

# INFORMATION PACKET

## Table of Contents

Friday, April 5, 2019



Item	Pages
Table of Contents	1
The Grid - Schedule of Council Meetings & Addendum	2
Building Report March 2019	7
FY19 Optional Sales Tax Report 04.04.19	13
FY19 Sales Tax Chart Apr	14
Platte River Trails Trust Proposed 2019 Trail Projects	15
WAM Info Supreme Court to Decide 4th Amendment Vehicle Registration Case	18

We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

## The Grid

A working draft of Council Meeting Agendas

**April 9, 2019**      **Councilmembers Absent:**

<b>Work Session Meeting Agenda Items</b>	<b>Recommendation</b>	<b>Allotted Time</b>	<b>Begin Time</b>
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up		5 min	4:30
CATC Funding Request	Direction Requested	10 min	4:35
Food Trucks	Direction Requested	10 min	4:45
Community Promotions	Direction Requested	10 min	4:55
Sidewalk Cafés	Direction Requested	20 min	5:05
Capital Budget Discussion (Part Two)	Move Forward for Approval	30 min	5:25
Annexation Recommendation	Move Forward for Approval	30 min	5:55
Park Fees Resolution	Move Forward for Approval	20 min	6:25
Grassy Park - Off Leash Zones	Direction Requested	20 min	6:45
Agenda Setting		20 min	7:05
Legislative Review		10 min	7:25
Council Around the Table		10 min	7:35
Approximate Ending Time:			7:45

**April 16, 2019**      **Councilmembers Absent:**

<b>Regular Council Meeting Agenda Items</b>	<b>Est. Public Hearing</b>	<b>Public Hearing</b>	<b>Ordinances</b>	<b>Resolutions</b>	<b>Minute Action</b>
<b>C = Item is on Consent      N = Item is not on Consent</b>					
Pre-Meeting: Cell Phone Discussion					
Establish May 7, 2019 as the Public Hearing Date for a New Resort Liquor License No. 7 Highend Hotel Group of America, LLC d/b/a Ramada Plaza Riverside Hotel & Convention Center Casper, Located at 300 West F Street.	N				
New Distillery Satellite Liquor License No. 1 for Backwards Distilling Company, LLC, d/b/a Backwards Distilling Company Satellite, Located at 214 South Wolcott.		N			
Approving the Vacation of a Portion of South Elm Street, Between West Collins and West 8 <sup>th</sup> Street.		N			

## The Grid

### A working draft of Council Meeting Agendas

Annexation and Plat a portion of a previously abandoned WYDOT right-of-way located, and in the SE1/4SW1/4 of Section 18, Township 33 North, Range 79 West, 6th P.M., Natrona County Wyoming a vacation and replat of Lot 1, McNamara Heights Addition, to create the West Casper Commerce Center Addition, comprising 1.68 acres, more or less, generally located at the north east corner of CY Avenue and South West Wyoming Boulevard; and consideration of a request to establish the zoning as C-2 (General Business). Public Hearing/1st Reading						N		
Authorizing One-Year Contracts With AAA Landscaping and B & B Sales and Services for Clean-up of Weeds and Trash Covered Properties for Code Enforcement.								C
Authorizing a Lease Agreement with Boomtown Motocross, for Operation of the Prickly Pear Motocross Facility.								C
Authorizing a Lease Agreement with the Casper Shooters' Club for Operation of the Stuckenhoff Sports Shooters' Complex.								C
Authorizing a Lease Agreement with Mike Sedar BMX Parents' Association for the Operation of Mike Sedar BMX Facility.								C
Authorizing a Professional Services Agreement with Monson Janitorial Services, Inc., for the Provision of Custodial Maintenance Services for City Facilities.								C
Authorizing an Agreement with Installation and Service Company, Inc., in the Amount of \$110,620.20, for the George Tani Parking Drainage Repair Project.								C
Authorizing Amendment No. 1 to the Contract for Professional Services with CH2M Hill in the amount of \$30,031, for the Sam H. Hobbs Wastewater Treatment Plant Secondary Treatment Rehabilitation Phase I Project.								C
Authorizing Change Order No. 5 to the Agreement with Caspar Building Systems, Inc., for the Baler Building/MRF Expansion Project.								C
Authorizing a Procurement Agreement with S.P. Kinney Engineer, Inc., in the amount of \$35,150, for an Automatic Self-Cleaning Strainer for use at the Sam H. Hobbs Wastewater Treatment Plant. (tentative)								C
Contract with CAEDA (tentative)								C
Rejecting the Bid for Clean-Up of Weeds and Trash Covered Properties for Code Enforcement.								C

**April 23, 2019**

**Councilmembers Absent:**

<b>Work Session Meeting Agenda Items</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up			4:30
Council Resolution Regarding Tow Fees	Direction Requested	15 min	
Mayor's Council for People with Disabilities Bylaws - Status Report	Information Only	30 min	

## The Grid

A working draft of Council Meeting Agendas

Historic Preservation & Building Codes	Direction Requested	40 min	
Agenda Setting		20 min	
Legislative Review		10 min	
Council Around the Table		10 min	
Approximate Ending Time:			

