

# AGENDA

**Casper City Council Work Session**  
**City Hall, Council Meeting Room**  
**Tuesday, September 12, 2017, 4:30 p.m.**



	<b>Presentation</b>	<b>Allotted</b>	<b>Beginning Time</b>
1.	Rocky Mountain Power Franchise Agreement (Wallace Trembath)	10 min	4:30
2.	Consideration of Changes to the Alcohol Court (Pete Meyers, Diane Smith)	25 min	4:40
3.	Public Intoxication Penalty Phase (Judge Hand, Councilman Johnson)	25 min	5:05
4.	Minor in Possession (MIP) Probation Discussion (Will Chambers)	25 min	5:30
5.	Review of the 2016-2017 CAPER for HUD (Joy Clark)	15 min	5:55
6.	Potential Revenue/Fee Adjustments (Liz Becher)	20 min	6:10
7.	City-Owned Property Bid Awards (Liz Becher)	20 min	6:30
8.	City Manager Report	10 min	6:50
9.	Future Agenda Review	20 min	7:00
10.	Council Around the Table	45 min	7:20
		Approximate Ending Time	8:05



September 8, 2017

MEMO TO: J. Carter Napier, City Manager  
FROM: Wallace Trembath, Assistant City Attorney *W.T.*  
SUBJECT: Rocky Mountain Power Franchise

Recommendation:

No recommendation is being made, as this memo and its attachments are merely for your information.

Summary:

The current electric utility franchise between the City and Rocky Mountain Power expires on November 4, 2017. The parties have negotiated a new franchise, which is scheduled to be heard by Council at first reading on September 19, 2017. It is the result of extensive, good-faith, negotiations between the parties. A draft copy is attached for your reference.

Rocky Mountain Power requested an opportunity to present the franchise at a Council work session and answer questions that Council may have.

Highlights of the Franchise

- Term: The term of this franchise is for twenty (20) years.
- Purpose: Rocky Mountain Power is granted a franchise and general utility easement to locate its electrical facilities in public ways (e.g., roads, streets, alleys), subject to reasonable controls by the City.
- Franchise fee: The City will receive a franchise fee of seven percent (7%) of Rocky Mountain Power's gross revenues.
- Self-Insurance and Indemnity: The Wyoming Public Services Commission allows Rocky Mountain Power to be self-insured. Rocky Mountain power indemnifies the City against claims for injury, death, and other items, including reasonable attorney fees and expenses.

ORDINANCE NO. \_\_\_\_-16

**AN ORDINANCE GRANTING AN ELECTRIC UTILITY  
FRANCHISE AND GENERAL UTILITY EASEMENT TO  
PACIFICORP, AN OREGON CORPORATION, DOING  
BUSINESS AS ROCKY MOUNTAIN POWER**

WHEREAS, under Wyoming Statute § 15-1-103(a)(xxxiii), the City of Casper, sets the franchise fee rates charged to utility companies for use of the City's right-of-ways; and,

WHEREAS, PacifiCorp, doing business as Rocky Mountain Power (hereinafter referred to as Rocky Mountain Power), is a regulated public utility that provides electric power and energy to the citizens of the City of Casper, Wyoming (the "City") and other surrounding areas; and,

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City; and,

WHEREAS, Ordinance 24-99, granted a franchise to Rocky Mountain Power, and Ordinance 19-13 amended the franchise fees; and,

WHEREAS, the current franchise, as amended, was scheduled to expire by its terms on May 4, 2017, which expiration date was extended to November 4, 2017, by the Franchise Extension Agreement between the parties as approved by the City Council on May 2, 2017, and a new franchise (hereinafter referred to as the "franchise") is necessary; and,

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power may use the public ways of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:**

**SECTION 1. Grant of Franchise and General Utility Easement.**

A. Subject to the terms and conditions set forth in this franchise, the City hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, and rights-of-way, not including City parks, buildings or spaces not associated with City-owned rights-of-way (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof.

**B.** Nothing in this franchise shall be deemed to waive the lawful requirements of any generally applicable City ordinance existing as of the effective date of this franchise.

**C.** Unless otherwise agreed in writing, this franchise shall not be interpreted to prevent the City from imposing additional lawful conditions, including additional compensation conditions for use of Public Ways, should Rocky Mountain Power provide services other than an electrical system (for example, a cable system for purposes of providing a cable service).

**D.** This franchise is intended to convey limited rights and interests in Public Ways as set forth in Wyoming Statute § 15-1-103(a)(xxxiii) and its subsections. It is not a warranty of title or interest in any Public Way; it does not provide Rocky Mountain Power with any interest in any particular location within the Public Ways; and it does not confer rights other than as expressly provided in the grant hereof.

**SECTION 2. Term.** The term of this franchise is for twenty (20) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

**SECTION 3. Publication and Acceptance by Company.** This ordinance shall be published once in a newspaper of general circulation within the City, pursuant to Wyoming statute § 15-1-116, and shall become effective on the day following its publication. Within sixty (60) days after the passage of this ordinance by the City, Rocky Mountain Power shall file an unqualified, written acceptance thereof with the City Clerk; otherwise, this ordinance and the rights, privileges and authority granted herein shall be null and void.

**SECTION 4. Non-Exclusive Franchise.** The right to use and occupy the Public Ways of the City is nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

**SECTION 5. City Regulatory Authority.** In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties, and exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Wyoming, the laws of the State of Wyoming or City Ordinance.

**SECTION 6. Indemnification.**

**A. General Indemnification.** Rocky Mountain Power shall indemnify, defend and hold harmless, the City, its officers, elected and appointed officials, employees, agents and volunteers, from any action or claim for injury, death, damage, loss, liability, cost or expense, including court appeal costs and reasonable attorney's fees or reasonable expenses, arising from any casualty or accident to person or property in any way arising out of, or by reason of, any

construction, excavation, operation, maintenance, construction, or any other act done or neglect or omission under this franchise, by or for Rocky Mountain Power, its agents, or its employees. Rocky Mountain Power shall consult and cooperate with the City while conducting its defense of the City.

**B. Indemnification for Relocation.** Rocky Mountain Power shall indemnify the City for any damages, claims, additional costs or reasonable expenses assessed against, or payable by, the City arising out of, or resulting from, directly or indirectly, Rocky Mountain Power's failure to remove, adjust or relocate any of its Electric Facilities in the Public Ways in a timely manner in accordance with Section 11 of this franchise.

**C. Hazardous Substances Indemnification.** Rocky Mountain Power shall indemnify the City against any claims, costs and expenses of any kind, whether direct or indirect, incurred by the City arising out of a release of hazardous substances within the Public Ways caused by the System. For purposes of this franchise, "hazardous substances" shall have the same definition as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (U.S.C. § 42-103-9601, *et seq.*) as may be amended from time to time, or its successor.

**SECTION 7. Insurance Requirements.** If at any time during the term of this franchise Rocky Mountain Power ceases to be self-insured, Rocky Mountain Power shall procure and maintain for the remaining duration of this franchise insurance against claims for injuries to persons, death or damages to property which may arise from or in connection with Rocky Mountain Power's use of the Public Ways pursuant to this franchise, in such coverages as are commercially reasonable for a similarly-situated company providing similar goods and services; provided, however, in no event shall such insurance coverage be less than amounts for which the City would be liable under the Wyoming Governmental Claims Act, W.S. § 1-39-101 *et seq.*, as it may be amended from time to time.

## **SECTION 8. Annexation**

**A. Extension of City Limits.** Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electric Facilities owned, maintained, or operated by Rocky Mountain Power located within any Public Ways of the annexed territory shall thereafter be subject to all of the terms hereof.

**B. Notice of Annexation.** When any territory is approved for annexation to the City, the City's Community Development Director or his/her designee shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed as to the addressees below, or such other updated address as Rocky Mountain Power shall provide to the City in writing by certified mail, return receipt requested.

Rocky Mountain Power  
Attn: Annexations  
P.O. Box 400  
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power  
Attn: Office of the General Counsel  
1407 West North Temple, Room 320  
Salt Lake City, UT 84116

Notwithstanding the foregoing, failure of the City to provide the notice described herein shall not constitute a material breach of this franchise.

**SECTION 9. Plan, Design, Construction and Installation of Electric Facilities.**

**A.** All Electric Facilities installed or used under authority of this franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

**B.** All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City, and as follows:

1. Rocky Mountain Power is authorized to make excavations in City streets, alleys and public rights-of-way for purposes of routine repair, replacement and maintenance of Electric Facilities. Rocky Mountain Power shall direct its subcontractors to obtain excavation permits for streets and alleys within City rights-of-way, regardless of surfacing types, and traffic control permits for all streets, and shall not unnecessarily obstruct the use of streets, alleys or public rights-of-way. Rocky Mountain Power shall provide weekly notice to the City of all excavations it anticipates making in the Public Ways, together with notice of any emergency excavations made on an emergency basis the prior week, via email to the following email addresses: [acolling@cityofcasperwy.com](mailto:acolling@cityofcasperwy.com) and [abeamer@casperwy.gov](mailto:abeamer@casperwy.gov), or to such other email addresses as the City may provide to Rocky Mountain Power in writing from time to time. Other email addresses may be provided by the City to Rocky Mountain power via email to Rocky Mountain Power at the following email address: [REDACTED]. All mains, services, and pipes laid or installed under this franchise shall be so located and placed as not to obstruct or interfere with any water pipes, drains, sewers or other structures already installed. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency repairs. All excavation shall be performed in a manner that is anticipated to create the least inconvenience to the public as practicable, and in accordance with any permits and manuals issued by the City.

2. Rocky Mountain Power, in doing any work in connection with its Electric Facilities, shall avoid, so far as practicable, interfering with the use of any street, alley or public place, and where the paving or surface of any street, alley or public place is disturbed, Rocky Mountain Power, at its own expense, shall replace such paving or surface in accordance with the City of Casper's Standard Specifications for Street Construction in the Casper Municipal Code, and any other applicable ordinances, as they may be amended from time to time.

3. Paved streets shall be bored or drilled when they are crossed beneath the ground by Rocky Mountain Power's Electric Facilities so that the City's paved streets will not be unnecessarily damaged. The City Manager or his/her designee, in his/her sole discretion, may allow other construction methods when it is found that drilling or boring is unreasonable and will not provide a sufficient public benefit for the cost.

4. In the event the City desires to undertake a project that may interfere with Rocky Mountain Power's facilities located within the Public Ways, Rocky Mountain Power shall cooperate and coordinate with the City to provide information about the existence and location of Rocky Mountain Power's facilities.

5. This franchise does not establish priority for use of public rights-of-way over holders of other permits or franchises; it grants no vested interest in occupying any particular position in the public rights-of-way. The City shall control distribution of space in the public rights-of-way, but may not exercise that authority unreasonably or in a way that would cause a violation of the National Electrical Safety Code or any other applicable standard. No location of any Electric Facilities shall give rise to a vested interest in public property.

6. Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

**C.** If, during the course of work on its Electric Facilities, Rocky Mountain Power causes damage to or alters the Public Ways or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

**D.** In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

**E.** The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall

assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 9.E. and to require the City to remedy any defective attachments.

F. Rocky Mountain Power shall have the right to excavate the public right-of-ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electric Facilities or delay project completion.

**SECTION 10. Subdivision Plat Notification.** Before the City approves any new subdivision and before recordation of the plat, the City shall obtain Rocky Mountain Power's approval of Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. A copy of the plat shall be mailed for approval to Rocky Mountain Power:

**SECTION 11. Relocations of Electric Facilities.**

A. The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities, except for street lights, within the Public Ways for street and/or right-of-way projects in the interest of public convenience, necessity, health, safety or welfare, at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electric Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work, and shall support the efforts of Rocky Mountain Power to obtain reimbursement by providing any relevant public records requested by Rocky Mountain Power that are available under the Wyoming Public Records Act, Wyoming Statutes § 16-4-201 *et seq.*

B. Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of Electric Facilities is caused directly or otherwise by an identifiable development of property in



the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

C. Indemnification for relocation is addressed in Section 6 B. of this franchise.

**SECTION 12. Vegetation Management.** Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electric Facilities. Such pruning shall comply with *the American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

**SECTION 13. Compensation, Reopening, Audit and Reports**

A. **Franchise Fee.** In consideration of the rights, privileges, and franchise hereby granted, Rocky Mountain Power shall pay to the City from and after the effective date of the acceptance of this franchise, seven percent (7%) of its gross revenues derived from within the corporate limits of City. The term "gross revenue" as used herein shall be construed to mean any revenue of Rocky Mountain Power derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. Notwithstanding any provision to the contrary, at any time during the term of this franchise, the City may elect to increase the franchise fee amount as may then be allowed by state law. The City shall provide Rocky Mountain Power with prior written notice of such increase following adoption of the change in percentage by the City. The increase shall be effective sixty (60) days after the City has provided such written notice to Rocky Mountain Power.

