain whether or not a permit is required.

Next, City Manager Napier introduced City Attorney Henley to discuss changes to the ordinance regarding prostitution. Mr. Henley described the proposed changes which include updating language, definitions, constitutional changes, and punishments for those who solicit prostitution as well as the owner of the business. Council gave their thumbs up to move this item forward for

formal consideration at a regular Council meeting. City Attorney Henley stated that the establish public hearing date item will be scheduled for next week.

Next, City Manager Napier discussed the creation of a CARES ACT Fund to account for the CARES Act funding reimbursement money received by the City. The Funds would be used for mitigation of the ongoing financial impacts caused by COVID-19. Council gave their thumbs up to move the creation of the fund forward for formal approval at a regular Council meeting.

Next, Council reviewed the agenda for next week's Council meeting. City Manager Napier stated that there is a Roberts Rules of Order orientation scheduled before the pre-meeting next week.

Next, Mayor Freel stated there have been several questions regarding the health orders and their affect on bars and restaurants. He asked City Attorney Henley to elaborate on these orders and provide an interpretation for Casper businesses. City Attorney Henley explained that there was a health order back in April 2020 that allowed for restaurant and bar and grill liquor license holders to sell liquor for off-premise consumption during the period of time that these businesses were required to be closed for on-premise consumption. There were rules put in place that required that food be purchased in addition to liquor and that the sale must occur in the licensed building. That health order was repealed and has not been reinstated since. City Attorney Henley then reviewed the most current health order from December 7, 2020. He explained that the current orders have restrictions for bars and restaurants and require that all patrons be seated at tables and booths and may provide food and liquor for on premise consumption from 5 a.m. to 10 p.m. He explained that pickup and delivery options can be utilized by restaurants after 10 p.m. for food. Retail liquor license holders are the only businesses who are allowed to sell for off-premise liquor consumption, and they can continue to do so after 10 p.m. if they have a Council-approved drive-up area. He explained that alcohol delivery away from the business premise is not allowed by law.

Council discussed possible options to provide temporary relief for these businesses. City Attorney Henley stated that many of the changes discussed would require an ordinance change. City Manager Napier stated that staff would look into some options and bring some further information to Council.

Next, Council went around the table to discuss their respective board and committee meetings and share ideas and concerns related to public matters of interest.

The meeting was adjourned at 7:44 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor