

WORK SESSION AGENDA



**Casper City Council
City Hall, Council Chambers
Tuesday, September 22, 2020, 4:30 p.m.**

COVID-19 precautions are in effect at Council meetings. All Council meetings including Work Sessions are held in Chambers. Entrance to the meetings is the east door off David Street. Upon entry you will be asked to sign-in for contact tracing purposes. Face coverings are encouraged. Seating has been gridded into six feet distances. Seating capacity for the public is fifteen seats. Media will be given priority for seating. Public input via email is encouraged: CouncilComments@casperwv.gov

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.	Proud to Host the Best	Information Only	20 min	4:35
3.	Snow Plow Plans – Cost Saving Proposals	Direction Requested	30 min	4:55
4.	Wind Turbines	Information Only	30 min	5:25
5.	Code of Ethics Discussion	Direction Requested	30 min	5:55
6.	Balefill Clerk	Direction Requested	20 min	6:25
7.	Agenda Review		20 min	6:45
8.	Legislative Review		10 min	7:05
9.	Council Around the Table		10 min	7:15
Approximate End Time:				7:25

Please silence cell phones during the meeting

We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

HOW SPORTING EVENTS IMPACT TOURISM IN NATRONA COUNTY:



4.6%

OF OVERNIGHT
LEISURE
VISITORS

SAID THEIR PRIMARY TRIP
PURPOSE WAS A TEAM SPORTS/EVENTS.



4.6%

OF ALL LEISURE
DAY TRIP
VISITORS

SAID THEIR PRIMARY TRIP
PURPOSE WAS A TEAM SPORTS/EVENTS.

IN 2008,
11.1% OF TOTAL
ROOM DEMAND
CAME FROM
TEAM SPORTS/
EVENTS.
THAT NUMBER
INCREASED
TO 13.2% IN 2017.

* YOUNG STRATEGIES 2018 VISITOR PROFILE STUDY



TO ENSURE THE WHSAA CULMINATING CHAMPIONSHIPS CONTINUE TO BE HOSTED IN CASPER, WYOMING, PROVIDING A POSITIVE ECONOMIC IMPACT THROUGH SPORTS ON THE BUSINESSES & RESIDENTS OF NATRONA COUNTY.

\$30K

+ IN-KIND SPONSORS

1000 HOURS

OF VOLUNTEER TIME

TIME EXCEEDS 1,000 HOURS

ANNUALLY X \$23/HOUR = \$23,000

15

COMMITTEE MEMBERS

501 (C)3

STATUS WITH THE STATE OF WY

\$150,000 - \$180,000
IS RAISED
ANNUALLY
TO OFFSET THE COSTS
OF THE TOURNAMENTS



MAIN SPONSORS

VISIT *Casper*

NATRONA COUNTY
RECREATION
JOINT POWERS BOARD

ADVANCE
CASPER
BUSINESS DRIVEN • COMMUNITY INSPIRED

WRESTLING

HOSTED SINCE 1980s
LAST WEEKEND IN FEBRUARY
5,073 TICKETS SOLD



\$2,201,177
IN ECONOMIC IMPACT



\$377K
LODGING



\$527K
FOOD & BEVERAGE



\$490K
RETAIL



\$410K
RECREATION

LOCAL TAXES (TOTAL): \$42,880 | HOTEL OCCUPANCY: 78% - 92% | AVERAGE DAILY RATE: \$92 - \$95
CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$32,088.54

1A/2A STATE BASKETBALL

HOSTED SINCE 1994
FIRST WEEKEND IN MARCH
8,830 TICKETS SOLD



\$2,967,913
IN ECONOMIC IMPACT



\$641K
LODGING



\$1,080K
FOOD & BEVERAGE



\$634K
RETAIL



\$222K
RECREATION

LOCAL TAXES (TOTAL): \$63,333 | HOTEL OCCUPANCY: 80% - 92%

AVERAGE DAILY RATE: \$93 - \$101

CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$32,837.65

3A/4A BASKETBALL

HOSTED SINCE 1994
SECOND WEEKEND IN MARCH
10,252 TICKETS SOLD



\$3,393,293
IN ECONOMIC IMPACT



\$733K
LODGING



\$1,234K
FOOD & BEVERAGE



\$725K
RETAIL



\$253K
RECREATION

LOCAL TAXES (TOTAL): \$72,397 | HOTEL OCCUPANCY: 85% - 92% | AVERAGE DAILY RATE: \$94 - \$99

CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$36,345.25

VOLLEYBALL

HOSTED SINCE 2010
SECOND WEEKEND
IN NOVEMBER
5,880 TICKETS SOLD



\$2,457,637
IN ECONOMIC IMPACT



\$475K

LODGING



\$577K

FOOD & BEVERAGE



\$536K

RETAIL



\$449K

RECREATION

LOCAL TAXES (TOTAL): \$50,107 | HOTEL OCCUPANCY: 62% - 89%

AVERAGE DAILY RATE: \$86 - \$94

CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$21,666.56

STATE TRACK

HOSTED SINCE 1980
THIRD WEEKEND IN MAY
3,600 TICKETS SOLD



\$2,245,872
IN ECONOMIC IMPACT



\$458K

LODGING



\$772K

FOOD & BEVERAGE



\$453K

RETAIL



\$159K

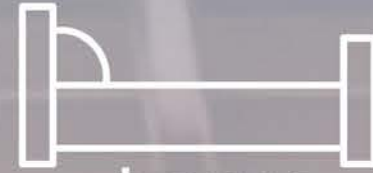
RECREATION

LOCAL TAXES (TOTAL): \$45,804 | HOTEL OCCUPANCY: 90% - 94% | AVERAGE DAILY RATE: \$93 - \$100

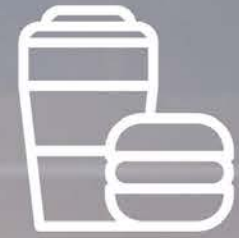
CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$5,668.92 (DOES NOT INCLUDE NCSD FEES)

SPIRIT

HOSTED SINCE 1998
HELD ON WEDNESDAY BETWEEN
1A/2A & 3A/4A BASKETBALL
2,826 TICKETS SOLD



\$63K
LODGING



\$185K
FOOD & BEVERAGE



\$105K
RETAIL



\$41K
RECREATION



\$467,540
IN ECONOMIC IMPACT

LOCAL TAXES (TOTAL): \$8,434 | HOTEL OCCUPANCY: 68% - 77%
AVERAGE DAILY RATE: \$88 - \$94
CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$6,539.71

MARCHING BAND

HOSTED SINCE 2016
3RD SATURDAY IN OCTOBER
3,155 TICKETS SOLD



\$238,032
IN ECONOMIC IMPACT



\$50K
LODGING



\$83K
FOOD & BEVERAGE



\$49K
RETAIL



\$17K
RECREATION

LOCAL TAXES (TOTAL): \$4,970 | HOTEL OCCUPANCY: 77.8% | AVERAGE DAILY RATE: \$85.50

CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$7,913.25

THE IMPACT OF THE WHSAA CULMINATING EVENTS

ALL SPORTS & EVENTS
36,461 TICKETS SOLD

\$13,971,464

IN ECONOMIC IMPACT



\$2,747,000

LODGING



\$4,458,000

FOOD & BEVERAGE



\$2,992,000

RETAIL



\$1,551,000

RECREATION

CASPER EVENT CENTER EXPENSE TO COMMITTEE: \$143,059.88

TOTAL COMMITTEE EXPENSE: \$199,541.67

August 26, 2020

MEMO TO: J. Carter Napier City Manager *JCN*
FROM: Andrew B. Beamer, P.E., Public Services Director
Shad Rodgers, Streets and Traffic Manager
SUBJECT: Snow Routes

Meeting Type & Date:

Council Work Session
September 22, 2020

Action Type

Direction Requested

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 4PM or 4PM to 4AM. 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. If school is in session, additional streets are 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.