B. **Offset.** The franchise fee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Rocky Mountain Power's exercise of this franchise within the corporate limits of the City, and the amount due to the City under any such other license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefrom the amount of said franchise fee paid hereunder.

C. **Audit.** Rocky Mountain Power will provide the City with a current audit file upon request, but no more than every three (3) years, at no expense to the City. If a net franchise underpayment is discovered as a result of an audit, Rocky Mountain Power shall back-bill the customer(s) involved for the preceding six (6) months, in accordance with Wyoming Public Service Commission regulations.

**D. Payments and Reports.**

1. **Monthly Payments.** Rocky Mountain Power's franchise fee payments to the City shall be computed monthly and the check(s) forwarded to the City Treasurer within thirty (30) days following the end of each calendar month.

2. **Franchise Fee Reports.** Each payment shall be accompanied by a written report to the City, verified by an authorized representative of Rocky Mountain Power, containing an accurate statement of the company's revenue for that month within the City, the amount of the franchise fee, and the basis for the calculation.

3. **Annual Report.** The final report for each calendar year (December) shall reflect the total payments for that calendar year.

4. **No Accord and Satisfaction.** No acceptance of any payment shall be construed as an accord and satisfaction by the City that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for additional sums payable or for the performance of any other obligation of Rocky Mountain Power.

**SECTION 14. Renewal.** At least 180 days prior to the expiration of this franchise, Rocky Mountain Power and the City either shall agree to extend the term of this franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement franchise is not entered into upon expiration of this franchise, provided that Rocky Mountain Power continues to pay the same compensation fee specified in Section 13 during that time, and provides the same insurance and indemnification to the City as described hereunder.

**SECTION 15. No Waiver.** Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

**SECTION 16. Transfer of Franchise.** Rocky Mountain Power shall not transfer or assign any rights under this franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder (including acceptance of all terms, conditions and provisions of this franchise), unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar

instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

**SECTION 17. Amendment.** At any time during the term of this franchise, the City or Rocky Mountain Power may propose amendments to this franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this franchise shall be effective until mutually agreed upon by the City and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

**SECTION 18. Non-Contestability--Breach of Contract.**

**A** Neither the City nor Rocky Mountain Power will take any action for the purpose of securing modification of the terms and conditions of this franchise before either the Public Service Commission or any Court of competent jurisdiction. Provided, however, neither party shall be precluded from taking any action it deems necessary to resolve any differences in interpretation of the franchise, nor shall either party be precluded from seeking relief from the Courts in the event Public Service Commission orders, rules or regulations conflict with or make performance under the franchise illegal. Notwithstanding the foregoing, the parties shall first attempt to resolve any dispute through direct negotiation between the representatives of the parties. If the representatives are unable to reach agreement within (60) days after presentation of the dispute, then each of the parties may proceed with taking the dispute to the Public Services Commission.

**B.** In the event Rocky Mountain Power or the City fails to fulfill any of their respective obligations under this franchise, the City, or Rocky Mountain Power, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this franchise shall become effective without such action which would be necessary to formally amend the franchise.

**SECTION 19. Notices.** Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this franchise shall be delivered to the City Manager's Office, with a copy to the City Attorney's office at 200 N David St., Casper, Wyoming 82601 or such other office as the City may advise Rocky Mountain Power of by written notice. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this franchise shall be delivered to Regional Business Management Director, Rocky Mountain Power, 70 North 200 East, Room 122, American Fork, Utah, 84003, or such other office as Rocky Mountain Power may advise the City of by written notice.

**SECTION 20. Severability.** If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority, including

any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the franchise or any renewal or renewals thereof.

**SECTION 21. Arbitration.** In the event of any dispute arising under this franchise, the parties shall first attempt to resolve the matter through direct negotiation between the representatives of the parties. If the representatives are unable to resolve the issue within (60) days after presentation of the dispute, then each of the parties hereto agree to non-binding arbitration in accordance with Wyoming Statutes § 1-36-101 *et seq.* Each party shall select an arbitrator, and the two arbitrators shall jointly appoint a third arbitrator, who shall be the arbitrator to hear the dispute.

**SECTION 22. Governmental Claims Act.** The City does not waive any right or rights it may have pursuant to the Wyoming Governmental Claims Act, W.S. § 1-39-101, et seq., and the City specifically reserves the right to assert any and all rights, immunities, and defenses it may have pursuant to the Wyoming Governmental Claims Act.

**SECTION 23. Repeal of previous franchise ordinances.** Upon the effective date hereof, and upon acceptance of the Company, the following Ordinances will be repealed: Ordinance No. 24-99 of the City, passed and approved November 4, 1999, granting a franchise to Rocky Mountain Power; Ordinance No. 19-13 of the City, passed and approved on August 6, 2013; and the Franchise Extension Agreement between the parties as approved by the City Council on May 2, 2017.

**PASSED on 1<sup>st</sup> reading the \_\_\_\_ day of \_\_\_\_\_, 2017.**

**PASSED on 2nd reading the \_\_\_\_ day of \_\_\_\_\_, 2017.**

**PASSED, APPROVED AND ADOPTED on the 3<sup>rd</sup> and final reading the \_\_\_\_ day of \_\_\_\_\_, 2017.**

APPROVED AS TO FORM

\_\_\_\_\_

ATTEST

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Tracey L. Belser  
City Clerk

\_\_\_\_\_  
Kenye Humphrey  
Mayor

ACCEPTED BY PACIFICORP:

By: \_\_\_\_\_  
Name: George Humbert  
Title: Director, Regional Business Management  
Date: \_\_\_\_\_

September 7, 2017

MEMO TO: J. Carter Napier, City Manager  
FROM: Pete Meyers, Assistant Support Services Director  
SUBJECT: Consideration of Changes to the Alcohol Court



Meeting Type and Date:  
Council Work Session  
September 12, 2017

Action Type:  
No action.

Recommendation:  
For information only.

Summary:

The City's General Fund is currently relying on \$4.5 million of General Fund reserves. During the FY 2018 Council Budget Meetings, the City Council adopted this budget, but the Council also asked for proposals to reduce the City's operating costs.

One proposal was to close the Alcohol Court. The City of Casper's Municipal Court employs three part time judges. For many years, each of these judges would handle any manner of criminal case. But in response to rising concerns about the prevalence of alcohol-related offenses in Casper, the City Council established an Alcohol Court within the Municipal Court system. The Alcohol Court became operational in December 2012.

The mission of the Alcohol Court is to provide better management of alcohol related offenses, especially DUI's. Upon the establishment of the Alcohol Court, all DUI cases were henceforth heard only in that court and by that judge. This was meant to increase consistency in sentencing. More importantly, the format of the Alcohol Court allowed for more casework and follow up. With a greater reliance on probation and more interactions with the judge, the hope was that the Alcohol Court would be able to lower recidivism rates for DUI offenders.

In order to properly consider the closure of the Alcohol Court, two key questions will need to be asked and answered:

1. Can we expect an impact on public safety if the Alcohol Court were to be replaced with a traditional court? The goal of the Alcohol Court was to make Casper safer by providing better case management for DUI offenders. Has the Court been effective at reducing DUI offenses and DUI traffic accidents within the City of Casper?

2. What would be the budget impact of closing the Alcohol Court? The closure of the Alcohol Court was proposed as a budget saving measure. Would it result in budget savings, and if so, by how much?

City staff has looked into these questions. Staff's research findings are outlined below.

Question #1: Can we expect an impact on public safety if the Alcohol Court were to be replaced with a traditional court?

It is impossible to be certain that the Alcohol Court did or did not contribute to any trending of DUI's in Casper. What we can do is certify that there is a trend of fewer DUI cases, and we can accept that the Alcohol Court was instituted with the purpose of influencing that trend.

Three indicators were sought in regards to the public safety benefits of the Alcohol Court:

1. DUI Arrests – are these rising or falling in the City of Casper?
2. DUI Accidents – are these rising or falling in the City of Casper?
3. DUI Recidivism Rates – Are these lower now that the Alcohol Court is in place as compared the recidivism rate that was in place before December 2012?

DUI Arrests: Since the establishment of the Alcohol Court in December 2012, DUI Arrests have diminished in Natrona County. An average of 537 people were arrested for DUIs in the four years from 2009 through 2012. This declined to an average yearly number of 360 for the four years afterward.

This appears to be part of a statewide trend of declining DUI Arrests, but the trend statewide was less pronounced than the trend here in Natrona County. The average number of DUI arrests statewide for the three year period of 2011 through 2013 was 4,282 per year, and the average of the two following years fell to 3,617. These numbers result in a decline of 16% between the two periods. The equivalent numbers for Natrona County were 489 and 370, with a resulting decline of 24%.

DUI Accidents: Alcohol related accidents are also down in Natrona County: the three years of 2011 through 2013 saw an average of 86 DUI Accidents per year, as opposed to 63 for each of the three years of 2014 through 2016. But unlike the DUI Arrest data, the county-versus-statewide trend for accidents is slightly worse here in Natrona County. The 2011-2013 statewide trend was a reduction from 550 to 433 per year, for a decline of 21%. The equivalent Natrona County numbers change from 86 to 71, for a slightly smaller decline of 17%.

Recidivism Rates: The ultimate indicator for the Alcohol Court's efficacy would be a measurable change in recidivism rates. Tracking this is remarkably difficult, since defendants arrested in Casper might be booked through either the Municipal Court or through the Circuit Court; beyond that, there is always the possibility of reoffending in another county or another state. That being said, Municipal Court records were used to get a glimpse at any change in recidivism rates. This was done based solely on Municipal Court defendants who were convicted of both a first and a

second DUI at the Municipal Court. A comparison of recidivism was done based on whether their first trial was through the traditional court (prior to 2013) or if it was handled by the Alcohol Court (2013 or after).

Though our information is limited, the Court records show that recidivism rates did not change with the establishment of the Alcohol Court. About 2% of the people who were sentenced by the Alcohol Court for a first DUI offense were back at Municipal Court within three years of their first conviction. This is a low number, but it is unchanged from the recidivism rate prior to the establishment of the Alcohol Court.

In summary:

- There is a statewide trend of falling DUI Arrest numbers and falling DUI accident numbers.
- DUI Arrests have dropped remarkably in Natrona County, and they have fallen faster here than they have statewide.
- DUI Accidents have also dropped remarkably in Natrona County, but they have fallen more slowly here than they have statewide.
- There was no apparent change in DUI recidivism rates since the establishment of the alcohol court.

Question #2: What would be the budget impact of closing the Alcohol Court?

The budget impact would conceivably appear in up to three different ways:

1. Closing the Alcohol Court might reduce the need for staffing in the City Attorney's Office.
2. Closing the Alcohol Court might reduce the need for maintaining three part-time Municipal Court Judges.
3. Closing the Alcohol Court might reduce the number of court clerical staff needed.
4. Closing the Alcohol Court might have impacts on the cost of incarceration and/or the costs of alternative sentencing.

Attorney's Office Workload: The workload of the Attorney's Office is unlikely to be changed by the closure of the Alcohol Court. More than a hundred DUI cases are brought forward every year, and all of these cases will need to be prosecuted, regardless of which court they are sent to. Any changes to Attorney work load would be driven by the long term impact of the Alcohol Court on new DUI offenses (i.e., if the number of DUI's should fall, then the workload of the Attorney's Office would also fall).

Judge Workload: A typical criminal case involves arraignment, consideration of plea, and sentencing. (A case can also involve a trial; these take much longer, but they are relatively unusual at Municipal Court.) In most cases, the judge must only spend a total of thirty minutes on arraignment, plea, and sentencing. Cases seen by the Alcohol Court include these steps, but they also require monthly case reviews and a discharge from probation hearing. All in all, a non-trial DUI seen by the Alcohol Court will typically require about 1.2 hours of a judge's attention.