**May 7, 2019**      **Councilmembers Absent:**

<b>Regular Council Meeting Agenda Items</b>	<b>Est. Public Hearing</b>	<b>Public Hearing</b>	<b>Ordinances</b>	<b>Resolutions</b>	<b>Minute Action</b>
<b>C = Item is on Consent      N = Item is not on Consent</b>					
New Resort Liquor License No. 7 Highend Hotel Group of America, LLC d/b/a Ramada Plaza Riverside Hotel & Convention Center Casper, Located at 300 West F Street.		N			
Annexation and Plat a portion of a previously abandoned WYDOT right-of-way located, and in the SE1/4SW1/4 of Section 18, Township 33 North, Range 79 West, 6th P.M., Natrona County Wyoming a vacation and replat of Lot 1, McNamara Heights Addition, to create the West Casper Commerce Center Addition, comprising 1.68 acres, more or less, generally located at the north east corner of CY Avenue and South West Wyoming Boulevard; and consideration of a request to establish the zoning as C-2 (General Business). 2nd Reading			N		

**May 14, 2019**      **Councilmembers Absent:**

<b>Work Session Meeting Agenda Items</b>	<b>Recommendation</b>	<b>Allotted Time</b>	<b>Begin Time</b>
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up			4:30
Wage and Compensation Discussion			
Municipal Court Update (Judge Lund)			
Agenda Setting		20 min	
Legislative Review		10 min	
Council Around the Table		10 min	
Approximate Ending Time:			

## The Grid

A working draft of Council Meeting Agendas

**May 20, 2019** Councilmembers Absent:

<b>Special Work Session</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Budget Review			
Approximate Ending Time:			

**May 21, 2019** Councilmembers Absent:

<b>Regular Council Meeting Agenda Items</b>	<b>Est. Public Hearing</b>	<b>Public Hearing</b>	<b>Ordinances</b>	<b>Resolutions</b>	<b>Minute Action</b>
<b>C = Item is on Consent</b> <b>N = Item is not on Consent</b>					
Annexation and Plat a portion of a previously abandoned WYDOT right-of-way located, and in the SE1/4SW1/4 of Section 18, Township 33 North, Range 79 West, 6th P.M., Natrona County Wyoming a vacation and replat of Lot 1, McNamara Heights Addition, to create the West Casper Commerce Center Addition, comprising 1.68 acres, more or less, generally located at the north east corner of CY Avenue and South West Wyoming Boulevard; and consideration of a request to establish the zoning as C-2 (General Business). 3rd Reading & annexation compliance		N			
Executive Session - Personnel					

**May 22, 2019** Councilmembers Absent:

<b>Special Work Session</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Budget Review			
Approximate Ending Time:			

**May 28, 2019** Councilmembers Absent:

<b>Work Session Meeting Agenda Items</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up			4:30
Agenda Setting		20 min	
Legislative Review		10 min	
Council Around the Table		10 min	
Approximate Ending Time:			

## Proposed Work Session Agenda Items

Item	Proposed Date	Estimated Time	Notes
Downtown Parking Study Implementation		45 min	
Goodstein Lot Lease (Long Term Plan)			
Property Code Revisions		40 min	Anytime after March 2019
Parking on the Parkways		30 min	Anytime after January 2019
David Street Station 501(c)(3)		30 min	Anytime after January 2019
Code of Ethics		40 min	
Downtown Flags			

### Staff Suggested Items:

Sign Code Revisions		60 min	Anytime after April 2019
Limo Amendment?			
Trail Project Options 1%#16			
Small Trailer Parking		10 min	
Camping Ordinance		20 min	
Interactive Long Range Transportation Plan Update	June 25 @ 4:30 pm		
Annual Audit	April 17, 2019		
Plains RFP (Part Two)			After May 3, 2019
Firehouse & Beverly Street RFP			After April 12, 2019
Context Sensitive Agreements with WYDOT on Poplar St Bridge			

### Future Budget Items

June 4 <sup>th</sup> – Set Public Hearing date of June 18 <sup>th</sup> for adoption of FY '20 budget
June 18 <sup>th</sup> – Public Hearing on FY '20 proposed budget
June 18 <sup>th</sup> - Consideration/Adoption of FY '20 Budget



COMMUNITY DEVELOPMENT  
DEPARTMENT

State of Wyoming  
**City of Casper**  
 200 N David St Phone: (307) 235-8264  
**Building Department**  
 March 2019 Reports



Type of Permit	Number of Permits	Fees	Valuations
Rem-Commercial	15	\$20,557.87	\$1,772,056.85
Rep-Res Misc	11	\$1,691.00	\$82,100.00
Rem-Kitchen	2	\$1,458.00	\$160,000.00
Add-Other	5	\$892.00	\$47,000.00
Rep-Re-Roof	20	\$3,137.00	\$139,221.70
New-Residential	6	\$12,488.40	\$1,628,500.00
Rem-Residential	6	\$2,433.20	\$241,375.00
Rem-Basement	5	\$1,313.00	\$95,500.00
New-Storage Bldg	1	\$130.00	\$4,109.70
Rem-Bathroom	1	\$274.00	\$18,000.00
Dem-Commercial	1	\$300.00	\$0.00
Rep-Deck	2	\$280.00	\$10,620.00
Dem-Residential	1	\$70.00	\$200.00
New-Commercial	1	\$8,447.01	\$864,000.00
Add-Deck	1	\$197.00	\$10,123.00
	<b>78</b>	<b>\$53,668.48</b>	<b>\$5,072,806.25</b>

Electrical Permits Issued	Fees Invoiced
65	\$13,548.80

Mechanical Permits Issued	Fees Invoiced
61	\$8,922.00

Plumbing Permits Issued	Fees Invoiced
70	\$6,464.00

Single Family Houses YTD			February 2019 Single Family Houses		
2018		14	2018		10
2019		9	2019		6





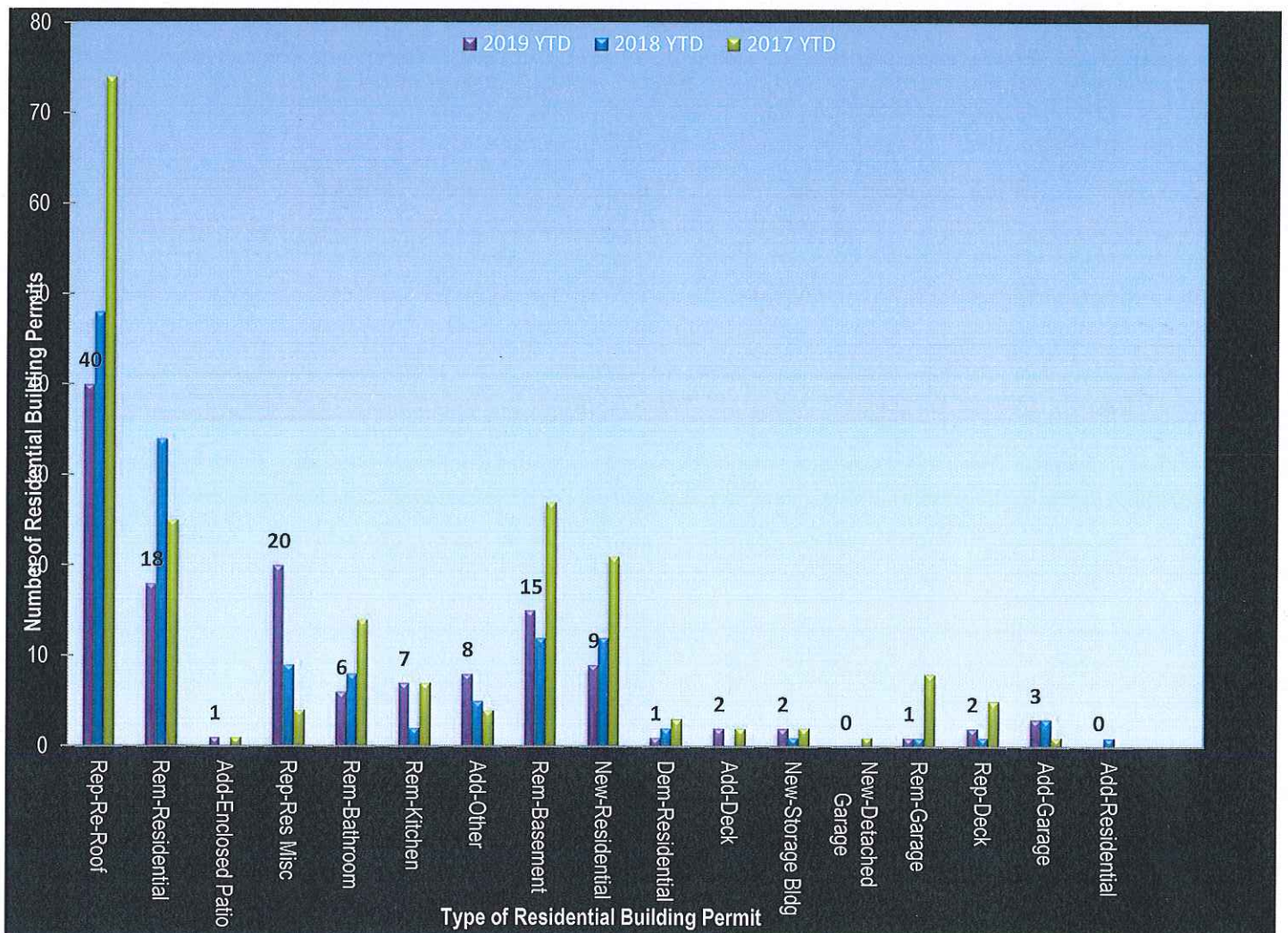
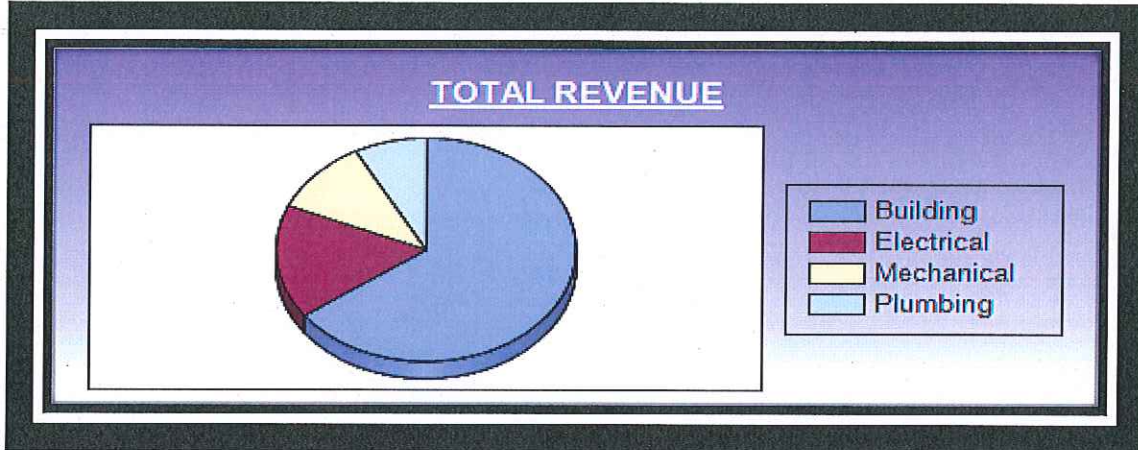
COMMUNITY DEVELOPMENT  
DEPARTMENT