The current City snow and ice control plan is identified below:

Plowing to the sides	Less than 4 inches of snow prior to December 1st and after March 15th	Plow trucks and equipment are dispatched to disperse de-icers and plow snow routes. It may be inconvenient for a short time but this does allow the streets to dry sooner. Dry streets are safer for the motoring public and reduce repair costs. In some areas, the snow will always be plowed to the sides. These are areas where there is ample room for snow (borrow ditches, vacant land) or when the streets are too narrow to accommodate windrows.
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Plowing to the middle	4 or more inches of snow between December 1st and March 15th	Plow trucks and equipment are dispatched to disperse de-icers and plow snow routes. Plowing to the middle is generally done to clear a pathway throughout the city that accommodates emergency vehicles and the motoring public during snowstorms. This is done to minimize impact to residential driveways, commercial driveways and storm drains. Snow is plowed to the middle of the street in windrows.
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Staff has considered three possible options to reduce snow operations within the City of Casper.

Option 1: Plowing snow to the side of the streets

- Staff does not believe there are cost savings associated with plowing the snow to the side and may indeed result in higher costs. Leaving snow and ice on the sides of the streets for long periods of time is detrimental to roadways as freeze thaw accelerates deterioration of a street. Plowing to the side is also not a time saving measure to getting a street plowed quicker. Plowing streets to the side also creates additional obstacles for the plow drivers having to avoid plowing snow into vehicles, keeping entrances open, and potential damage to curbs from plows or graders if snow removal is required. On-street parking is also severely restricted with this practice.

Option 2: Reduce plow routes

- In 2019-2020, the City spent roughly \$1,400,000 in snow operations - \$1,040,819 in plowing and deicing and \$369,303 on snow clean-up. In 2018, staff implemented modified ice slicer application rates in order to cut costs. Staff also created three scenarios reducing the city's plow routes. A 25% reduction was estimated to save the city approximately \$70,000, a 50% reduction saved \$106,000, and a 75% reduction saved \$135,000. Similar reductions were brought to council in 2016 and Council at that time decided not to make any changes to the routes.

Option 3: Change snow shift hours

- Currently, snow operations run twenty-four hours a day with two crews running 12hr shifts until the storm is over. To save on overtime costs, shifts could be modified to run two 10-hour shifts or three 8-hour shifts. Under a 10-hour shift, City crews would work from 4-am to 2-pm and from 2-pm to 12-am. Under this scenario, snowplows would not be deployed between the hours of 12-am and 4-am. It is anticipated this would result in annual savings of \$15,200 in reduced overtime costs. An 8-hour shift would have plows deployed 24-hours a day. It should be noted that crews are not as efficient or productive the shorter the shift and that there is not enough staff to utilize all the equipment when running 8-hour shifts. Under the 8-hour shift scenario, annual savings are estimated at \$106,400 in reduced

staffing and overtime costs. While city crews may be observed picking up snow during all hours of the day, this is done during scheduled shift work and no overtime is accrued.

Snow costs can vary significantly from year to year depending on the severity and timing of the weather. Back in 2015-16, the City spent over \$2,200,000 in snow operations. With approximately 480 lane miles of adopted snow routes, that equated to \$4,583 per lane mile to plow and manage snow. By managing shifts and snow-melt applications, while albeit a more moderate winter, that cost was lowered to \$2900 per lane mile in 2019-2020.

Financial Considerations:

Savings between \$15,200 and \$135,000 could be realized annually depending on Council direction.

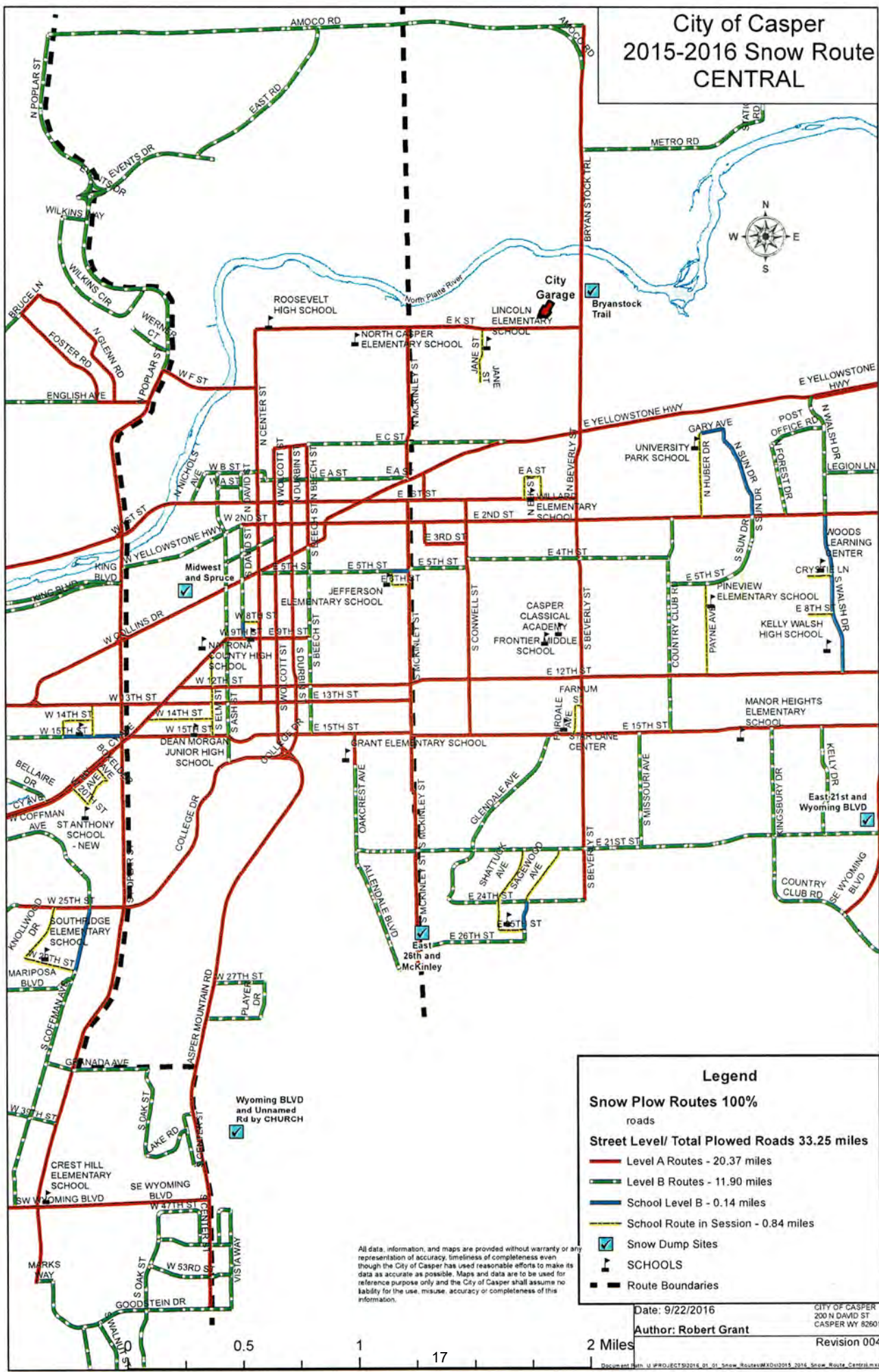
Oversight/Project Responsibility:

Shad Rodgers, Streets and Traffic Manager

Attachments:

Snow route maps

City of Casper 2015-2016 Snow Route CENTRAL



Legend

- Snow Plow Routes 100% roads
- Street Level/ Total Plowed Roads 33.25 miles
 - Level A Routes - 20.37 miles
 - Level B Routes - 11.90 miles
 - School Level B - 0.14 miles
 - School Route in Session - 0.84 miles
- Snow Dump Sites
- SCHOOLS
- Route Boundaries

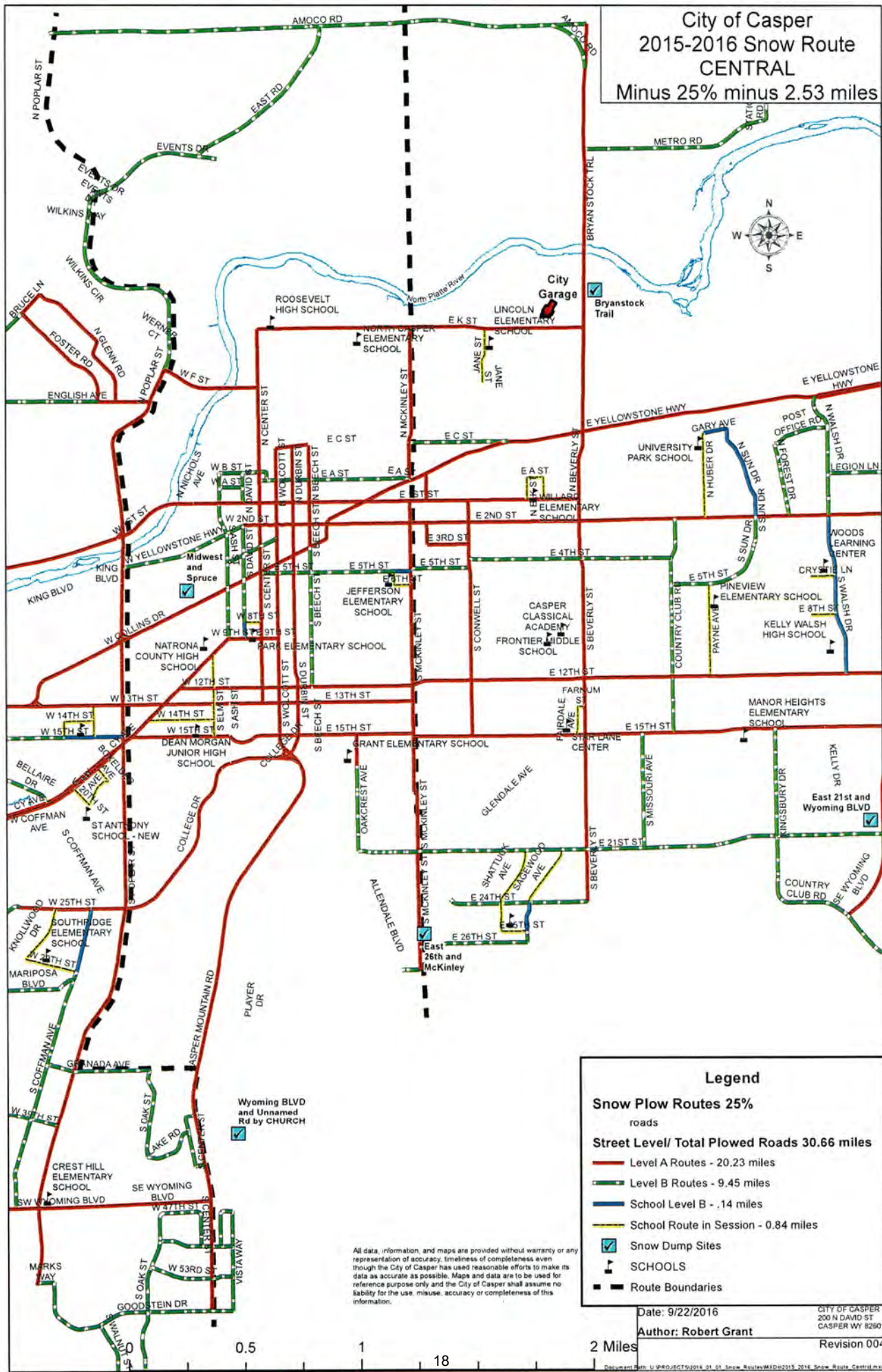
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Date: 9/22/2016
 Author: Robert Grant
 Revision 004