Closing the Alcohol Court should therefore save the judge about forty minutes of workload per case.

The Court saw 220 DUI cases in 2013 and 127 DUI cases in 2015. With these numbers, about 146 hours of judge time would have been saved in 2013, and about 84 hours of judge time would have been saved in 2015. Judges are part time employees (960 hours per year) so sending all DUI's through a traditional court should reasonably reduce a judge's workload by about 12%. This is significant, but the City would still need to maintain a staff of three judges.

Clerical Expenses: The Alcohol Court is supported by an Administrative Assistant. The Administrative Assistant spends about half of her time on Alcohol Court operations; the other half of her time is spent on general support for the entire Municipal Court. Her work on behalf of Alcohol Court includes (1) clerical work spent prior to sentencing, (2) work as the clerk of court while court is in session, and (3) probation monitoring after conviction.

Before the Alcohol Court was established, people convicted of a DUI were generally given a sentence that included *unsupervised* probation. Unsupervised probation would typically include an Alcohol Severity Index (ASI) assessment, community service, support group attendance, random drug testing, attendance at a victim impact panel, and similar requirements.

With the advent of the Alcohol Court, unsupervised probation was replaced with *supervised* probation. Supervised probation typically includes the same list of probation requirements (ASI assessment, community service, etc.) but it also requires case management. Case management involves a monthly meeting with the judge and with the Administrative Assistant. These meetings last roughly five minutes per defendant, and they allow the judge and the defendant to discuss the defendant's progress and recovery.

Case management also requires the defendant to meet separately with the Administrative Assistant. The Administrative Assistant serves as the probation officer for each defendant, and in that capacity, she meets with each defendant monthly without the judge. She also speaks regularly to defendants and to their counselors on the telephone; these discussions allow the Administrative Assistant to ensure that each defendant is making regular progress toward all of their probationary requirements.

If the Alcohol Court were to close, then it is presumptive that supervised probation would be replaced with unsupervised probation. This would reduce the workload of the Administrative Assistant. Probation follow-up at the end of each six-month period would still need to be done, and this closeout work would probably intensify because defendants might procrastinate and need to meet all of their requirements just before the due date. Despite that, we can still expect an overall reduction in Alcohol Court workload by perhaps ten hours per week. This position might then be reduced from full time (forty hours per week) to regular part time (30 hours per week). This would incur some savings from salaries (roughly \$10,700 per month) and benefits (\$1,822), but since the employee would still be working thirty hours per week, any cost of health benefits would be left unchanged.

Sentencing: It is not guaranteed that the closure of the Alcohol Court would result in a change to the City's sentencing cost, but this kind of change is conceivable, and if it occurred, the budget impact could be significant.

Regardless of the courtroom, a DUI judgement often begins with either traditional jail time or home confinement. Traditional sentencing for the first DUI is a five day jail sentence followed by six months of probation. A second offense will typically receive a ten day jail sentence. An alternative first time DUI judgement might be 30 days of home confinement with a SCRAM bracelet and six months of probation. (SCRAM bracelets monitor and report any consumption of alcohol. SCRAM stands for "Secure Continuous Remote Alcohol Monitor").

SCRAM bracelets are also used by the Alcohol Court as a response to probation violations. The cost of a SCRAM bracelet is \$450 per month, and this charge is paid by the defendant. By comparison, each night in jail costs \$104, and unlike the SCRAM bracelet, the cost of incarceration is always borne by the City. The Casper Police Department spends \$1.5 million per year on adult prisoner care.

The key issue is the cost of responding to probation violations. A central feature of the Alcohol Court is a focus on rehabilitation through supervised probation. If the Court were to move away from supervised probation, then it is conceivable that a reliance on continued probation with SCRAM bracelets would be replaced with more jail time. Currently, the judge at the Alcohol Court will often respond to a second probation violation with a thirty or sixty day jail sentence. One person spending thirty or sixty days in jail will cost \$3,120 or \$6,240. If the closure of the alcohol court leads to a few dozen additional sentences like this, then it is easy imagine a budget impact of tens of thousands of dollars per year.

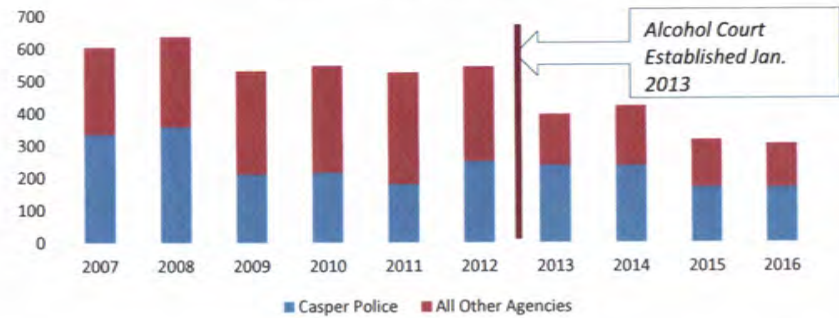
In summary:

- Closing the Alcohol Court would probably not impact the budget of the City Attorney's Office.
- Closing the Alcohol Court would probably reduce one judge's workload by about 12%, but this would not allow us to eliminate the position, so the reduction in workload would probably not result in any budget savings.
- Closing the Alcohol Court would probably reduce one Administrative Assistant's workload by about 25%. Reducing this position from full time to regular part time could result in budget savings of roughly \$12,576 per year.
- Closing the Alcohol Court might result in more jail time for DUI offenders, especially those who violate the terms of their probation. If this is the case, then the additional cost to the City would probably be tens of thousands of dollars per year.

### DUI Arrests in Natrona County, by Arresting Agency

Year	Casper Police	All Other Agencies	Total
2007	335	270	605
2008	359	278	637
2009	211	320	531
2010	216	331	547
2011	180	347	527
2012	250	294	544
2013	239	157	396
2014	238	184	422
2015	170	147	317
2016	169	135	304
<b>Total</b>	<b>2489</b>	<b>2593</b>	<b>5082</b>

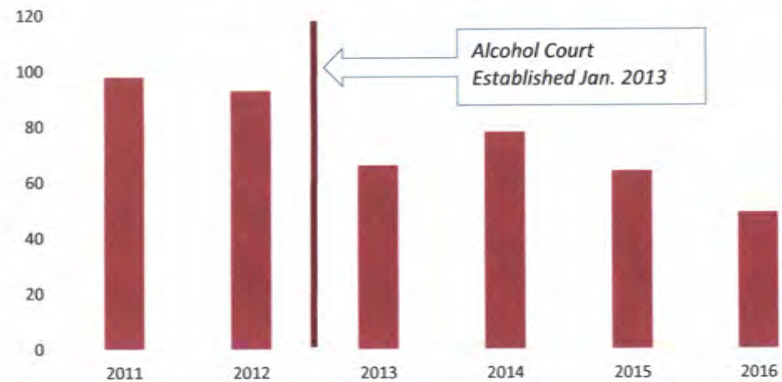
### DUI Arrests in Natrona County



### DUI Accidents in Natrona County

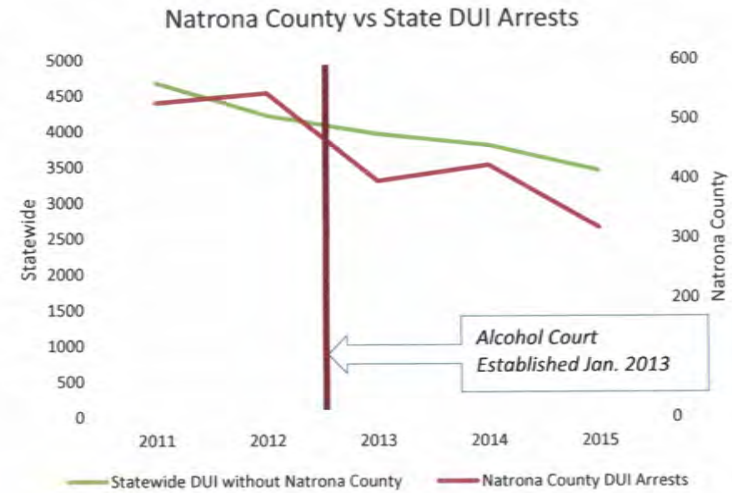
Year	DUI Related Accidents in Natrona County
2011	98
2012	93
2013	66
2014	78
2015	64
2016	49
<b>Total</b>	<b>448</b>

### DUI Related Accidents in Natrona County



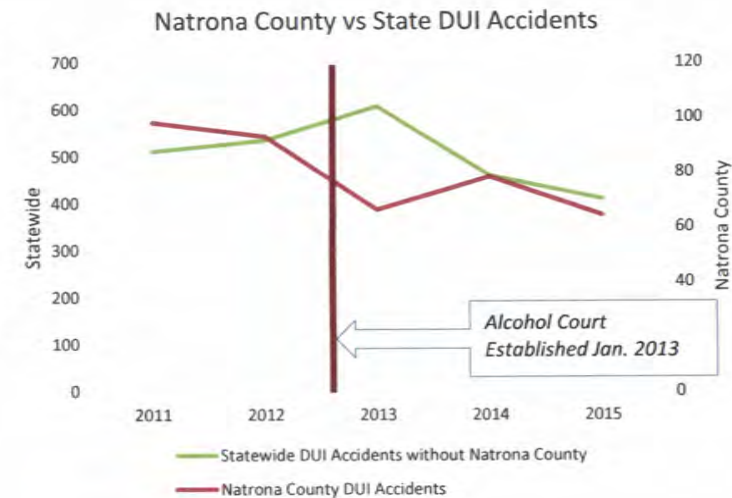
### ARREST DATA - COMPARISON TO STATEWIDE TREND

Year	Natrona County DUI Arrests	Statewide DUI without Natrona County	Natrona County Change from Previous Year	Statewide Change from Previous Year
2011	527	4672		
2012	544	4217	3%	-11%
2013	396	3957	-37%	-7%
2014	422	3794	6%	-4%
2015	317	3440	-33%	-10%

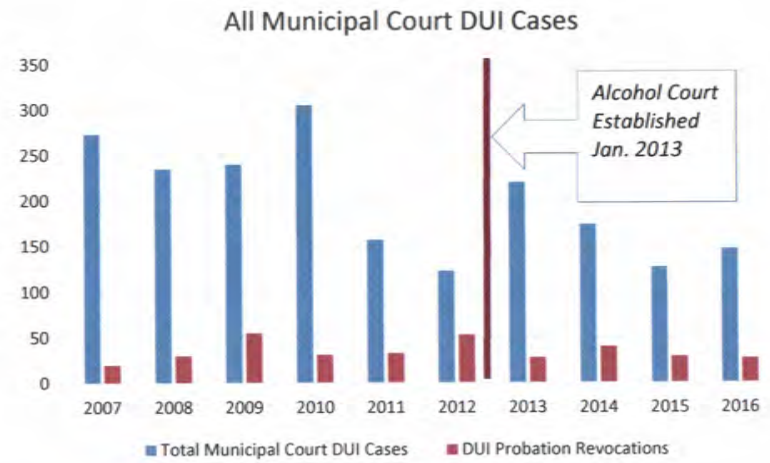


### ACCIDENT DATA - COMPARISON TO STATEWIDE TREND

Year	Natrona County DUI Accidents	Statewide DUI Accidents without Natrona County	Natrona County Change from Previous Year	Statewide Change from Previous Year
2011	98	511		
2012	93	534	-5%	4%
2013	66	605	-41%	12%
2014	78	458	15%	-32%
2015	64	408	-22%	-12%



Year	Total Municipal Court DUI Cases	DUI Probation Revocations	Ratio of Revocations to Cases
2007	273	20	7%
2008	235	30	13%
2009	240	55	23%
2010	305	31	10%
2011	157	33	21%
2012	123	53	43%
2013	220	28	13%
2014	174	40	23%
2015	127	29	23%
2016	147	27	18%




## COMPARATIVE RECIDIVISM RATES (REAPPEARANCE AT MUNICIPAL COURT)

Old Court	
<b>Total Number of First Time DWUI Cases</b>	1023
<b>Apparent Success</b>  Includes all of the first time DWUI cases seen by the old court if they have not reoffended, <u>and</u> they have had more than three years clean	998      98%
<b>Quick Recidivism</b>  Number of first time DWUI cases seen by the old court and they DID reoffend, AND it was less than three years apart	17      2%
<b>Recidivism, but long time in between</b>  Number of first time DWUI cases seen by the old court and they DID reoffend, but it was more than three years apart	8      1%

Alcohol Court	
<b>Total Number of First Time DWUI Cases</b>	550
<b>Apparent Success</b>  Includes 296 cases seen by the Alcohol Court where they have not reoffended <u>and</u> they have had more than three years clean. <u>Also includes</u> 245 cases wherein the person has not reoffended, but less than three years has gone by so far.	541      98%
<b>Quick Recidivism</b>  Number of first time DWUI cases first seen by alcohol court and they DID reoffend, AND the first and second cases were less than 3 yrs apart	9      2%

September 12, 2017

TO: His Honor, the Mayor, and Members of City Council

FROM: Robert J. Hand, Jr., Casper Municipal Court Judge 

SUBJECT: Sentencing of minor in possession of alcohol and public intoxication defendants.