State of Wyoming  
**City of Casper**

200 N David St Phone: (307) 235-8264

**Building Department**

March 2019 Reports







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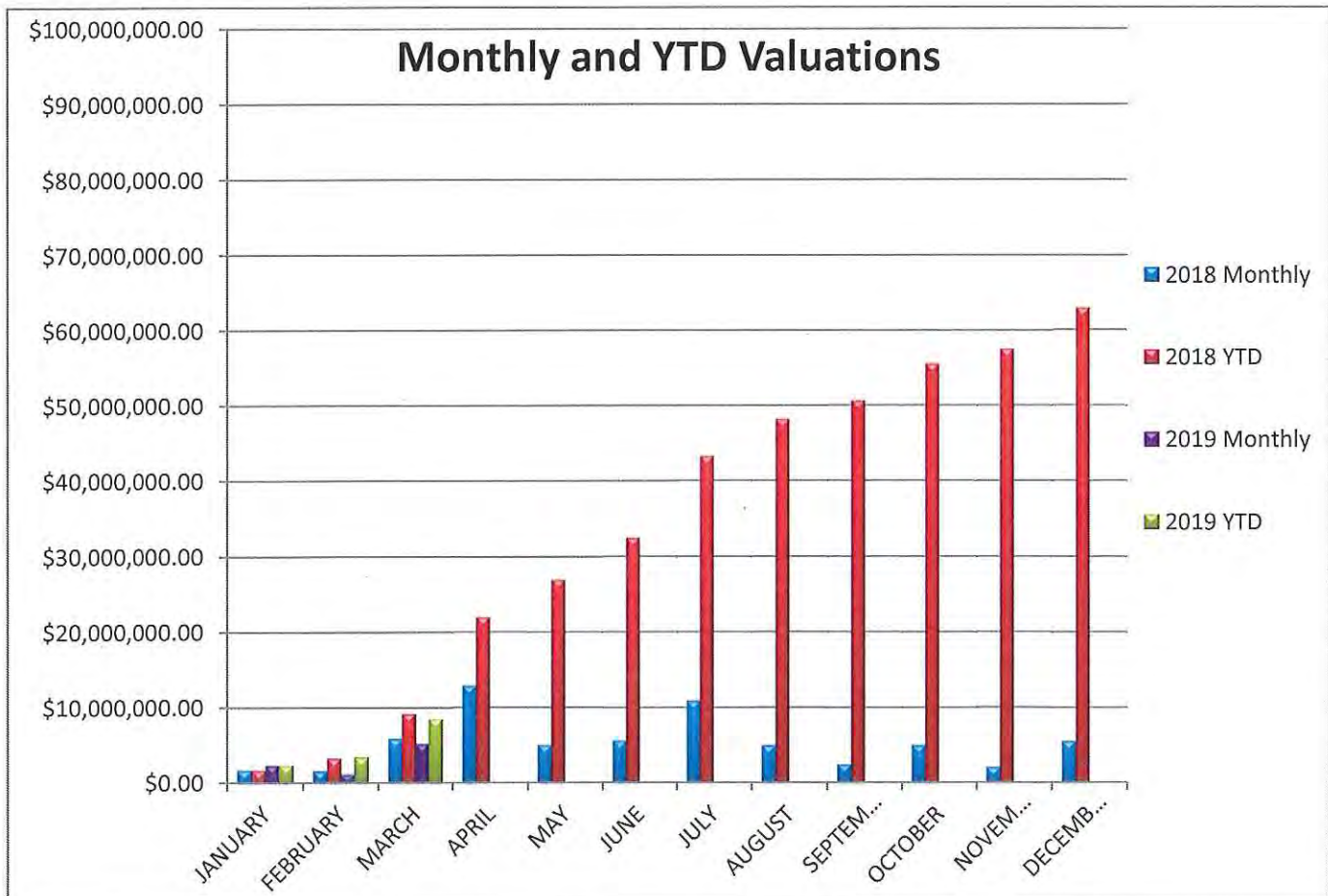
March 2019 Reports



MONTH	2018 Monthly Valuation	2018 YTD Valuation	2019 Monthly Valuation	2019 YTD Valuation
JANUARY	\$1,661,039.40	\$1,661,039.40	\$2,292,575.35	\$2,292,575.35
FEBRUARY	\$1,551,977.75	\$3,213,017.15	\$1,036,308.48	\$3,328,883.83
MARCH	\$5,836,851.00	\$9,049,868.15	\$5,072,806.25	\$8,401,690.08
APRIL	\$12,821,244.41	\$21,871,112.56	\$0.00	\$0.00
MAY	\$4,985,808.62	\$26,856,921.18	\$0.00	\$0.00
JUNE	\$5,525,644.37	\$32,382,565.55	\$0.00	\$0.00
JULY	\$10,827,919.90	\$43,210,485.45	\$0.00	\$0.00
AUGUST	\$4,916,015.14	\$48,126,500.59	\$0.00	\$0.00
SEPTEMBER	\$2,389,571.30	\$50,516,071.89	\$0.00	\$0.00
OCTOBER	\$4,907,298.90	\$55,423,370.79	\$0.00	\$0.00
NOVEMBER	\$2,004,394.65	\$57,427,765.44	\$0.00	\$0.00
DECEMBER	\$5,442,555.00	\$62,870,320.44	\$0.00	\$0.00
	<u>\$62,870,320.44</u>	<u>\$62,870,320.44</u>	<u>\$8,401,690.08</u>	<u>\$8,401,690.08</u>