2 Miles

0.5 1 17

City of Casper
2015-2016 Snow Route
CENTRAL
Minus 25% minus 2.53 miles

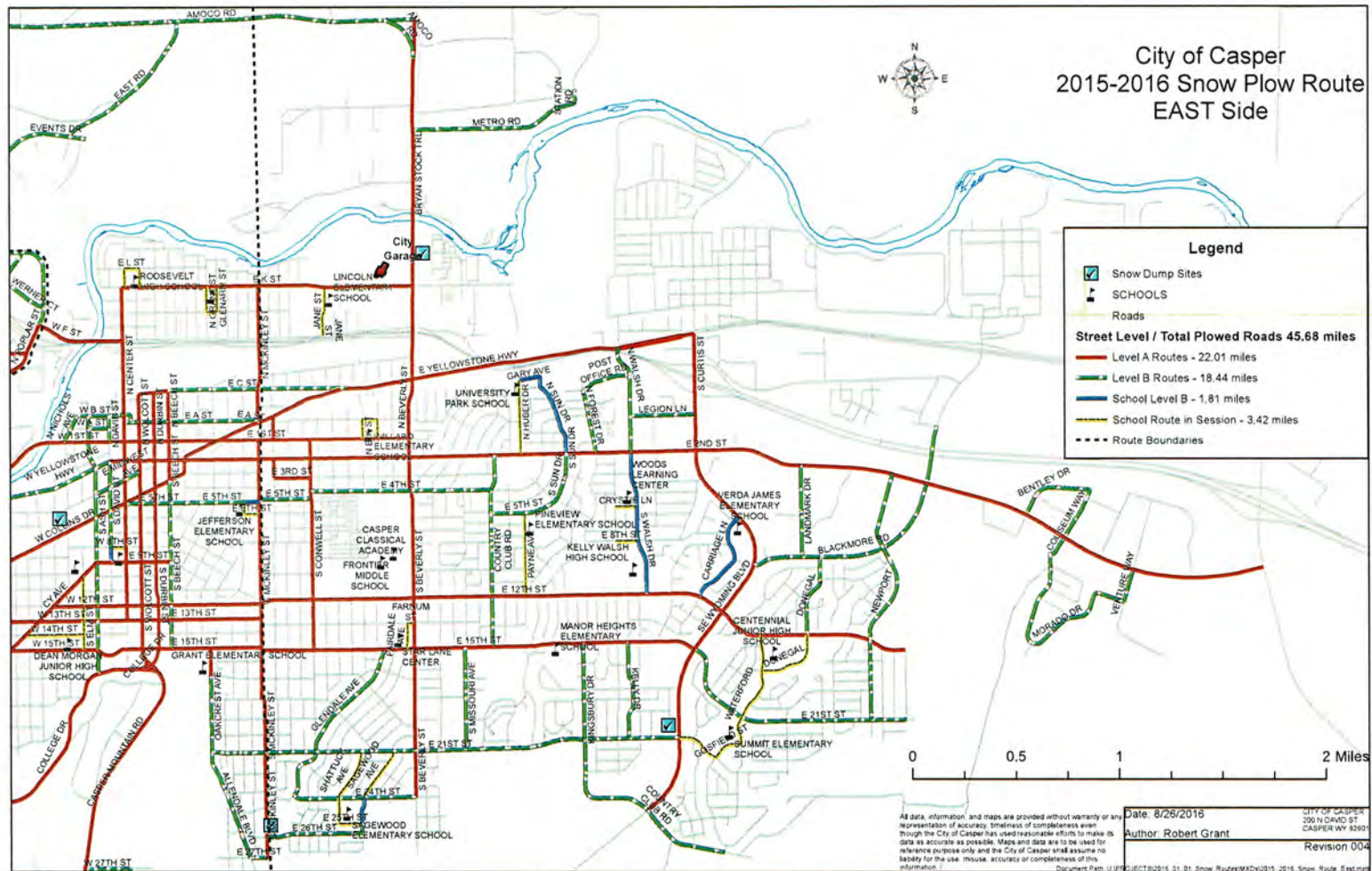


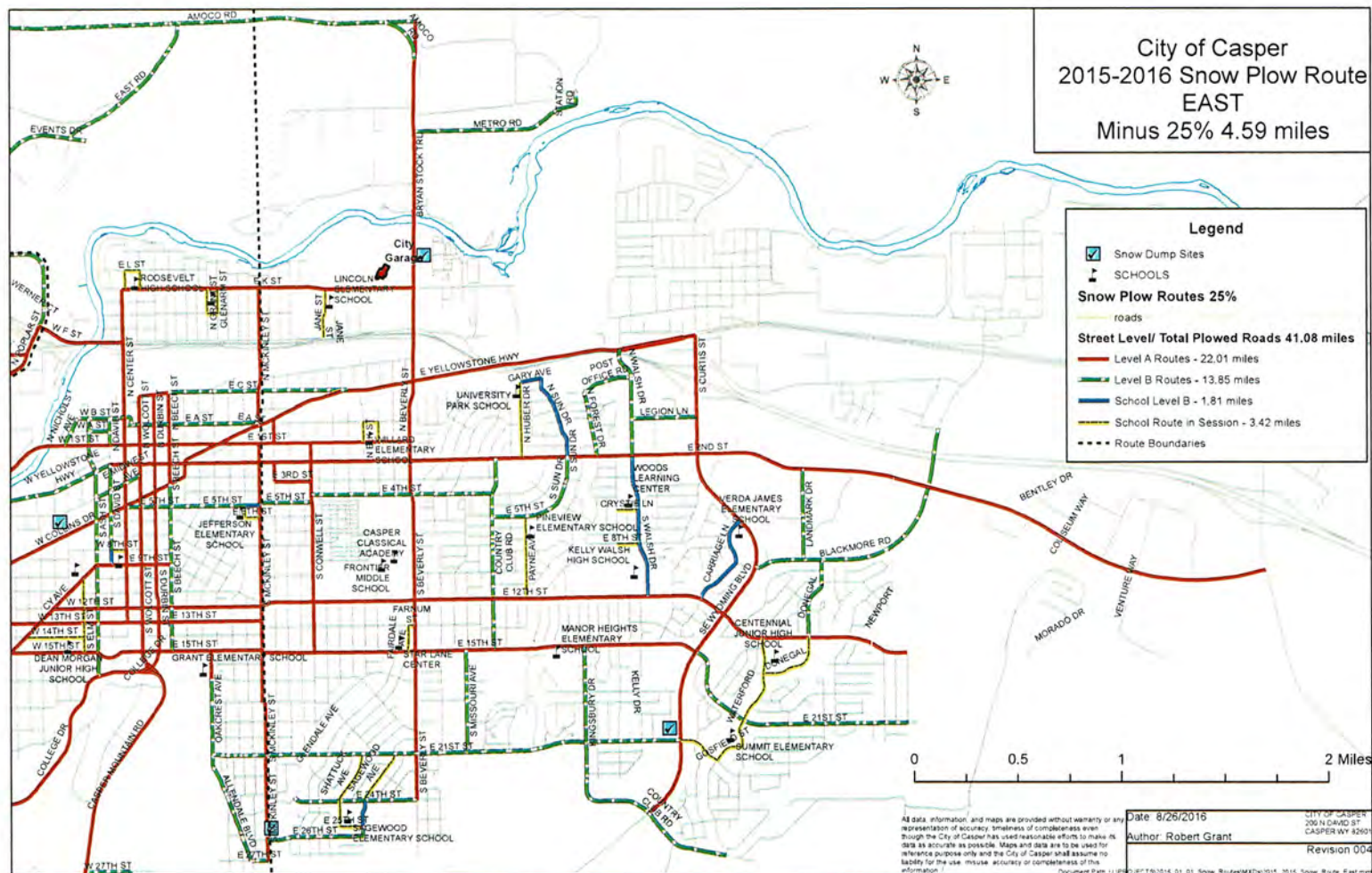
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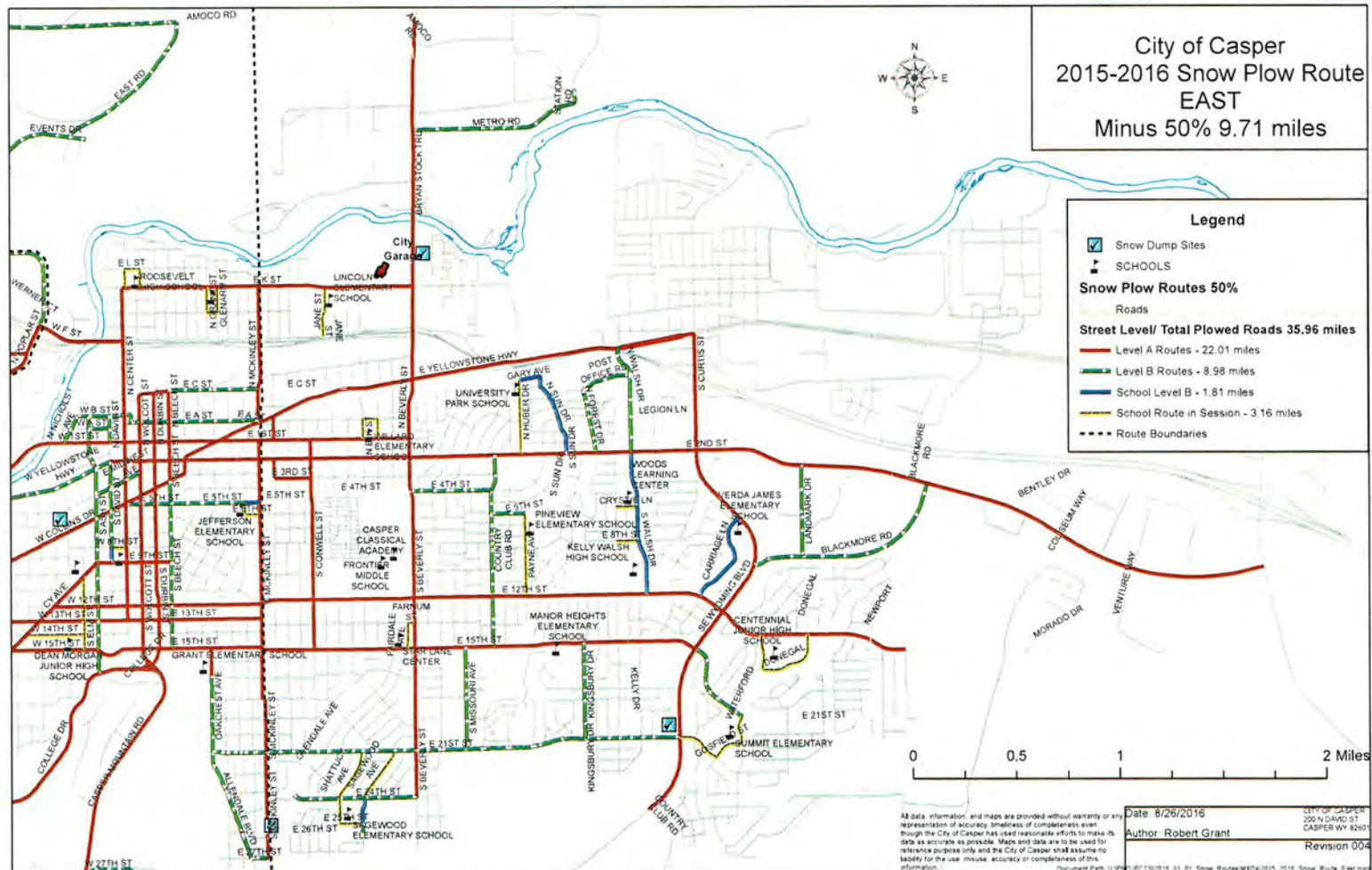
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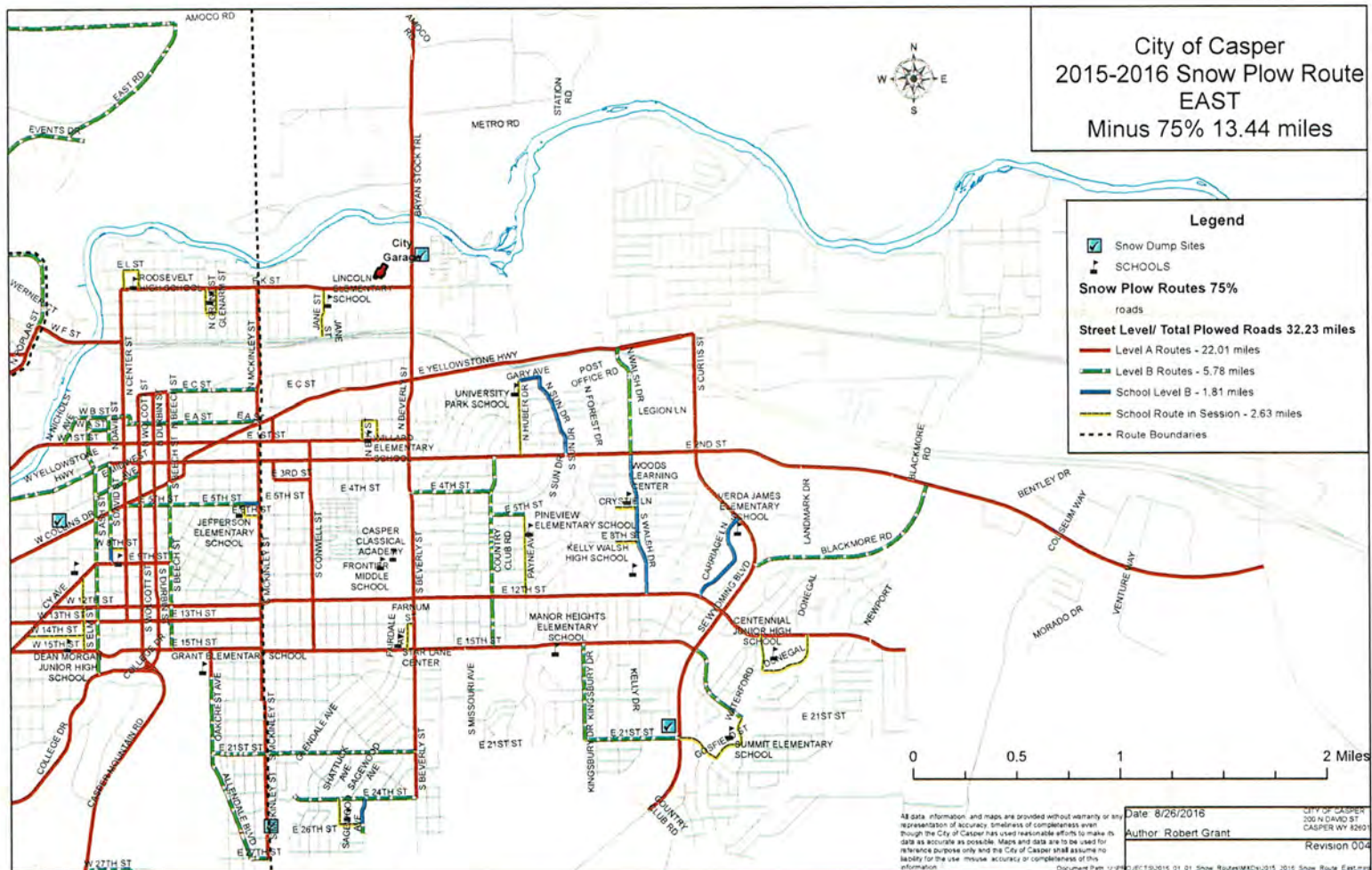
- Snow Plow Routes 25% roads**
- Street Level/ Total Plowed Roads 30.66 miles**
 - Level A Routes - 20.23 miles
 - Level B Routes - 9.45 miles
 - School Level B - .14 miles
 - School Route in Session - 0.84 miles
- Snow Dump Sites
- SCHOOLS
- Route Boundaries