**Meeting Type & Date**

Work Session, September 12, 2017

**Recommendation**

On behalf of the Municipal Court judges this recommendation is for the City Council to consider amending the sentencing ordinances to provide for the potential of up to six months incarceration for minor in possession of alcohol and public intoxication offenses. The current ordinances provide for a fine "only" not to exceed seven hundred fifty dollars. This recommendation is made to authorize the court to impose probation in appropriate cases, along with conditions of probation including assessments and counseling.

This recommendation is respectfully submitted as authorized by Rule 3.2 Wyoming Code Of Judicial Conduct. The information and recommendations contained herein are provided in connection with matters concerning the law, the legal system, the administration of justice and is based upon knowledge and expertise acquired in the course of judicial obligations.

**Summary**

Prior to October, 2016 the municipal court relied upon W.S. §7-13-302 along with other court rules and statutes to authorize a term of probation as part of any sentence so long as the term of probation did not exceed the six month statutory jurisdiction of the court. Last October, the District Court ruled that this court has no authority to impose probation or other sentencing conditions aside from a fine for any offense which does not provide for the potential of incarceration. This ruling affects the sentences authorized for many offenses, including minors in possession of alcohol and public intoxication. While the court stands behind the premise that W.S. §7-13-302 specifically authorizes all courts to impose probation as part of any offense within their jurisdiction, the court stopped using probation in any case which does not presently carry a potential jail sentence as part of the sentence.

Underage drinking can lead to other serious problems and other criminal conduct. We believe probation is an essential tool to assist our youthful offenders to avoid committing repeat and

more serious offenses. Probation authorizes the court to intervene, assess and treat the problems before they get worse or develop into life long addictions. Many of these offenders can, and have benefitted from being placed on probation and ordered to fulfill requirements. Furthermore, many parents appear with their children and specifically requests that their child be placed on probation. These parents seek assistance from the court to insure their children attend school, pass their grades, and if appropriate follow a therapist or doctor's recommendations. These parents justifiably expect the court is authorized to impose reasonable conditions in order to make positive changes. We believe the court is sending the wrong message that young offenders will get off with nothing more than a fine for under age drinking. The court is concerned about its ability to serve our community without having authority to impose any sanctions other than fines in many of these cases.

Public Intoxication offenders pose another challenge. While some of these offenders are employed and otherwise law abiding citizens, many are homeless, unemployed and have no ability to pay fines. Although the court offers community service to work-off fines incurred by indigent defendants, many of these offenders never complete their work. Some of them get re-arrested on new charges over and over again, sometimes on a daily basis. These offenders can accumulate substantial fines which ultimately result in their arrest for a Failure to Comply Warrant.

The costs of enforcing Failure to Comply Warrants can be significant when offenders accumulate substantial fines after repeated arrests. We believe that allowing for a potential jail sentence for Public Intoxication charges would significantly reduce the overall costs of addressing these offenders by allowing the court to impose a short jail sentence after which the offender is released without further financial obligation. Many public intoxication offenders also suggest a term of probation for their sentence.

### **Financial Considerations**

The potential for incarceration triggers the constitutional rights to trial by jury and court appointed attorneys for indigent defendants. Providing these rights will have some effects on the court's operating budget. Historically, jury trials are very rare, even with more serious offenses such as Driving Under the Influence where jail sentences are routinely imposed. While there may be some impacts, the court does not expect significant changes to the court's jury trial or court appointed attorney budget by implementing these proposed amendments.

### **Oversight/Project Responsibility**

Robert J. Hand, Jr., City of Casper Municipal Court Judge  
Hall of Justice  
Fifth Floor  
201 North David Street  
Casper, Wyoming 82601  
Phone: 307-235-8267



**Attachments**

Order Reversing and Remanding, Simonson v. City of Casper, filed October 7, 2016.

STATE OF WYOMING )  
 ) ss.  
COUNTY OF NATRONA )

IN THE DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT  
Civil Action No. 101278-C

SHAINA SIMONSON )  
 )  
 )  
Appellant, )  
 )  
vs. )  
 )  
CITY OF CASPER, )  
 )  
Appellee. )

**FILED**  
OCT 07 2016  
Gen. Tuma, Clerk of District Court  
By: *[Signature]*  
Deputy

**ORDER REVERSING AND REMANDING**

THE ABOVE-CAPTIONED MATTER comes before the Court on appeal from the Municipal Court of the City of Casper, Criminal Action Number 15-071284. On October 31, 2015, Peace Officers acting on behalf of the City of Casper (Appellee) issued Ms. Simonson (Appellant) a citation for allegedly violating Casper Municipal Ordinance 5.08.370: Minor in Possession of Alcohol by Consumption. On April 4, 2016, the Appellant entered a plea of no contest to the sole allegation against her and was subsequently sentenced. Appellant now appeals that Judgment. Finding the imposed sentence illegal, this Court reverses the decision of the trial court, vacates the Appellant's conviction in this matter, and remands the case for proceedings consistent with this Order.

**Issues Presented for Review**

***Appellant's Statement of the Issue***

Whether the trial court ordered an illegal sentence for a violation of Casper Municipal Ordinance 5.08.370 (Minor in Possession of Alcohol) which provides for a fine only by adding additional punishment as follows:

1. Sentencing the Appellant to six (6) months of unsupervised probation; and
2. Requiring the Appellant to complete twenty (20) hours of community service; and
3. Requiring the Appellant to attend Alive at 25 course.

(Brief of Appellant, at i.)

***Appellee's Statement of the Issue***

Whether the Casper Municipal Court's sentence of a fine and unsupervised probation to a charge of Minor in Possession of Alcohol by Consumption is an illegal sentence.

(Brief of Appellee, at 1.)

### Factual Background

At this point in the proceedings, the factual background in the case is undisputed. On October 31, 2015, officers of the Casper Police Department issued Appellant a citation for allegedly violating Casper Municipal Ordinance 5.08.370: Minor in Possession of Alcohol by Consumption. (ROA, Vol. I at 7.) On April 4, 2016, the Appellant changed her plea from not guilty to no contest. (ROA, Vol. I at 5.) That same day, the Municipal Court for the City of Casper, Wyoming, accepted her plea and sentenced Appellant as follows:

Fine: \$750 + \$10 court costs; suspended all but \$160 on condition that the defendant complete six (6) months of unsupervised probation under the following terms and conditions: Defendant shall lead a worthy law-abiding life; not violate any local, state, or federal law; shall not consume or possess any alcohol or unlawfully use any controlled substances; shall attend Alive at 25 with proof to the Court within ninety (90) days; shall complete 20 hours of community service with proof to the Court within sixty (60) days; shall notify the Court Office within ten (10) days of any change of address or employment; shall pay all fines and assessments as agreed to with the Court.

\$160 total fine amount due in full by 5:00 pm on 04/04/2016.

(ROA, Vol. I at 5.)

At sentencing, Appellant objected to the imposition of her sentence. Appellant argued the proposed sentence constituted an illegal sentence because the Municipal Court lacked jurisdiction to impose anything other than a fine. (Appellant's Br. at 3.) The Municipal Court noted the objection, denied Appellant's request for a stay of imposition of sentence, and issued a Judgment outlining Appellant's sentence. (ROA, Vol. I at 5.)

### Standard of Review

[T]he imposition of an illegal sentence is not within the discretion of a sentencing court. *In re CT*, 2006 WY 101, ¶ 8, 140 P.3d 643, 646 (Wyo.2006); *White v. State*, 934 P.2d 745, 746 (Wyo.1997) (An "error of law committed by the court under the circumstances" is an abuse of discretion.) (quoting *Garcia v. State*, 777 P.2d 603, 607 (Wyo.1989)). The question of whether a sentence is legal is a question of law which we review de novo. *Bird*, 2015 WY 108, ¶ 9, 356 P.3d at 267; *Manes v. State*, 2007 WY 6, ¶ 7, 150 P.3d 179, 181 (Wyo.2007); *Spencer v. State*, 2005 WY 105, ¶ 11, 118 P.3d 978, 982 (Wyo.2005); *Brown v. State*, 2004 WY 119, ¶ 7, 99 P.3d 489, 491 (Wyo.2004). A sentence is illegal when it "exceeds statutory limits, imposes multiple terms of imprisonment for the same offense, or otherwise violates constitutions or the law." *Manes*, 2007 WY 6, ¶ 7, 150 P.3d at 181; *Martinez v. State*, 2002 WY 10, ¶ 9, 39 P.3d 394, 396 (Wyo.2002); *Duran v. State*, 949 P.2d 885, 887 (Wyo.1997).

*Palmer v. State*, 2016 WY 46, ¶ 9, 371 P.3d 156, 158 (Wyo. 2016).

### Discussion

Appellant argues her sentence is illegal because the imposed punishment exceeds statutory limits and otherwise violates the law. Specifically, Appellant argues that because she was prosecuted under a Casper Municipal Code Section that dictates punishment as being purely monetary in nature, then the inclusion of anything other than a monetary fine at sentencing is illegal. (Appellant's Br., at 5.) Accordingly, Appellant requests this Court strike the illegal portions of the Judgment and remand the case for proper sentencing. (Appellant's Br., at 6.)

Conversely, Appellee argues that the imposed sentence is legal and that the terms and conditions of the imposed sentence are in harmony with, and are relevant to, the offense for which Appellant was convicted. (Appellee's Br., at 6.) Appellee contends that while the Appellant was prosecuted and convicted under a Casper Municipal Code Section that refers only to a monetary fine as a potential penalty for ordinance violation, the Appellant's sentence is legal because the additional requirements - successfully complete a probationary period including the requirements to complete a driving class and community service hours - are all specifically authorized by Wyoming State Statutes and other legal authority. (Appellee's Br., at 6.) Upon review, this Court finds merit in the Appellant's argument and remands the case for proceedings consistent with this Order.

#### ***Casper Municipal Code***

Wyoming Statute § 15-1-103(a)(xli) authorizes the governing bodies of Wyoming cities and towns to pass and enforce municipal ordinances:

(a) The governing bodies of all cities and towns may:

\*\*\*

(xli) Adopt ordinances, resolutions and regulations, including regulations not in conflict with this act and necessary for the health, safety and welfare of the city or town, necessary to give effect to the powers conferred by this act and, except as provided by paragraph (xlvii) of this subsection, enforce all ordinances by *imposing fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both.*

Wyo. Stat. Ann. § 15-1-103 (West 2016)(a)(xli) (*emphasis added*). Over the years, the governing body of the City of Casper, Wyoming, has adopted, and in some cases amended, a number of such ordinances, including the ordinance at issue in the pending appeal: Casper Municipal Ordinance 5.08.370 (“Casper MIP Ordinance”). (Ord. 2-95 § 1, 1994; Ord. 12-90 § 1, 1990; Ord. 8-88 § 6, 1988; Ord. 25-86 (part), 1986: prior code § 3-38). The Casper MIP Ordinance, in relevant part, reads:

- A. For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages.
- B. It is declared to be illegal and a violation of this chapter for any person under the age of twenty-one years to have alcoholic liquor or malt beverages in his or her possession...