**LARGE VALUATIONS:**

March 2019 - No projects over \$1,000,000.00





COMMUNITY DEVELOPMENT  
DEPARTMENT

State of Wyoming  
City of Casper

200 N David St Phone: (307) 235-8264

Building Department  
Fees Collected  
March 2019 Report



BUILDING PERMITS	\$ 35,263.65
ELECTRICAL PERMITS	\$ 10,209.80
MECHANICAL PERMITS	\$ 5,836.00
PLUMBING PERMITS	\$ 5,349.00
ELECTRICAL LICENSES	\$ 436.00
PLUMBING LICENSES	\$ 18.00
MOBILE HOME LICENSES	\$ -
MECHANICAL LICENSES	\$ -
UTILITY LICENSES	\$ 50.00
GENERAL CONTRACTORS LICENSES	\$ 1,725.00
SIGN PERMITS	\$ 1,041.50
C-CAN PERMITS	\$ 25.00
EROSION CONTROL PERMITS	\$ -
MOBILE HOME PERMITS	\$ 25.00
PLAN CHECK FEES	\$ 4,005.94
PLANNING FEES	\$ 3,750.00
DEMO PERMITS (included in Building Permits)	\$ -

**Totals: \$ 67,734.89**

MONTHLY INSPECTIONS:

BUILDING	ELECTRIC	PLUMBING	MECHANICAL
118	103	100	32

CONSULTS	PLAN REVIEW	FIRE
15	28	0

YTD INSPECTIONS:

BUILDING	ELECTRIC	PLUMBING	MECHANICAL
382	381	319	119

CONSULTS	PLAN REVIEW	FIRE
47	87	0

2019 Monthly Inspections  
March 2019

Inspector	Building Inspections	Electrical Inspections	Plumbing Inspections	Mechanical Inspections	Plan Reviews	Fire Training/ Inspections	Consults, Gray Slips, Miscellaneous	Total Inspections and Plan Reviews
Lonnie Genoff	1	0	77	24	0	0	0	102
Justin Scott	79	2	2	2	13	0	0	98
Shawn Barrett	3	101	0	0	3	0	8	115
Dan Elston	35	0	21	6	12	0	7	81
	0	0	0	0	0	0	0	0
								0
<b>Monthly Total</b>	<b>118</b>	<b>103</b>	<b>100</b>	<b>32</b>	<b>28</b>	<b>0</b>	<b>15</b>	<b>396</b>
<b>YTD Totals</b>	<b>382</b>	<b>381</b>	<b>319</b>	<b>119</b>	<b>87</b>	<b>0</b>	<b>47</b>	<b>1335</b>





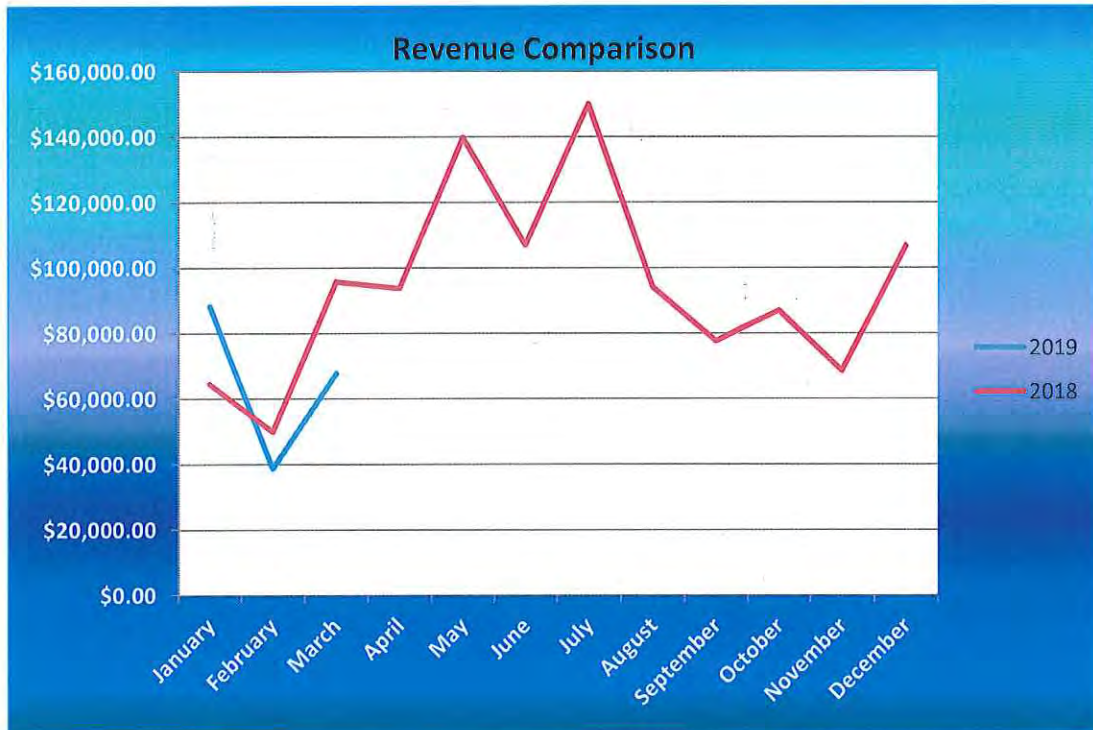
COMMUNITY DEVELOPMENT DEPARTMENT

State of Wyoming
City of Casper
200 N David St Phone: (307) 235-8264



Building Department
Revenue Collected
March 2019 Report

Table with 3 columns: Month, TOTAL REVENUE FOR 2018, TOTAL REVENUE FOR 2019. Rows list months from January to December with corresponding revenue values.