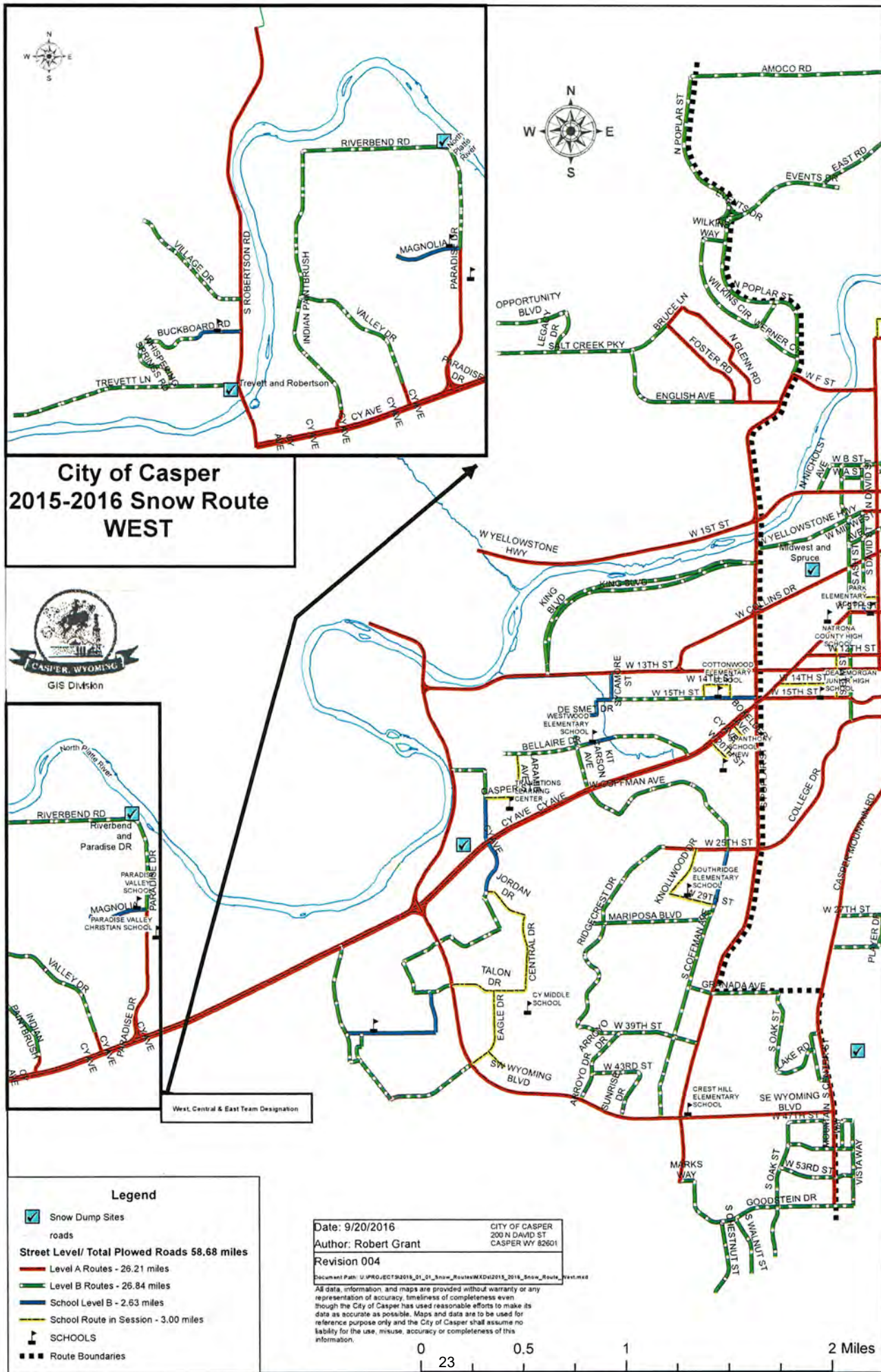
Date: 9/22/2016
Author: Robert Grant
Revision 004