\*\*\*

- C. It is declared to be illegal for any person *to attempt to commit* any offense under this section. Any person *convicted of such attempt is subject to fine or jail or both, which punishment may not exceed the maximum punishment prescribed for illegally possessing alcoholic liquor or malt beverages under this section.*

Casper Municipal Ordinance 5.08.370 (Ord. 2-95 § 1, 1994)(*emphasis added*).

Likewise, the governing body of the City of Casper passed, and later amended, Casper Municipal Ordinance 1.28.010 (“General Penalties Ordinance”). (Ord. 38-05 § 2, 2005; Ord. 22-00 § 1, 2000; Ord. 2-97 § 1, 1997; Ord. 25-96 § 1 (part), 1996; Ord. 10-93 § 1, 1993; Ord. 20-92 § 1, 1992; Ord. 19-92 § 1, 1992; Ord. 7-89 § 1, 1989; Ord. 55-87 § 1, 1987; Ord. 24-84 § 2, 1984; Ord. 21-81 § 1, 1981; Ord. 25-80 § 1, 1980; Ord. 23-80 § 1, 1980; prior code § 1-7(a)—(d), (g)). The General Penalties Ordinance provides, accordingly, the general penalties for code violations:

- A. Wherever in this code or any ordinance, rule or regulation promulgated by any officer or agency of the city of Casper under authority vested in him or it by law or ordinance, any act is prohibited, or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and *whenever a specific penalty is not provided* therefore, *the violation of any such provision* of this code, or any such ordinance, rule or regulation, *shall constitute a misdemeanor* and shall be punishable under this section, or amendments hereto.
- B. *Any misdemeanor committed in the city shall be punishable only by a fine of not more than seven hundred fifty dollars*, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, except as otherwise provided.

Casper Municipal Ordinance 1.28.010 (Ord. 38-05 § 2, 2005) (*emphasis added.*)

The same ordinance goes on, in subsection "E", to prescribe the specific penalty for violating the Casper MIP Ordinance:

- E. For a violation of city code Section 5.08.370 [Casper MIP Ordinance] committed and formally charged by the filing of a complaint in the municipal court for the city, the formal charge being filed under a single prior conviction in the municipal court for the city, for the same offense charged, ***the court shall fine the violator not less than one hundred fifty dollars, nor more than seven hundred fifty dollars,*** to which may be added court costs as set by the municipal court, but not to exceed ten dollars. For a subsequent conviction of this section within twelve months, the person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. For a third conviction within twenty-four months, the person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars.

Casper Municipal Ordinance 1.28.010(E) (Ord. 38-05 § 2, 2005) (hereinafter "Casper MIP Penalty") (*emphasis added.*)

Appellant argues that because the three ordinances at issue - the Casper General Penalties Ordinance, the Casper MIP Ordinance, and the Casper MIP Penalty Ordinance - do not contain any mention of jail time, probation, or any sentencing considerations other than a fine, then the sentencing court's imposition of anything other than a fine constitutes an illegal sentence. (Appellant's Br., at 4.) The plain language of the three ordinances, Appellant contends, mandates that the only permissible punishment for a violation of the Casper MIP statute is a fine, the maximum being in the amount of \$750. (Appellant's Br., at 5.)

Appellant asserts that because the ordinances do not dictate incarceration as a potential penalty for a conviction based upon a violation of the Casper MIP Ordinance, then the inclusion of a probationary period within a sentence for such a violation is illegal. (Appellant's Br., at 5.) In support of that assertion, Appellant relies on the case of *Hicklin v. State*, 535 P.2d 743 (Wyo. 1975), wherein the Wyoming Supreme Court held "that probation is constructive confinement and the restraints of probation cannot exceed a period in excess of the maximum term of imprisonment authorized by the statute violated." *Hicklin v. State*, 535 P.2d 743, 753 (Wyo. 1975). The *Hicklin* case, according to Appellant, prohibits the imposition of a probationary period within the Appellant's sentence because the penalty for violating the MIP

statute is a fine only. (Appellant's Br., at 5.) In the words of the Appellant, "[s]ince there is no jail sentence allowed by the Code, there can be no probation." (Appellant's Br., at 5.)

Appellee argues that the imposed sentence is legal and is supported by Wyoming State Statute, the Wyoming Rules of Criminal Procedure, and relevant case law. (Br. of Appellee, at 3.) Appellee maintains that Rule 32(e) of the Wyoming Rules of Criminal Procedure, Wyoming State Statute § 7-13-302, Wyoming State Statute § 7-13-1614, and the *Hicklin* case all vest the court with authority to sentence the Appellant as ordered. (Br. of Appellee, at 4-5.) Appellee further contends that the terms and conditions of the imposed sentence are relevant to the offense for which the Appellant stands convicted and are, therefore, permissible under the aforementioned authority. (Br. of Appellee, at 6.)

The parties in this matter are disagreeing on what is permissible punishment for violating the Casper MIP Ordinance. In order to resolve this issue, this Court must interpret the Casper MIP Ordinance and the Casper MIP Penalty Ordinance, along with related provisions, to determine whether the trial court correctly and legally sentenced the Appellant. For that, this Court turns to the well-established rules of statutory interpretation. (*KP v. State*, 2004 WY 165, ¶ 22, 102 P.3d 217, 224 (Wyo. 2004) ("The rules of statutory construction are well-established.")

#### ***Statutory Interpretation***

When construing statutes,

if the statutory language is clear and unambiguous, we must abide by the plain meaning of the statute. *Adobe Oil & Gas Corporation v. Getter Trucking, Inc.*, Wyo., 676 P.2d 560 (1984). If a statute is ambiguous, however, we will resort to general principles of statutory construction in the effort to ascertain legislative intent. *State v. Sodergren*, Wyo., 686 P.2d 521 (1984). A statute which is uncertain and susceptible of more than one meaning is ambiguous. *McArtor v. State*, Wyo., 699 P.2d 288 (1985). In addition, we have said that "[s]tatutes should be given a reasonable, practical construction." *State Bd. of Equalization v. Cheyenne Newspapers, Inc.*, Wyo., 611 P.2d 805, 809 (1980). Further, "all portions of an act must be read in *pari materia*, and every word, clause and sentence of it must be considered so that no part will be inoperative or superfluous," *Hamlin v. Transcon Lines*, Wyo., 701 P.2d 1139, 1142 (1985), and a statute should not be construed to render any portion of it meaningless, *Reliance Ins. Co. v. Chevron U.S.A. Inc.*, Wyo., 713 P.2d 766 (1986), or in a manner producing absurd results, *State v. Sodergren*, *supra*. Also, ambiguity in a criminal statute should be resolved in favor of lenity. *Capwell v. State*, Wyo., 686 P.2d 1148 (1984).

*KP v. State*, 2004 WY 165, ¶ 22, 102 P.3d 217, 224 (Wyo. 2004) (citing *Story v. State*, 755 P.2d 228, 231 (Wyo. 1988); see also *Odhinn v. State*, 2003 WY 169, ¶¶ 13, 14, 82 P.3d 715, ¶¶ 13, 14 (Wyo. 2003); *McAdams v. State*, 907 P.2d 1302, 1304 (Wyo. 1995)). Additionally,

All statutes must be construed *in pari materia* and, in ascertaining the meaning of a given law, all statutes relating to the same subject or having the same general purpose must be considered and construed in harmony. Statutory construction is a question of law, so our standard of review is *de novo*. We endeavor to interpret statutes in accordance with the legislature's intent. We begin by making an inquiry respecting the ordinary and obvious meaning of the words employed according to their arrangement and connection. We construe the statute as a whole, giving effect to every word, clause, and sentence, and we construe all parts of the statute *in pari materia*. When a statute is sufficiently clear and unambiguous, we give effect to the plain and ordinary meaning of the words and do not resort to the rules of statutory construction. We must not give a statute a meaning that will nullify its operation if it is susceptible of another interpretation. Moreover, we will not enlarge, stretch, expand, or extend a statute to matters that do not fall within its express provisions. *Muller v. Jackson Hole Mountain Resort*, 2006 WY 100, ¶ 9, 139 P.3d 1162, 1166 (Wyo. 2006) (quoting *Sponsel v. Park County*, 2006 WY 6, ¶ 9, 126 P.3d 105, 108 (Wyo. 2006)).

*Johnson v. City of Laramie*, 2008 WY 73, ¶ 7, 187 P.3d 355, 357 (Wyo. 2008).

Giving the terms used in the Casper MIP Penalty Ordinance their ordinary and obvious meaning; this Court finds that the ordinance clearly limits the penalty for violating the Casper MIP Ordinance to a fine - only - of "not less than one hundred fifty dollars, nor more than seven hundred fifty dollars." Casper Municipal Ordinance 1.28.010(E). There is no discussion of a potential penalty of incarceration. Casper Municipal Ordinance 1.28.010(E). The ordinance, and the penalty dictated therein, is clear on its face. "The plain English, understandable language of the statute speaks for itself and, therefore, settles the question." *Jones ex rel. Jones v. State, Dep't of Health*, 2001 WY 28, ¶ 12, 18 P.3d 1189, 1194 (Wyo. 2001).

Even if this Court were to look further into the ordinance, reading the Casper MIP Penalty Ordinance *in pari materia* with other relevant ordinances and statutes further supports the Court's holding. Wyoming State Statute § 15-1-103(a)(xli) grants municipalities the power to adopt and enforce ordinances. See Wyo. Stat. Ann. § 15-1-103(a)(xli). Under the authority vested by that Statute, municipalities may enforce adopted ordinances through the imposition of monetary fine not exceeding \$750, *or* through the imposition of a term of imprisonment not exceeding six (6) months, *or* both. Wyo. Stat. Ann. § 15-1-103(a)(xli) (*emphasis added*.) When



the governing body for the City of Casper enacted the Casper MIP Penalty Ordinance, it clearly made the decision to enforce the Casper MIP Ordinance by imposing a fine of not less than \$150 but not more than \$750. Casper Municipal Ordinance 1.28.010(E).

Although it was clearly within its power to do so, the governing body did not include any term of imprisonment as a potential penalty when it enacted the Casper MIP Ordinance, the Casper MIP Penalty Ordinance, or even in the General Penalty Ordinance. *See* Casper Municipal Ordinance 5.08.370; Casper Municipal Ordinance 1.28.010(E); Casper Municipal Ordinance 1.28.010). This Court finds the language of the General Penalty Ordinance particularly clear: "Any misdemeanor committed in the city shall be punishable only by a fine of not more than seven hundred fifty dollars...except as otherwise provided." Casper Municipal Ordinance 1.28.010. The governing body of the City of Casper did, however, specifically include a term of incarceration as a potential penalty for the violation of other ordinances. *See e.g.* Casper Municipal Ordinance 1.28.010(D) (specifying incarceration period for property destruction); Casper Municipal Ordinance 1.28.010(F) (dictating minimum fines and incarceration period for furnishing alcohol to minors). Casper Municipal Ordinance 1.28.010(c), for example, states:

For the following specific misdemeanors...the court shall have the power to fine under the authority of subsection B of this section [General Penalty Section], or may order incarceration for a period not to exceed six months, or both, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, the specific violations, or amendments thereto, being:

1. Assault and battery, in violation of Section 9.08.010 of this code;
2. Destroying, defacing, etc., of property, in violation of Section 9.12.080 of this code;
3. Disturbing the peace generally, in violation of Section 9.20.010 of this code;
4. False fire alarms and related offenses, in violation of the pertinent provisions of the Uniform Fire Code, as adopted by the city and in force at the time of the offense;
5. False report of crime, in violation of Section 9.04.030 of this code;
6. Fighting; disturbing public gatherings, in violation of Section 9.20.020 of this code;
7. Firearms, discharge, in violation of Section 9.44.030 of this code;
8. Impersonating officers, in violation of Section 9.04.040 of this code;
9. Indecent exposure, in violation of Section 9.24.020 of this code;
10. Peeping Toms, in violation of Section 9.24.070 of this code;

11. Prostitution, lewdness, etc., allowing on premises; transporting for such purposes; remaining on premises where carried on; engaging in, soliciting, etc.; defined, in violation of Section 9.24.040 of this code;
12. Resisting arrest; interfering with police officers generally, in violation of Section 9.04.010 of this code;
13. Shoplifting, in violation of Section 9.12.020 of this code;
14. Telephone calls, failure to give name and address; harassment, disturbance, etc.; misuse; extorting money, etc.; threatening violence, in violation of Sections 9.20.030, 9.20.040 and 9.20.050 of this code;
15. Theft, personal property, in violation of Section 9.12.010 of this code;
16. Throwing stones, etc., in violation of Section 9.44.010 of this code;
17. Trespassing, prohibited generally, in violation of Section 9.12.030 of this code;
18. Weapons, carrying prohibited, in violation of Section 9.44.020 of this code;
19. Reckless driving, in violation of Section 31-5-229 of the Wyoming Statutes, as adopted by Section 10.04.010 of the city code;
20. Eluding a police officer, in violation of Section 31-5-225 of the Wyoming Statutes, as adopted by Section 10.04.010 of the city code;
21. Driving while license suspended or revoked, prohibited, in violation of Section 10.12.040 of this code;
22. Leaving the scene of an accident, in violation of Section 10.56.010 of this code;
23. Failure to maintain liability insurance coverage, in violation of Section 10.12.050 of this code.