Handwritten signature of Dan Elston

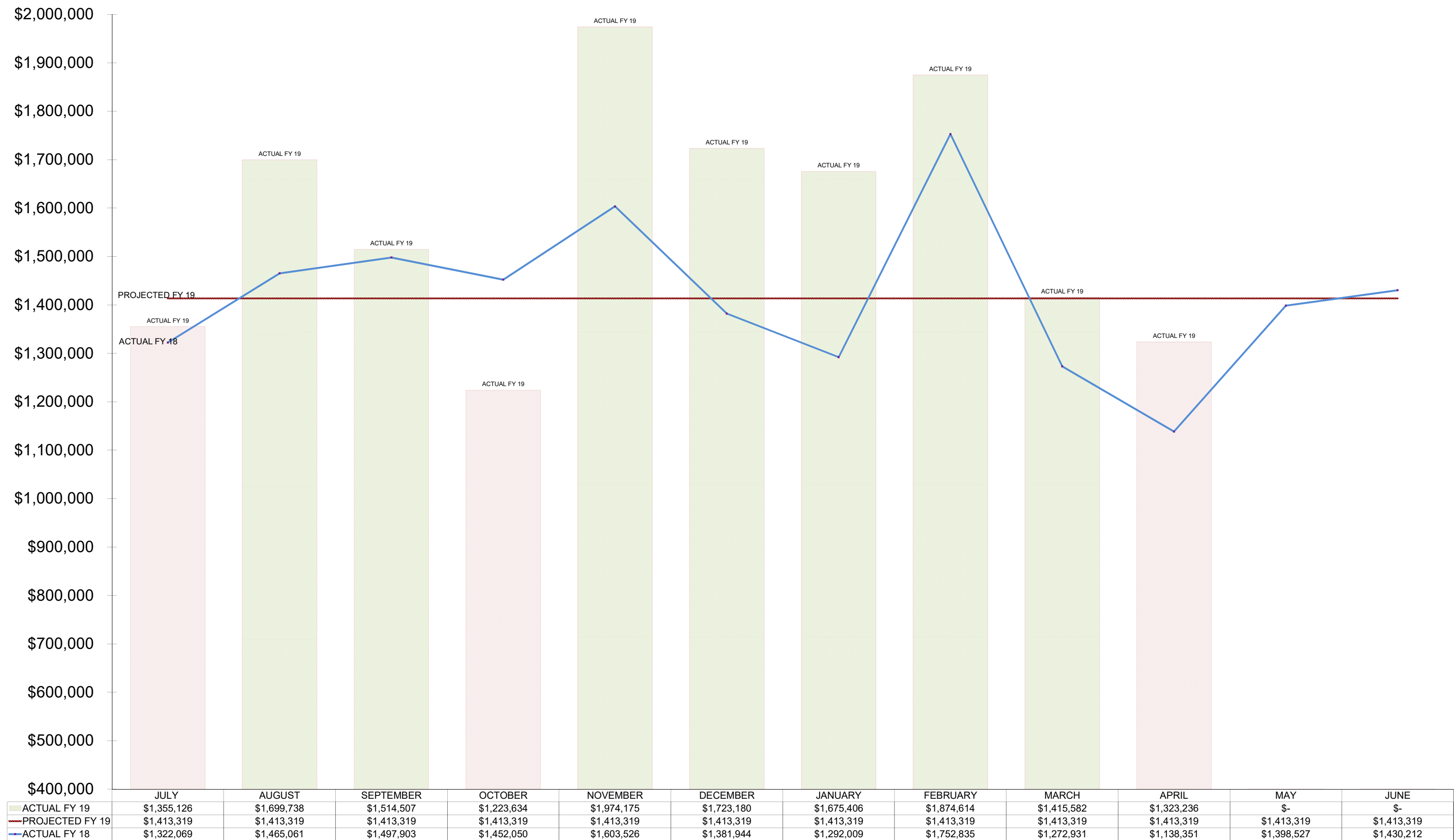
Dan Elston: Building Official

**City of Casper**  
**Optional 1% and State Shared Sales Tax Receipts**  
**83% of Fiscal Year 2019 has Lapsed**

Below is the optional Sales tax report for FY19 we are currently at 83% of the budget year.  
 General Fund is up 12.30% from projected year to date which is at 93.08% of budget.  
 1%15 is up 13.16% from projected year to date which is at 113.16% of budget.  
 1%16 is down 1.12% from projected year to date which is at 47.86% of budget