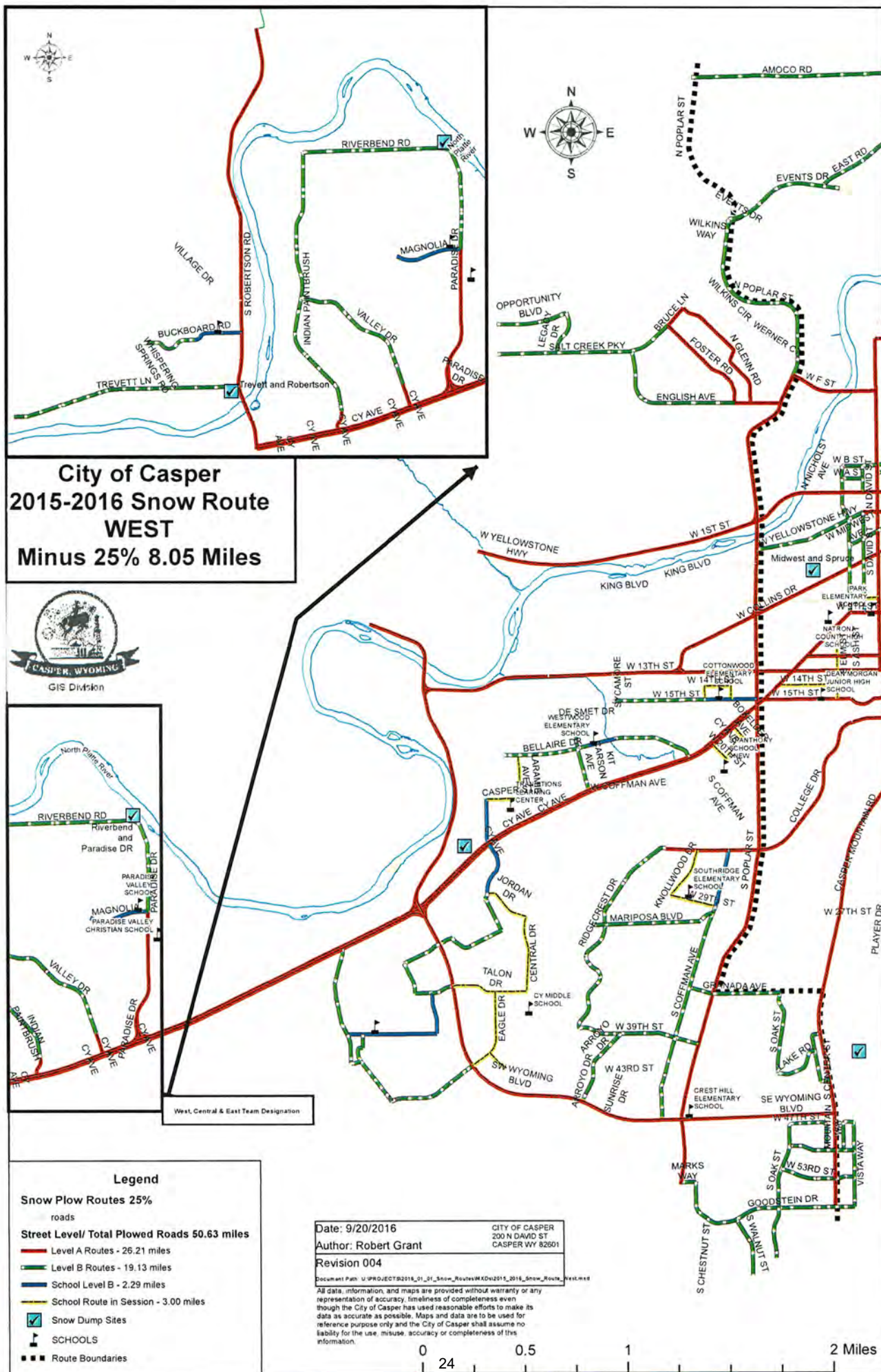


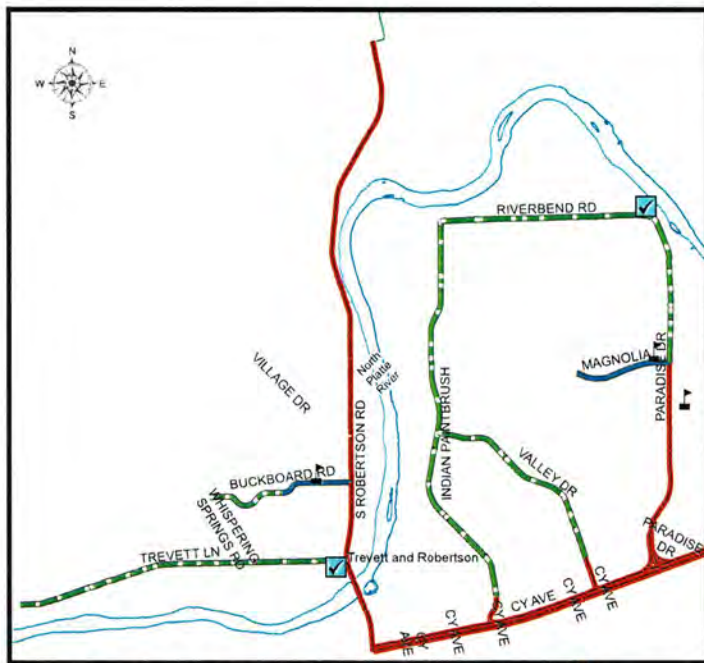




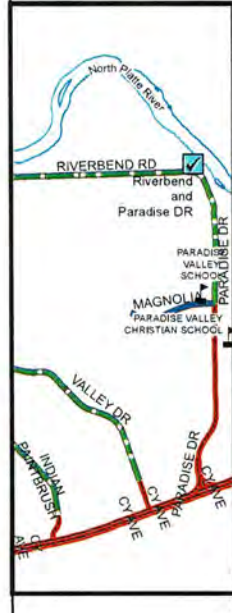








**City of Casper
2015-2016 Snow Route
WEST
Minus 50% 13.49 Miles**



West, Central & East Team Designation

Legend

Snow Plow Routes 50%

Roads

Street Level/ Total Plowed Roads 45.20 miles

- Level A Routes - 26.21 miles
- Level B Routes - 14.44 miles
- School Level B - 2.29 miles
- School Route in Session - 2.25 miles

- Snow Dump Sites
- SCHOOLS
- Route Boundaries

Date: 9/20/2016
 Author: Robert Grant
 Revision 004

Document Path: U:\PROJECTS\2015_01_01_Snow_Routes\41062015_2016_Snow_Route_West.mxd
 All data, information, and maps are provided without warranty or any representation of accuracy, timeliness of completeness even though the City of Casper has used reasonable efforts to make its data as accurate as possible. Maps and data are to be used for reference purpose only and the City of Casper shall assume no liability for the use, misuse, accuracy or completeness of this information.