Casper Municipal Ordinance 1.28.010(c). Given the plain language of the Casper Municipal Ordinances, this Court finds that the ordinances at issue in this appeal are clear and unambiguous. The Court agrees with the Appellant that the Casper MIP Ordinance and accompanying Casper MIP Penalty Ordinance dictate that the only potential penalty for violating the Casper MIP Ordinance is a fine of between \$150 and \$750 dollars. This Court declines to “enlarge, stretch, expand, or extend a statute to matters that do not fall within its express provisions.” *Johnson*, 187 P.3d at 357.

***Probation and “Constructive Confinement”***

Despite the plain language of the ordinances at issue in this appeal, Appellee argues that Wyoming State Statute § 7-13-302 authorized the sentencing court in this matter to impose a term of probation on the Appellant. This Court does not agree. Wyoming State Statute § 7-13-302 states:

(a) After conviction or plea of guilty for any offense, except crimes punishable by death or life imprisonment, and following entry of the judgment of conviction, the court may:

(i) Suspend the imposition or execution of sentence and place the defendant on probation; or

(ii) Impose a fine applicable to the offense and place the defendant on probation.

Wyo. Stat. Ann. § 7-13-302 (West 2016). Appellee's position is, therefore, that Wyo. Stat. Ann. § 7-13-302 permits the imposition of a probationary period in every prosecution brought under any Casper Municipal Code Ordinance. Put another way, Appellee's interpretation dictates that probation is a potential penalty for ordinance violations, even if the ordinance specifically excludes incarceration as a potential penalty. This Court disagrees with that interpretation.

In support of their respective arguments, both parties in this matter rely on the case of *Hicklin v. State*, 535 P.2d 743 (Wyo. 1975). In *Hicklin*, the Wyoming Supreme Court eloquently discussed the gravity and extent of placing a defendant on probation:

At first blush, it may appear that a trial court is given unlimited authority as to the length of probation. That is not so, when we analyze what probation actually is. It is not forgiveness, though it may be a form of limited grace to the worthy.

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A person on probation is not serving a sentence but is in a status something less than imprisonment that follows upon suspension of sentence. It connotes an absence of the rigors of confinement in a penitentiary, but at the same time is a substitute for complete imprisonment. Probation is indeed a punitive sanction. It is imposed only upon convicted criminals, and results in a considerable restriction upon their liberty as well as intrusions upon their private lives...It is a loss of a part of cherished liberty in that freedom of movement and activity is restricted...Probation is in no sense a regime of unlimited freedom. A probationer is a convict without bars with a sword of threat hanging over his head, that for a deviation the doors may be slammed shut on him.

*Hicklin*, 535 P.2d at 752–53. In recognizing both the freeing possibilities as well as the restrictive restraints that probation places on a defendant's liberty, the Wyoming Supreme Court, in *Hicklin*, made it clear that the "authority over sentencing comes from the legislature." *Hicklin*, 535 P.2d at 752. The Court felt compelled to restrain a trial court's unbridled authority to individually dictate the length of probation and, accordingly, went on to conclude "that probation is constructive confinement and the restraints of probation cannot exceed a period in excess of the maximum term of imprisonment authorized by the statute violated." *Id.*

Given the fact that the governing body of Casper enacted ordinances that specifically delineate which offenses carry a potential period of incarceration - while simultaneously purposely and specifically excluding those violations that the governing body did not believe should carry a potential term of imprisonment - adopting the Appellant's position in this matter would render the Casper Municipal Ordinances meaningless. There is simply not a need to have municipal ordinances if their meaning is to be given little force and effect. This Court declines to make such an interpretation. *See City of Casper v. Holloway*, 2015 WY 93, ¶ 37, 354 P.3d 65, 75-76 (Wyo. 2015); *see also N. Laramie Range Found. v. Converse Cty. Bd. of Cty. Comm'rs*, 2012 WY 158, ¶ 78, 290 P.3d 1063, 1089 (Wyo. 2012) ("A basic tenet of statutory construction is that we do not interpret statutes in such a way to render any portion meaningless."); *McTiernan v. Jellis*, 2013 WY 151, ¶ 20, 316 P.3d 1153, 1160 (Wyo. 2013) ("Statutes must be construed so that no portion is rendered meaningless. Interpretation should not produce an absurd result.") (citation and quotation marks omitted.)

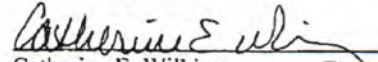
The interpretation advanced by the Appellee requires this Court to read penalty provisions into the Casper Ordinances that simply do not exist. This Court must abide by the well-settled rules of statutory interpretation. "Where the language of a statute is plain, unambiguous, and conveys a clear and definite meaning, there is no occasion for resorting to rules of statutory interpretation; and the court has no right to look for or impose another meaning. We are not at liberty to usurp the authority of the legislature and rewrite a statute or impose any other meaning on a statute beyond its unambiguous terms." *Jones ex rel. Jones*, 18 P.3d at 1194 (citations omitted). The Casper MIP Ordinance and accompanying MIP Penalty Ordinance, by their clear and unambiguous terms, dictate that the penalty for violating the Casper MIP Ordinance is a fine only. The Court agrees with the Appellant that because there is not a period of incarceration outlined as a potential penalty in the Casper MIP Ordinances, the sentencing court cannot include a term of probation in the Judgment. Because the sentence the Appellant received in this matter exceeds statutory limits and otherwise violates the law, this Court finds the sentence imposed on the Appellant illegal.

**Conclusion**

IT IS HEREBY ORDERED that the "Judgment" entered in this matter on April 4, 2016, and the sentence contained therein, be, and hereby is, Reversed. The matter is hereby remanded to the Municipal Court for the City of Casper for sentencing in accord with this Order.

DATED: ~~September~~ <sup>October</sup> 7, 2016.

BY THE COURT:

  
Catherine E. Wilking  
District Court Judge

copies to: Dallas J. Laird  
Gary G. Way

August 31, 2017

TO: J. Carter Napier, City Manager *JCN*  
FROM: William C. Luben, City Attorney *WCL*  
SUBJECT: Municipal Court Sentencing Issues for Minors Being in Possession of Alcohol

**RECOMMENDATION:**

No recommendation is being made, this memo being for the purpose of advising the Casper City Council of the issues surrounding the prosecution of minors in possession of alcohol in the Casper Municipal Court.

**SUMMARY:**

A recent Wyoming Supreme Court case found that municipal courts do not have the authority to place an individual on probation for being a minor in possession of alcohol, unless the enabling ordinance provides for jail time for a term that is equal to or greater than the order of probation.

The Casper Municipal Court, has, for years, entered probation orders for individuals convicted of being minors in possession of alcohol, being a practice that was also being done by several other municipal courts across the State of Wyoming. Council has asked for a discussion on this matter, and this memo has been prepared with that in mind.

Attached to this memo are copies of two of the Casper Municipal Code Ordinances at issue in this matter, being § 5.08.370 regarding “Minors in Possession of Alcohol or Public Intoxication,” and the penalty section for this offense as contained in § 1.28.010, specifically § 1.28.010(E). This penalty section does not contain jail time as a possible penalty for being a minor in possession of alcohol. It only provides for fines for this offense.

Wyoming law provides for a single point of entry for juveniles under the age of 18 years of age who are charged with being a minor in possession of alcohol. These charges are then screened by the Natrona County District Attorney’s Office in order to determine whether or not the matter should be treated as a deferred prosecution, referred to the Municipal Court or Circuit Court for prosecution, or to Juvenile Court for further proceedings. Due to the single point of entry provisions, the Casper Municipal Court generally only deals with minors who are between the age of 18 and 21 who have been charged as being minors in possession of alcohol.

Under § 12-6-101(c) of the State Statutes, possession of alcohol by a minor is a misdemeanor, which can carry a fine of up to \$750 and/or jail time up to six months. As a result, the Circuit Courts have the authority to enter probation orders for individuals convicted of this offense, due to the fact that the enabling state statute provides for a jail sentence. In this regard, the Circuit

Court would have authority under the Supreme Court decisions to enter a probation order of up to six months.

In addition to the general probation program available the Circuit Court, this Court has a separate probation program for these offenders, which the Court uses to attempt to help these offenders with any alcohol issues, and to try to aid them in graduating from high school, if they have not already done so.

Due to the above, in my opinion, that Council has the following options to consider regarding this issue:

1. Amend § 1.28.010(E) of the Casper Municipal Code to provide for a maximum jail sentence of six months and/or a fine of \$750. By adding jail time to this provision, the Municipal Court will then have the power to enter probation orders for minors who would come before the Court on a charge of being a minor in possession of alcohol. However, by instituting jail time for this offense, an offender will have the right to request a jury trial, and also to have court appointed legal counsel to represent them if they are indigent.

2. Leave the sentencing Ordinance as it is, in which event, the Municipal Court will simply have the power to fine individuals charged with being a minor in possession of alcohol, and will not have the power to enter orders of probation.

3. Repeal § 5.08.370 and its penalty section, being § 1.28.010(E) of the Casper Municipal Code, which makes it a crime under the Casper Municipal Code for an individual to be a minor in possession of alcohol. This would result in all tickets for this offense being written to the Circuit Court, which already has the power to enter probation orders.

Please feel free to contact my office, should you have any questions concerning any of the above.

5.08.370 - Minors—Possession of alcohol or public intoxication.

- A. For the purpose of this section "possess" includes the consumption of, or the actual possession of alcoholic liquor or malt beverages.
- B. It is declared to be illegal and a violation of this chapter for any person under the age of twenty-one years to have alcoholic liquor or malt beverages in his or her possession, or to be drunk or under the influence of alcoholic liquor or malt beverages on any street or highway or in any public place. Provided, however, this subsection does not apply to possession of alcoholic liquor or malt beverages by a person under the age of twenty-one years:
  - 1. When making delivery of alcoholic or malt beverages pursuant to his lawful employment;
  - 2. Who is in the physical presence of his or her parents or legal guardian;
  - 3. When dispensing or serving alcoholic or malt beverages or otherwise working in dispensing room pursuant to his or her employment, if the person was at least nineteen years of age on the effective date of the ordinance codified in this section. This subdivision does not apply to persons otherwise authorized to serve alcoholic malt beverages under subdivision 4 of this subsection;
  - 4. Is a licensee under this title; or
  - 5. When serving alcoholic or malt beverages pursuant to his or her employment in a restaurant which holds a license to serve alcoholic or malt beverages, if the person is at least eighteen years of age.
- C. It is declared to be illegal for any person to attempt to commit any offense under this section. Any person convicted of such attempt is subject to fine or jail or both, which punishment may not exceed the maximum punishment prescribed for illegally possessing alcoholic liquor or malt beverages under this section.