<b>State Shared Sales Tax</b>						
	<b>Date</b>	<b>Amount</b>	<b>Amount</b>	<b>Actual-Budget</b>	<b>Percent of Annual</b>	
	<b>Received</b>	<b>Received</b>	<b>Budgeted</b>		<b>Budget</b>	
<b>FY 2019 General Fund</b>	7/11/2018	\$ 1,355,126	\$ 1,413,319	\$ (58,193)	7.99%	
	8/10/2018	1,699,738	1,413,319	286,419	18.02%	
	9/7/2018	1,514,507	1,413,319	101,188	26.95%	
	10/4/2018	1,223,634	1,413,319	(189,685)	34.17%	
	11/5/2018	1,974,175	1,413,319	560,856	45.82%	
	12/6/2018	1,723,180	1,413,319	309,862	55.98%	
	1/7/2019	1,675,406	1,413,319	262,088	65.86%	
	2/6/2019	1,874,614	1,413,319	461,295	76.92%	
	3/6/2019	1,415,582	1,413,319	2,263	85.27%	
	4/4/2019	1,323,236	1,331,060	(7,824)	93.08%	
	May			1,320,528		
	June			1,581,253		
	<b>Total FY 2019</b>		<b>\$ 15,779,198</b>	<b>\$ 16,952,711</b>	<b>\$ 1,728,267</b>	
<b>FY 2019 1%15</b>	<b>Optional One Cent 15% Tax</b>					
	7/11/2018	\$ 1,155,657	\$ 1,185,430	(29,773)	11.98%	
	8/10/2018	1,420,883	1,015,060	405,823	26.70%	
	9/7/2018	1,270,238	1,334,193	(63,955)	39.87%	
	10/4/2018	1,034,782	1,183,169	(148,387)	50.59%	
	11/5/2018	1,646,134	1,212,564	433,570	67.65%	
	12/6/2018	1,435,793	1,210,613	225,180	82.54%	
	1/7/2019	1,394,293	1,102,712	291,581	96.99%	
	2/6/2019	1,560,379	1,404,830	155,549	113.16%	
	<b>Total FY 2019</b>	<b>\$ 10,918,160</b>	<b>\$ 9,648,571</b>	<b>\$ 1,269,589</b>		
<b>FY 2019 1%16</b>	<b>Optional One Cent 16% Tax</b>					
	3/6/2019	1,184,801	1,184,486	315	24.75%	
	4/4/2019	1,106,603	1,132,982	(26,379)	47.86%	
	May		1,124,017			
	June		1,345,943			
	<b>Total FY 2019</b>	<b>\$ 2,291,405</b>	<b>\$ 4,787,429</b>	<b>\$ (26,064)</b>		
<b>Total</b>	<b>\$ 28,988,762</b>	<b>\$ 31,388,711</b>	<b>\$ 2,971,792</b>			

# Sales Tax FY 2019 Versus Projection and Prior Year



	ACTUAL FY 18	PROJECTED FY 19	ACTUAL FY 19
YTD TOTAL	\$ 14,178,678	\$ 14,133,189	\$ 15,779,198
YTD VARIANCE			\$ 1,646,008
			<b>% Difference</b>
CHANGE FROM FY19 PROJECTED TO FY19 ACTUAL-SAME MONTH			-6.37%
CHANGE FROM FY19 PROJECTED TO FY19 ACTUAL-YEAR TO DATE			11.65%
CHANGE FROM FY18 ACTUAL TO FY19 ACTUAL-SAME MONTH			16.24%
CHANGE FROM FY18 ACTUAL TO FY19 ACTUAL-YEAR TO DATE			11.29%
			<b>In Dollars</b>
CHANGE FROM FY19 PROJECTED TO FY19 ACTUAL-SAME MONTH			-\$90,083
CHANGE FROM FY19 PROJECTED TO FY19 ACTUAL-YEAR TO DATE			\$1,646,008
CHANGE FROM FY18 ACTUAL TO FY19 ACTUAL-SAME MONTH			\$184,885
CHANGE FROM FY18 ACTUAL TO FY19 ACTUAL-YEAR TO DATE			\$1,600,519



# Memo

To: Casper City Council

From: Angela Emery

cc: Carter Napier

Date: March 25, 2019

Re: Proposed 2019 Trail Projects

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In June of 2015 the Platte River Trails Trust (PRTT) signed an agreement with the City of Casper for #15 One Cent funding that stated that the City would allocate \$767,544 to the PRTT to fund “trail related projects”. The PRTT’s grant application for One Cent funding identified the Casper Mountain Road project as our primary goal over the four-year period. Over the past four years, in addition to writing 3 WYDOT TAP grants for this project, the PRTT also pursued an energetic fundraising campaign that resulted in \$160,000 in private funding for the project. The PRTT was unable to secure WYODT TAP funding for Phase III of this project and received pushback from property owners on Rotary Park Road which forced abandonment of Phase III of the project. The PRTT’s fundraising efforts combined with the downturn in the local economy that produced a favorable bidding environment and lower project cost, and the abandonment of Phase III of the project, created a surplus of \$541, 280 of the \$764,544 of #15 funds originally allocated to our organization

Realizing that these funds were remaining, the PRTT embarked on a planning process, with assistance from City staff, to determine how to best utilize the funds to improve our community trail network. City staff provided the PRTT with resources that assessed the condition of trails community wide and the PRTT maintenance committee then visually analyzed certain trails that were red-flagged in the resources we received. At the same time, the PRTT Board and FRIENDS group took part in a survey to analyze and select potential trail projects based on the resources provided to us by the City and our own internal priorities.

This planning process has resulted in a proposed list of projects to undertake in 2019. We are pleased to present these projects to you for consideration. More than half of the funding will go towards major maintenance of the River Trail, the spine of our community trail system. The other projects are ones that will dramatically improve connectivity to create safer transitions

from neighborhoods to businesses, schools and community spaces. The Metropolitan Planning Office is currently involved with updating Casper's Long-Range Transportation Plan. The public survey portion of this planning process has shown that Casper citizens want safe and accessible alternate transportation routes AND more trails. The PRTT Board is dedicated to working with City staff to use funds allocated to us to best serve the citizens of Casper.