September 17, 2020

TO: J. Carter Napier, City Manager *JCN*
FROM: Andrew Beamer, Public Services Director *AB*
Cynthia Langston, Solid Waste Division Manager

SUBJECT: Updated Fact Sheet Regarding Disposal of Wind Turbine Blade Projects

Meeting Type & Date:

Council Work Session
September 22, 2020

Action Type:

Informational

Summary:

Since May, 2019, the City of Casper's Solid Waste Facility has been accepting wind turbine blades and motor housing for disposal. The solid waste facility has received wind turbine blades from the Glenrock, Saratoga/Hanna, and Arlington areas to-date, and we have received 1124 turbine blades as of September 16, 2020. In FY20, \$444,412.62 in revenue was received for disposal of turbine blades and motor housing units. To date, in FY21, 250 turbine blades have been received with an additional 250 turbines expected. These blades are shorter in length and the revenue for FY21 is approximately \$35,000. We have received no motor housing units this fiscal year. For more information regarding turbine blade disposal, please see the attached fact sheet.

Financial Considerations:

Revenues received are receipted to the Balefill Fund Reserves.

Oversight/Project Responsibility:

Sean Orszulak, Solid Waste Division Superintendent
Michael Bratvold, Transfer Station Supervisor/David Jordan, Landfill Supervisor

Attachments:

Fact Sheet, "Some facts about the Wind Turbine and Motor Housing Projects":

Some facts about the Wind Turbine and Motor Housing Disposal Projects:

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 foot 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 1124 turbines as of September 16, 2020. We received \$444,412.62 in revenue in FY20. In FY21, we have received 250 turbine blades and we expect or may receive another 250 turbines. These blades are shorter in length and the revenue for FY21 is approximately \$35,000.

September 16, 2020

MEMO TO: City Council
J. Carter Napier, City Manager *JCN*

FROM: John Henley, City Attorney *JH*

SUBJECT: An Ordinance Amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code

Meeting Type & Date

Work Session
September 22, 2020

Action type

Direction Requested

Recommendation

Review information and comments provided by the public, and provide direction and amendments as appropriate, to the proposed Ordinance Amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code.

Summary

The Public Hearing and First Reading of the proposed Ordinance was held on September 15, 2020.

Find attached a copy of the proposed Ordinance Amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code. The Ordinance incorporates the changes below:

Paragraph A., was created for purposes of formatting. The verbiage that previously existed in Section 2.60.050 was almost verbatim incorporated into paragraph A., except in a different format to allow for the addition of paragraphs B. and C.

Paragraph B., is a subsequent addition; it provides for a "Conflict of Interest" definition and explains the motivation and rationale of paragraph B. This paragraph also provides for a procedure and process if a conflict of interest or a potential conflict of interest were to arise. The procedure includes a duty to disclose conflicts of interest in connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the Council. Additionally, the amendment and addition to this section discusses the process after disclosure of the conflict of interest or potential conflict of interest, and if/when a duty to abstain from voting is appropriate.

Paragraph C., establishes that should a council-member vote as a city council-member, he or she shall be precluded from taking any financial ownership in the matter voted upon, for the entirety of the time that the council-member is on Council and or is a City Council board or commission appointee.

Financial Considerations

None anticipated

Oversight/Project Responsibility

Mayor and Vice Mayor and City Council Members

City Attorney

Attachments

Proposed Ordinance Amending Section 2.60.050 to the Code of Ethics of the Casper Municipal Code

Code of Ethics Suggestions

by Cheryl Hackett

Suggested Amendment 1

- Section B, 1. Definition of “Conflict of Interest”:
 - “Conflict of interest provisions should include prohibitions on taking actions that **benefit the official’s household or family members, business clients, debtors, or political donors.**”
 - Suggested in order to make it easier for the general public to understand.
 - “An ethics code should avoid legalistic language and be easily digestible by the public.” (*Fighting Small Town Corruption*” toolkit by the Center for the Advancement of Public Integrity at Columbia Law School.)
 - https://web.law.columbia.edu/sites/default/files/microsites/public-integrity/files/fighting_small_town_corruption_-_capi_practitioner_toolkit_-_august_2016.pdf

Suggested Amendment 2

- B. 3.a.iiii-outline how a citizen or group of citizens can report a conflict of interest concern, and state to whom this complaint will be reported.
- **Suggested language: “If any citizen or group of citizens has reason to believe that a council member has or had a conflict of interest, the citizen(s) with such belief shall inform the governing body [or Mayor and ward representatives], including disclosing all relevant facts and concerns relating thereto. The governing body will have an affirmative obligation to respond to any citizen report.”**
- For example-Reporting would be done through the Mayor and the citizen’s Ward representatives, who will have an affirmative obligation to respond, and will have an affirmative obligation to request a review or investigation by the ethics/anti-corruption committee.
 - Could be made up of the Chief of Police, Sheriff/undersheriff, and District attorney or county attorney, who—by state statute—may ask DCI to investigate if a conflict of interest exists.
 - *Pursuant to W.S. 9-1-618(a), DCI may conduct criminal investigations at the request of a local police department, sheriff’s office or the county or district attorney of jurisdiction. Pursuant to W.S. 9-1-618(b), DCI shall conduct investigations at the direction of the Governor, violations of the Wyoming Controlled Substance Act and organized criminal activity that crosses jurisdictional boundaries of local law enforcement agencies.*
 - “The committee would take complaints concerning violations of the ethics code and other ethical violations, would investigate the matter itself (unless the matter was likely criminal, in which case the matter would be turned over to the police immediately), and would report the result of the investigation to

the city council, the city attorney, and the city manager, along with any other relevant agency head.” —“Fighting Small-town Corruption”

Suggested Amendment 3

- Add a confidentiality clause with proper wording that this report, upon request, will remain confidential and will not be subject to disclosure.
 - Example: If requested, this report will be protected from disclosure, except unto investigating authorities for the purpose of investigation.
 - Supporting documentation: 16-4-201: B.d.(i)-(xiv) of Wyoming State Statutes provide reasons why public records may be denied disclosure; Federal Electronic Communications Privacy Act, Title 18 of the U.S. Code, statutes 2510-2521 protect electronic communications from disclosure.
 - Here is an example of a whistleblower protection law: <https://www1.nyc.gov/site/doi/report/whistleblowers.page> (from the law): “b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, or (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers....”

Suggested Amendment 4

- Add in 3b, *procedures for addressing a conflict of interest*, or in its own section entirely, I would like to see **language describing an affirmative obligation to respond to a valid concern**.
 - (“The code should include an affirmative obligation to report suspected violations of the ethics code and the law.”—“Fighting Smalltown Corruption”)

Suggested Amendment 5

Section C—Add in Preemptive policy to avoid conflicts of interest or the appearance of a conflict of interest.

- **Add in clause prohibiting council members from becoming involved with those issues “...for the entirety of that member’s elected city council term, and/or that city council**

member’s appointment to a board or commission, and for a period of six months [or a year] following said terms.”

- The City is in a unique position to acquire properties that are not available to the average citizen. Because Council members may receive knowledge about upcoming actual or anticipated business, such as property purchases or sales, or contracts (Ex: Mesa del Sol parkland rezoned to high density residential and may be put out to bid).
- If you discuss setting potential damages for violations, Title 18 US Code Statute 654 sets damages at the value of money or property converted.
 - *“Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.”*

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 2.60.050 TO THE CODE OF ETHICS OF THE CASPER MUNICIPAL CODE.