(Ord. 2-95 § 1, 1994; Ord. 12-90 § 1, 1990; Ord. 8-88 § 6, 1988; Ord. 25-86 (part), 1986: prior code § 3-38)



## Chapter 1.28 - GENERAL PENALTY

### Sections:

#### 1.28.010 - Penalties for code violations.

- A. Wherever in this code or any ordinance, rule or regulation promulgated by any officer or agency of the city of Casper under authority vested in him or if by law or ordinance, any act is prohibited, or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and whenever a specific penalty is not provided therefor, the violation of any such provision of this code, or any such ordinance, rule or regulation, shall constitute a misdemeanor and shall be punishable under this section, or amendments hereto.
- B. Any misdemeanor committed in the city shall be punishable only by a fine of not more than seven hundred fifty dollars, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, except as otherwise provided.
- C. For the following specific misdemeanors committed and formally charged by the filing of a complaint in the municipal court for the city, the formal charge being filed within one year of any prior conviction of the same offense charged under this code or under any other law prohibiting the same offense, the court shall have the power to fine under the authority of subsection B of this section, or may order incarceration for a period not to exceed six months, or both, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, the specific violations, or amendments thereto, being:
  - 1. Assault and battery, in violation of Section 9.08.010 of this code;
  - 2. Destroying, defacing, etc., of property, in violation of Section 9.12.080 of this code;
  - 3. Disturbing the peace generally, in violation of Section 9.20.010 of this code;
  - 4. False fire alarms and related offenses, in violation of the pertinent provisions of the Uniform Fire Code, as adopted by the city and in force at the time of the offense;
  - 5. False report of crime, in violation of Section 9.04.030 of this code;
  - 6. Fighting; disturbing public gatherings, in violation of Section 9.20.020 of this code;
  - 7. Firearms, discharge, in violation of Section 9.44.030 of this code;
  - 8. Impersonating officers, in violation of Section 9.04.040 of this code;
  - 9. Indecent exposure, in violation of Section 9.24.020 of this code;
  - 10. Peeping Toms, in violation of Section 9.24.070 of this code;
  - 11. Prostitution, lewdness, etc., allowing on premises; transporting for such purposes; remaining on premises where carried on; engaging in, soliciting, etc.; defined, in violation of Section 9.24.040 of this code;
  - 12. Resisting arrest; interfering with police officers generally, in violation of Section 9.04.010 of this code;
  - 13. Shoplifting, in violation of Section 9.12.020 of this code;
  - 14. Telephone calls, failure to give name and address; harassment, disturbance, etc.; misuse; extorting money, etc.; threatening violence, in violation of Sections 9.20.030, 9.20.040 and 9.20.050 of this code;
  - 15. Theft, personal property, in violation of Section 9.12.010 of this code;
  - 16. Throwing stones, etc., in violation of Section 9.44.010 of this code;

17. Trespassing, prohibited generally, in violation of Section 9.12.030 of this code;
  18. Weapons, carrying prohibited, in violation of Section 9.44.020 of this code;
  19. Reckless driving, in violation of Section 31-5-229 of the Wyoming Statutes, as adopted by Section 10.04.010 of the city code;
  20. Eluding a police officer, in violation of Section 31-5-225 of the Wyoming Statutes, as adopted by Section 10.04.010 of the city code;
  21. Driving while license suspended or revoked, prohibited, in violation of Section 10.12.040 of this code;
  22. Leaving the scene of an accident, in violation of Section 10.56.010 of this code;
  23. Failure to maintain liability insurance coverage, in violation of Section 10.12.050 of this code.
- D. In the event a person acting without the permission or authority of the owner or person in lawful possession or control of the subject property, causes injury or destruction to any private or public property, in violation of Section 9.12.080 of this code, and by the wilful use of a motor vehicle or paint, upon conviction, he or she shall be punished for such violation by the imposition of a fine in the amount of not less than seven hundred fifty dollars, one-half of which may be suspended in the judgment of the court, upon the condition that restitution is made for the destruction or injury. In addition, for first such violations of Section 9.12.080 of this code, persons shall be sentenced to not less than five days incarceration. No part of the aforementioned incarceration sentence may be suspended for any reason. For the purpose of this subsection, "injury" means any damage to the property, the cost of repairing which exceeds twenty-five dollars.
- E. For a violation of city code Section 5.08.370 committed and formally charged by the filing of a complaint in the municipal court for the city, the formal charge being filed under a single prior conviction in the municipal court for the city, for the same offense charged, the court shall fine the violator not less than one hundred fifty dollars, nor more than seven hundred fifty dollars, to which may be added court costs as set by the municipal court, but not to exceed ten dollars. For a subsequent conviction of this section within twelve months, the person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. For a third conviction within twenty-four months, the person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars.
- F. For a first offense violation of Section 5.08.360 of this code and upon conviction thereof, such person shall be punished by a fine of not less than three hundred fifty dollars, but not more than seven hundred fifty dollars. For a second conviction of this section within twelve months, such person shall be punished by incarceration for no less than five days, but no more than six months, and a fine of not less than five hundred dollars, but not more than seven hundred fifty dollars.
- G. In addition to any other penalty allowed by this section, the court may impose a term of probation not to exceed one year for a conviction of assault and battery, in violation of Section 9.08.010 of this code.
- H. The municipal judge(s) shall have the authority to establish a bond schedule for each offense over which the municipal court has jurisdiction in such amounts as they, in their sole discretion, deem appropriate.

(Ord. 38-05 § 2, 2005; Ord. 22-00 § 1, 2000; Ord. 2-97 § 1, 1997; Ord. 25-96 § 1 (part), 1996; Ord. 10-93 § 1, 1993; Ord. 20-92 § 1, 1992; Ord. 19-92 § 1, 1992; Ord. 7-89 § 1, 1989; Ord. 55-87 § 1, 1987; Ord. 24-84 § 2, 1984; Ord. 21-81 § 1, 1981; Ord. 25-80 § 1, 1980; Ord. 23-80 § 1, 1980; prior code § 1-7(a)—(d), (g))

1.28.020 - Each day to constitute separate offense.

Each day any violation of this code or any such ordinance, rule or regulation continues shall constitute a separate offense.

(Prior code § 1-7(f))

## Chapter 1.28

### GENERAL PENALTY

**Sections:**

<b>1.28.010</b>	<b>Penalties for code violations.</b>
<b>1.28.020</b>	<b>Each day to constitute separate offense.</b>

**1.28.010 Penalties for code violations.**

A. Wherever in this code or any ordinance, rule or regulation promulgated by any officer or agency of the city of Casper under authority vested in him or if by law or ordinance, any act is prohibited, or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and whenever a specific penalty is not provided therefor, the violation of any such provision of this code, or any such ordinance, rule or regulation, shall constitute a misdemeanor and shall be punishable under this section, or amendments hereto.

B. Any misdemeanor committed in the city shall be punishable only by a fine of not more than seven hundred fifty dollars, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, except as otherwise provided.

C. For the following specific misdemeanors committed and formally charged by the filing of a complaint in the municipal court for the city, the formal charge being filed within one year of any prior conviction of the same offense charged under this code or under any other law prohibiting the same offense, the court shall have the power to fine under the authority of subsection B of this section, or may order incarceration for a period not to exceed six months, or both, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, the specific violations, or amendments thereto, being:

1. Assault and battery, in violation of Section 9.08.010 of this code;
2. Destroying, defacing, etc., of property, in violation of Section 9.12.080 of this code;
3. Disturbing the peace generally, in violation of Section 9.20.010 of this code;
4. False fire alarms and related offenses, in violation of the pertinent provisions of the Uniform Fire Code, as adopted by the city and in force at the time of the offense;
5. False report of crime, in violation of Section 9.04.030 of this code;
6. Fighting; disturbing public gatherings, in violation of Section 9.20.020 of this code;
7. Firearms, discharge, in violation of Section 9.44.030 of this code;

8. Impersonating officers, in violation of Section 9.04.040 of this code;

9. Indecent exposure, in violation of Section 9.24.020 of this code;

10. Peeping Toms, in violation of Section 9.24.070 of this code;

11. Prostitution, lewdness, etc., allowing on premises; transporting for such purposes; remaining on premises where carried on; engaging in, soliciting, etc.; defined, in violation of Section 9.24.040 of this code;

12. Resisting arrest; interfering with police officers generally, in violation of Section 9.04.010 of this code;

13. Shoplifting, in violation of Section 9.12.020 of this code;

14. Telephone calls, failure to give name and address; harassment, disturbance, etc.; misuse; extorting money, etc.; threatening violence, in violation of Sections 9.20.030, 9.20.040 and 9.20.050 of this code;

15. Theft, personal property, in violation of Section 9.12.010 of this code;

16. Throwing stones, etc., in violation of Section 9.44.010 of this code;

17. Trespassing, prohibited generally, in violation of Section 9.12.030 of this code;

18. Weapons, carrying prohibited, in violation of Section 9.44.020 of this code;

19. Reckless driving, in violation of Section 31-5-229 of the Wyoming Statutes, as adopted by Section 10.04.010 of the city code;

20. Eluding a police officer, in violation of Section 31-5-225 of the Wyoming Statutes, as adopted by Section 10.04.010 of the city code;

21. Driving while license suspended or revoked, prohibited, in violation of Section 10.12.040 of this code;

22. Leaving the scene of an accident, in violation of Section 10.56.010 of this code;

23. Failure to maintain liability insurance coverage, in violation of Section 10.12.050 of this code.

D. In the event a person acting without the permission or authority of the owner or person in lawful possession or control of the subject property, causes injury or destruction to any private or public property, in violation of Section 9.12.080 of this code, and by the wilful use of a motor vehicle or paint, upon conviction, he or she shall be punished for such violation by the imposition of a fine in the amount of not less than seven hundred fifty dollars, one-half of which may be suspended in the judgment of the court, upon the condition that restitution is made for the destruction or injury. In addition, for first such violations of Section 9.12.080 of this code, persons shall be sentenced to not less than five days incarceration. No part

of the aforementioned incarceration sentence may be suspended for any reason. For the purpose of this subsection, "injury" means any damage to the property, the cost of repairing which exceeds twenty-five dollars.

E. For a violation of city code Section 5.08.370 committed and formally charged by the filing of a complaint in the municipal court for the city, the formal charge being filed under a single prior conviction in the municipal court for the city, for the same offense charged, the court shall fine the violator not less than one hundred fifty dollars, nor more than seven hundred fifty dollars, to which may be added court costs as set by the municipal court, but not to exceed ten dollars. For a subsequent conviction of this section within twelve months, the person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. For a third conviction within twenty-four months, the person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars.

F. For a first offense violation of Section 5.08.360 of this code and upon conviction thereof, such person shall be punished by a fine of not less than three hundred fifty dollars, but not more than seven hundred fifty dollars. For a second conviction of this section within twelve months, such person shall be punished by incarceration for no less than five days, but no more than six months, and a fine of not less than five hundred dollars, but not more than seven hundred fifty dollars.

G. In addition to any other penalty allowed by this section, the court may impose a term of probation not to exceed one year for a conviction of assault and battery, in violation of Section 9.08.010 of this code.

H. The municipal judge(s) shall have the authority to establish a bond schedule for each offense over which the municipal court has jurisdiction in such amounts as they, in their sole discretion, deem appropriate. (Ord. 38-05 § 2, 2005; Ord. 22-00 § 1, 2000; Ord. 2-97 § 1, 1997; Ord. 25-96 § 1 (part), 1996; Ord. 10-93 § 1, 1993; Ord. 20-92 § 1, 1992; Ord. 19-92 § 1, 1992; Ord. 7-89 § 1, 1989; Ord. 55-87 § 1, 1987; Ord. 24-84 § 2, 1984; Ord. 21-81 § 1, 1981; Ord. 25-80 § 1, 1980; Ord. 23-80 § 1, 1980; prior code § 1-7(a)—(d), (g))

**1.28.020      Each day to constitute separate offense.**

Each day any violation of this code or any such ordinance, rule or regulation continues shall constitute a separate offense. (Prior code § 1-7(f))

2017 WY 86

CITY OF CASPER, WYOMING, A WYOMING MUNICIPAL CORPORATION, Petitioner,

v.

SHAINA SIMONSON, Respondent.

No. S-16-0247

Supreme Court of Wyoming

July 28, 2017

Original Proceeding Petition for Writ of Review District Court of Natrona County Honorable Catherine E. Wilking, Judge

Gary G. Way, Assistant City Attorney, Casper, Wyoming Representing Petitioner

Dallas J. Laird, Attorney at Law, Casper, Wyoming Representing Respondent

Before BURKE, C.J., and HILL, DAVIS, FOX, and KAUTZ, JJ.