Platte River Trails Trust  
Projects in the Pipeline  
2019 and 2020

FUNDING SOURCE

Project	Ranking	Estimated Cost	FUNDING SOURCE			Timing & Other Considerations
			One Cent #15 - Allocation	One Cent #16 - Major Maint.	One Cent #16 - Allocation	
Morad to Walmart	#1 - 37% #2 - 50%	44,700	44,700			In Progress
Complete Phase II of Casper Mountain Rd.	Consensus	8,000	8,000			ASAP
Wayfinding Community Wide	#1 - 56% #2 - 31%	40,000	40,000			ASAP
River Trail - Overlook to F St. + Ped. Bridge to BST (City will design & bid together)	2.5	357,000	357,000			Beamer will check on Schauss issue. If necessary we'll move the trail.
New Trail in BN Park w/River Restoration	#1 - 31% #3 - 25%	???	???			May not need this if River Restoration includes a trail with their project
East/West side of Durbin through Armory Park	3.6	70,000	70,000			PRT to talk to College & YMCA
Trail from Derrick to 1st & Poplar	3.7	???		???		Beamer will include in other enhancement for the Poplar Bridge in 2021
Connect the Rail Trail from the Beverly St. underpass to the River Trail. Needs interface w/WYDOT & City	4.1	???		???		Design & discussion w/City & WYDOT
New Trail connection from Zonta Park to King Blvd along 13th Street. PHASED	4.7	???			???	Beamer to look at previous plan. Concerned about easements with Black Hills Energy and BP
Creation of a defined trail from Matt Campfield park to Wells park.	5.5	100,000	21,580	78,420		Beamer will check w/Becher re: church property
PV to Robertson Road Bridge and trail connection		800,000			800,000	Need to Engineer
Total committed funds in progress		1,419,700	541,280	78,420	800,000	
Total Funds Available		1,841,280	541,280	500,000	800,000	
Total Available - After 2019-2020 commitments		421,580	0	421,580	0	

**From:** Rick Kaysen [mailto:[rkaysen@wyomuni.org](mailto:rkaysen@wyomuni.org)]

**Sent:** Tuesday, April 02, 2019 1:25 PM

**Subject:** FW: Supreme Court Agrees to Decide Fourth Amendment Vehicle Registration Case

Good afternoon—those of you who have law enforcement officials and of course municipal attorneys may find this of interest—please share as applicable...enjoy the day.

**Rick Kaysen**

Wyoming Association of Municipalities

315 West 27th Street

Cheyenne, WY 82001

307-632-0398

[rkaysen@wyomuni.org](mailto:rkaysen@wyomuni.org)

[www.wyomuni.org](http://www.wyomuni.org)

*"Communities that don't matter, don't exist."*



**From:** Soronen, Lisa <[lsoronen@sso.org](mailto:lsoronen@sso.org)>

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**Subject:** Supreme Court Agrees to Decide Fourth Amendment Vehicle Registration Case

Hi all: This is my favorite kind of Supreme Court case...ones we can all relate to. Today I don't think any vehicles are registered in my name but like most Americans I drive two regularly. I doubt the SLLC will file a brief in this case—suppression of evidence and not money damages are the remedy. Long and short summaries below.

How often do you drive a vehicle not registered in your name? Every day? In [Kansas v. Glover](#) the Supreme Court will decide whether it is reasonable, under the Fourth Amendment, for an officer to suspect that the registered owner of a vehicle is the one driving it absent any information to the contrary.

Officer Mark Mehrer ran the license plate of a vehicle that was being driven lawfully. He discovered that the owner of the vehicle, Charles Glover, had a suspended license. He pulled the driver over and discovered he was in fact Charles Glover.

The Supreme Court has previously held that a police officer may pull over vehicles without a warrant when the officer has an "articulable and reasonable suspicion, based in fact, that the detained person is committing, has committed, or is about to commit a crime." Glover claimed the officer violated his Fourth Amendment rights because the officer lacked reasonable suspicion of illegal activity to pull over the car.

The Kansas Supreme Court agreed stating, “Deputy Mehrer had some suspicion of a specific crime—driving while revoked. But Deputy Mehrer, who had not observed a traffic violation, needed *reasonable* suspicion Glover was driving, not just *some* suspicion.”

Kansas argued in favor of an “owner-is-the-driver presumption.” The Kansas Supreme Court rejected it because it is based on the “stacking” of “unstated assumptions”—that the registered owner is likely the primary driver of the vehicle and owners will “likely disregard the suspension or revocation order and continue to drive.” Assumption aren’t enough under the Fourth Amendment. “An assumption has no basis in proof or demonstration, so it is only an inarticulate hunch or an unparticularized suspicion.”

The Kansas Supreme Court also noted that the presumption rests in part on what the driver *does not* know—who is actually driving the car. “And in /evaluating whether the State has met its burden to prove the lawfulness of a search or seizure, courts cannot ‘draw inferences from the lack of evidence in the record’ because doing so may relieve the State of its burden and shift the burden to the defendant to establish why reasonable suspicion did not exist.”

This is the first Fourth Amendment case the Supreme Court has agreed to decide next term and the third (out of ten) case from Kansas.

In [Kansas v. Glover](#) the Supreme Court will decide whether it is reasonable, under the Fourth Amendment, for an officer to suspect that the registered owner of a vehicle is the one driving it absent any information to the contrary. Officer Mark Mehrer ran the license plate of a vehicle that was being driven lawfully. He discovered that the owner of the vehicle, Charles Glover, had a suspended license. He pulled the driver over and discovered he was in fact Charles Glover. Glover claimed the officer violated his Fourth Amendment rights because the officer lacked reasonable suspicion of illegal activity to pull over the car. The Kansas Supreme Court agreed. Kansas argued in favor of an “owner-is-the-driver presumption.” The Kansas Supreme Court rejected it because it is based on the “stacking” of “unstated assumptions”—that the registered owner is likely the primary driver of the vehicle and owners will “likely disregard the suspension or revocation order and continue to drive.” Assumption aren’t enough under the Fourth Amendment. The Kansas Supreme Court also noted that the presumption rests in part on what the driver *does not* know—who is actually driving the car. “And in evaluating whether the State has met its burden to prove the lawfulness of a search or seizure, courts cannot ‘draw inferences from the lack of evidence in the record’ because doing so may relieve the State of its burden and shift the burden to the defendant to establish why reasonable suspicion did not exist.”

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