WHEREAS, the members of the City Council desire to conduct their business in a manner that is legally and ethically beyond reproach; and

WHEREAS, on October 15, 2019, the City Council passed Ordinance No. 29-19 creating Chapter 2.60 Code of Ethics; and

WHEREAS, since 2015 the City Council has determined the following modifications and additions to Section 2.60.050 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the Section 2.60.050 of the Casper Municipal Code is hereby amended and replaced as follows:

2.60.050 ~~— A.~~ Official decisions and votes.

~~A.1.~~ 1. A public official or public member shall not make an official decision or vote on an official decision if the public official or public member has a personal interest in the matter. In determining whether he or she has a personal interest in a matter, the public official or public member shall recognize the importance of his or her right to represent his or her constituency and shall abstain from voting only in clear cases of a personal interest, as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself or herself except for tax reductions affecting the general public. For purposes of this section, a personal interest is:

~~1.~~ With respect to the public official or public member, an interest which is direct and immediate as opposed to speculative and remote; and

~~a.~~

~~b. 2.~~ An interest that provides the public official or public member, a greater benefit or lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

2. ~~B.~~ A public official or public member, described by subsection ~~“a”~~ of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's or public member's abstention from voting must be recorded in the city's, board's or committee's official records.

3. ~~C.~~—This section shall not be construed to supersede Wyoming Statutes Sections 15-9-220, or 16-6-118. Those provisions shall control to the extent inconsistent with this section.

B. Definition of/purpose for Conflict of Interest. Prohibition.

1. Definition of “Conflict of Interest” A conflict of interest will be deemed to exist, whenever an individual is in the position to approve or influence policies or actions of the City of Casper or one if its boards or commissions (hereafter City), or reasonably appears to be in a position to approve or influence policies or actions of the City, which involve or could harm, or benefit financially: (i) the individual; (ii) any member of the member’s immediate family (spouse, parents, children, brothers or sisters, and spouses of these individuals and/or cohabitation partner); (iii) any organization in which he or she or an immediate family member or cohabitation partner is a director, trustee or officer or has more than five percent equity or investment interest or the right to acquire any equity or investment interest of more than five percent; (iv) any organization in which he or she or an immediate family member or cohabitation partner has a compensation arrangement; For the avoidance of doubt, service on a joint powers board while on the City Council, and service as a liaison or representative to a City or Casper commission or board, shall not constitute a conflict of interest, but the duty of the council-member is to act in the best interest of the City.
2. Purpose. The purpose of this policy recognizes the mere appearance of a conflict may be as serious and potentially damaging to the public trust as an actual conflict. Therefore, potential conflicts must be disclosed, evaluated and managed with the same thoroughness as actual conflicts. Each city council member shall promptly disclose any conflict of interest or potential conflicts of interest that exist or may arise; a council member is to act in the best interest of the City.
3. Procedures regarding conflicts of interest:
 - a. Duty to disclose:
 - i. In connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the City of Casper or its governing body, a council member shall promptly disclose the existence of any conflict or potential conflict that may give rise to a

conflict of interest with respect to the proposed transaction, contract arrangement, policy, program or other such matter.

ii. Potential conflicts of interest can be seriously damaging to the public's trust. A council member shall promptly disclose the existence of any potential conflict of interest. When in doubt, the council member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict.

iii. If any council member has reason to believe that another council member has a potential conflict of interest, the council member with such belief shall inform the governing body, including disclosing all relevant facts and concerns relating thereto.

b. Procedures for addressing a conflict of interest.

i. If a council member declares a conflict of interest, or a potential conflict of interest exists, or two thirds of the governing body less the member with an alleged potential conflict determine that a conflict of interest exists, the conflicted member may make a presentation to the governing body in open session regarding the conflict of interest but shall only state facts; the member shall not argue for or against the item under consideration. The conflicted member shall then leave the meeting and all future meetings where the potential conflict may be discussed or considered and shall not be present during any discussion of the matter which gave rise to the conflict of interest or potential conflict of interest of the member.

c. Duty to abstain.

i. After disclosing the existence of a potential conflict, the council member shall refrain from using their potential influence (either at or outside a council meeting, or otherwise) to influence the governing body's handling of the transaction, contract, arrangement, policy, program, or other matter.

ii. No council member may vote on, or each council member must abstain from voting on, any matter in which the council member has a conflict of interest or potential conflict of interest.

C. -Preemptive policy to avoid conflicts of interest or the appearance of a conflict of interest.

1. If a council member votes on a matter before council, he or she shall decline to take any financial ownership in the transaction, contract, arrangement, policy, or other such matter upon which he or she voted, for the entirety of the time that member is a member of city council and/or is a city council board or commission appointee.

(Ord. No. 29-19, 10-15-2019)

PASSED on 1st reading the ____ day of _____, 2020

PASSED on 2nd reading the ____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2020.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor

September 17, 2020

TO: J. Carter Napier, City Manager 
FROM: Andrew Beamer, Public Services Director 
Cynthia Langston, Solid Waste Division Manager
SUBJECT: Approval for New Balefill/Scale House Clerk I within the Solid Waste Division
Balefill Fund

Meeting Type & Date:

Council Work Session
September 22, 2020

Action Type:

Direction requested

Recommendation:

That the City Manager authorize staff to post a new full-time Balefill/Scale House Clerk I position for Solid Waste Division, increasing the number of full-time total positions from 21 to 22 within the Balefill Fund and increasing the annual personnel salary budget, in an approximate amount of \$44,500.00, (A13, Step 5, \$34,236.80 plus benefits).

Summary:

The Solid Waste Manager, Public Services Director and Finance Director prepared rate model data for the City Manager in November 2019 including an increase of \$168,313.00 in personnel costs for the Balefill Fund for two (2) new positions including a Balefill Clerk I and an Equipment Operator I. The additional personnel funding was included in the rate model data for rate increases to provide budget revenue for the additional positions. City Council approved the rate increases proposed; therefore, the funding needed for the additional position will be available.

The proposed new Scale House Clerk I position is needed immediately to provide additional time for full-time staff at the scale house to answer customer telephone calls and manage waste disposal project requirements. Over the last few years, the administrative staff's work load has increased significantly with the additional responsibilities related to accounts payable, accounts receivable, budget, grant tracking, and rate model entry, leaving gaps in resources for scale house operations and telephone assistance. In addition, longer customer lines at the scale house have occurred due to an ongoing increase in waste disposal projects, such as the Aspen Trailer Court trailer disposal project and an approximate 10% increase in residential waste loads. If a new Balefill/Scale House Clerk I position is approved, the solid waste division voice mail box will need to be used less frequently with calling customers, improving customer service. The new position will work Tuesday through Saturday to provide additional support on Saturdays to the residential customers. In addition, a \$4,000 per year reduction in part-

time personnel costs will be realized.

Staff recommends approval for a new Scale House Clerk I position to be opened in September to provide additional time for full-time staff at the scale house to answer customer telephone calls, manage scale house customer lines, preparing statistical reports for supervisors to assist with routing and landfill operations, and providing the manager statistical reports needed for meeting all the environmental permit reporting requirements.

The Balefill/Scale House Clerk I position, A13, Step 5, \$34,236.80 salary plus benefits is funded through the current rate structure; therefore, staff recommends a budget amendment to include the costs and posting the new full-time position on September 25, 2020 with a closing date of October 2, 2020 posting both internally and externally.

Financial Considerations:

Funding is from Balefill Fund Reserves

Oversight/Project Responsibility:

Cindie Langston, Solid Waste Division Manager; Sean Orszulak, Solid Waste Superintendent

Attachments:

None