DAVIS, Justice.

[¶1] Shaina Simonson claimed in a district court appeal that the probationary portion of a sentence imposed by the municipal court in Casper was illegal. The district court agreed, and the City of Casper challenged that ruling by filing a petition for a writ of review.<sup>[1]</sup> We grant the writ of review, and we affirm the district court.

ISSUES

[¶2] The City poses a single question:

Does a municipal court have the power to impose a term of probation on a defendant if the ordinance governing the offense committed provides for punishment only by a fine?

We instructed the parties to also brief the issue of whether the City should be granted, in light of *City of Sheridan v. Cadle*, 24 Wyo. 293, 157 P. 892 (1916), and *City of Laramie v. Mengel*, 671 P.2d 340 (Wyo. 1983), a writ of review.

FACTS

[¶3] At approximately 1:00 a.m. on October 31, 2015, two Casper police officers responded to a complaint of loud music being played at what appeared to be a party at a residence on South Elk Street. After investigation, the officers

arrested the twenty-year-old host of the festivities, whose mother was not home, and issued citations to ten other individuals between the ages of seventeen and twenty for violating Casper Municipal Code § 5.08.370(A) and (B).<sup>[2]</sup> Ms. Simonson, who was eighteen at the time, was one of those individuals.

[¶4] Although her case was set for a bench trial, she eventually decided to enter a no contest plea<sup>[3]</sup> to the charge.<sup>[4]</sup> At the combined change of plea and sentencing hearing, the municipal court twice described the maximum penalty faced by Simonson as a \$750 fine. Shortly thereafter the city attorney recommended what he characterized as the standard penalty for a first-time offender of the minor in possession ordinance. That consisted of a \$750 fine plus \$10 court costs, the suspension of all but \$160 of that amount, and six months of unsupervised probation.

[¶5] Simonson's attorney responded that, except for the fine, such a sentence would be illegal because the City had authorized nothing but a fine for the misdemeanor offense of being a minor in possession of an alcoholic beverage. He directed the court to the provisions of Casper Municipal Code § 1.28.010, which established the penalties available for acts made unlawful by the Code, including the one for which Simonson was convicted.

[¶6] Subsection B of that ordinance provides:

Any misdemeanor committed in the city shall be punishable only by a fine of not more than seven hundred fifty dollars, to which may be added court costs as set by the municipal court, but not to exceed ten dollars for all violations, except as otherwise provided.

Casper Municipal Code 1.28.010(B) (emphasis added).<sup>[5]</sup> Subsection C provides for incarceration, but only with respect to repeat offenders, and then only with respect to enumerated offenses. Being a minor in possession of alcohol is not one of those offenses.

[¶7] Only subsection E of the penalty ordinance has any application to that offense, but it deals only with repeat offenders and provides:

For a violation of city code Section 5.08.370 committed and formally charged by the filing of a complaint in the municipal court for the city, the formal charge being filed under a single prior conviction in the municipal court for the city, for the same offense charged, the court shall fine the violator not less than one hundred fifty dollars, nor more than seven hundred fifty dollars, to which may be added court costs as set by the municipal court, but not to exceed ten dollars. For a subsequent conviction of this section within twelve months, the person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars. For a third conviction within twenty-four months, the person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars.

Casper Municipal Code § 1.28.010(E).

[¶8] Citing *Hicklin v. State*, 535 P.2d 743 (Wyo. 1975), for the proposition that a term of probation for a given crime may not exceed the maximum term of imprisonment expressly set by the legislature for that offense, Simonson's attorney argued that she could not be placed on probation because the municipal court had no authority to sentence her to jail. The court, however, elected for the most part to adopt<sup>[6]</sup> the city attorney's recommended sentence on the theory that it was authorized to impose probation by Wyo. Stat. Ann. § 7-13-302 (LexisNexis 2017), which provides:

- (a) After conviction or plea of guilty for any offense, except crimes punishable by death or life imprisonment, and following entry of the judgment of conviction, the court may:
  - (i) Suspend the imposition or execution of sentence and place the defendant on probation; or
  - (ii) Impose a fine applicable to the offense and place the defendant on probation.

Defense counsel asked the court to stay its sentence, except the fine, pending an appeal, but the court declined to do so.

[¶9] On May 2, 2016, Simonson appealed to the district court. On October 7, 2016, the district court issued an order reversing the municipal court's sentence and remanding the case.

[¶10] In concluding that the sentence was illegal, the district court found that the Casper ordinances governing the penalty for the possession of alcohol by a minor were clear and unambiguous, and that they expressly limited that penalty to a fine of between \$150 and \$750. They did not provide for a potential penalty of incarceration. The court noted that although the legislature had statutorily given the City the power to enforce its ordinances by imposition of a

term of incarceration, Casper had elected not to exercise that option with respect to this offense. In contrast, the City did expressly adopt a penalty of incarceration for other offenses.

[¶11] The district court further concluded that Wyo. Stat. Ann. § 7-13-302 should not be read to permit a probationary sentence even if the penalties specified for a particular crime did not include incarceration. To do so would require ignoring *Hicklin's* holding that probation is a substitute for incarceration, and that, by virtue of the potential restrictions it may place on a defendant's freedom, it is constructive incarceration. Moreover, because the City's governing body seems to have made purposeful choices in imposing or withholding incarceration as a possible penalty with respect to various offenses, reading § 7-13-302 as the municipal court did would render those choices meaningless.

[¶12] The City filed its Petition for Writ of Review roughly two weeks later.

## DISCUSSION

### Propriety of the Writ of Review

[¶13] Pursuant to Wyo. Stat. Ann. § 5-2-119, municipal court cases "may be appealed to the district courts and thereafter to the Wyoming supreme court only if the supreme court grants a writ of certiorari agreeing to hear the appeal." The statute also requires this Court to adopt procedures and standards for seeking and granting such review. That requirement was largely accomplished through the adoption of W.R.A.P. 13, which governs petitions for a writ of review. W.R.A.P. 13.01(a). The rule, however, does not set out the circumstances under which review in the nature of certiorari may properly be granted. That topic has been left to decisional law regarding the common law writ of certiorari, much of which predated and presumably informed the passage of § 5-2-119. Chief among those decisions are *City of Sheridan v. Cadle*, 24 Wyo. 293, 157 P. 892 (1916), and *City of Laramie v. Mengel*, 671 P.2d 340 (Wyo. 1983).

[¶14] In *Cadle*, the defendant succeeded in having his municipal court conviction overturned on appeal to the district court, and the City of Sheridan filed a petition for a writ of certiorari in this Court to challenge the district court's jurisdiction. We allowed the case to proceed, holding that the writ was historically available when the petition claimed the lower court acted in excess of its jurisdiction. We also noted that the writ was historically denied where the petitioner had some other adequate remedy available. There was no alternative because relief by way of a bill of exceptions (presently set out in Wyo. Stat. Ann. §§ 7-12-102 through 104) was available only in prosecutions brought under the state criminal code. *Cadle*, 157 P. at 895.

[¶15] *Mengel* concerned a municipal court decision to suppress the refusal of two defendants to submit to a blood-alcohol test. The City of Laramie, which had no right to appeal that decision to the district court, instead petitioned this Court for a bill of exceptions. Noting the limitation placed on that remedy by *Cadle*, we treated the petition as one for a writ of certiorari. *Mengel*, 671 P.2d at 343.

[¶16] Although we refrained from an attempt to define the full scope of the writ, we cited to *Call v. Town of Afton*, 73 Wyo. 271, 278 P.2d 270 (1954), for the proposition that it had long and widely been held to serve functions other than challenging an inferior court's jurisdiction when review is deemed essential to prevent a failure of justice. That includes cases where the petitioner has no appellate or other plain, speedy, and adequate remedy, particularly those posing issues of potentially state-wide concern or issues having constitutional implications. Moreover, it may be granted cases that are technically moot. *Mengel*, 671 P.2d at 344-45.<sup>[7]</sup>

[¶17] As was the case in *Cadle* and *Mengel*, certiorari appears to be the City's only available path for resolving its dispute with Simonson. Furthermore, this case raises an issue of state-wide concern. We therefore grant the writ of review and address the merits.

### The Power to Impose Probation

[¶18] The question of whether a court has imposed an illegal sentence by virtue of exceeding legislatively established limits is a question of law which we review de novo. *Palmer v. State*, 2016 WY 46, ¶ 9, 371 P.3d 156, 158 (Wyo. 2016); *Manes v. State*, 2007 WY 6, ¶ 7, 150 P.3d 179, 181 (Wyo. 2007). With respect to any particular offense, courts may impose only those sentences authorized by the legislature by statute governing that offense. *Chapman v. State*, 2015 WY 15, ¶ 17, 342 P.3d 388, 393 (Wyo. 2015); *Seaton v. State*, 811 P.2d 276, 282 (Wyo. 1991); *Williams v. State*, 692 P.2d 233, 235 (Wyo. 1984).



[¶19] When a statute is sufficiently clear and unambiguous, we give effect to the plain and ordinary meaning of its words and will not enlarge or expand it beyond its express provisions. *Johnson v. City of Laramie*, 2008 WY 73, ¶ 7, 187 P.3d 355, 357 (Wyo. 2008) (citation omitted); *Sponsel v. Park County*, 2006 WY 6, ¶ 9, 126 P.3d 105, 108 (Wyo. 2006).

[¶20] We agree with the district court's reading of Casper's ordinances governing minors in possession, as they are set out above. The relevant ordinances expressly authorize only a fine as punishment for that misdemeanor, and they nowhere authorize the alternatives of incarceration or probation.

[¶21] We also agree with the district court's conclusion as to the continuing relevance of *Hicklin v. State*, 535 P.2d 743 (Wyo. 1975).<sup>[8]</sup> That decision did more than blithely characterize probation as constructive confinement and conclude on that basis that a term of probation cannot exceed the maximum term of imprisonment authorized by the statute a defendant had violated. It illustrated that the power to impose probation was in part dependent on the power to incarcerate.

[¶22] *Hicklin* noted that probation constituted a legislatively approved abridgment of a defendant's liberty in the public interest. It is something less than imprisonment because the rigors of confinement are absent, but it is nevertheless a substitute for complete imprisonment because it considerably restricts the liberty of a convicted criminal and intrudes upon his private life. *Id.* at 753.

[¶23] The inherent inseparability of probation from the power to jail a defendant is reflected in the history of probation in the United States. The practice of granting probation, and the use of the word, originated in 1841 with the private efforts of John Augustine, a religious Boston boot maker who, in order to prevent the all-too-prevalent incarceration of low risk offenders, convinced courts to defer sentencing pending a three-week trial period of release into his supervisory custody on bail. 22 Joan Petersilia, *Probation in the United States*, Crime & Just. 149, 155 (1997). From its beginnings, it was available only to individuals subject to incarceration, as an alternative to imprisonment. Cecelia Klingele, *Rethinking the Use of Community Supervision*, 103 J. Crim. L. & Criminology 1015, 1021-23 (2013); Kellie Brady, Comment, *Some People Just Shouldn't Have Kids!: Probation Conditions Limiting the Fundamental Right to Procreate and How Texas Courts Should Handle the Issue*, 16 Tex. Wesleyan L. Rev. 225, 227-29 (2010).

[¶24] Furthermore, probation became a creature of statute largely because of its relationship to and its use as a substitute for incarceration, as well as judicial uncertainty as to whether suspending imposition or execution of authorized jail or prison sentences was authorized by the common law or could be justified as an inherent power of courts. Wayne A. Logan, Symposium, *The Importance of Purpose in Probation Decision Making*, 7 Buff. Crim. L. Rev. 171, 175-76 (2003); see also *Ex Parte United States*, 242 U.S. 27, 42-45, 37 S.Ct. 72, 74-76 (1916).

[¶25] In short, the power to impose probation has historically been related to the power to incarcerate, and to no other criminal penalty. For this reason, we conclude that a natural corollary to the rule of *Hicklin* is that a court cannot place a defendant on probation for an offense that has not expressly been made punishable by a jail or prison sentence.

[¶26] The City attempts to avoid that result by arguing that the above rule was altered by Wyo. Stat. Ann. § 7-13-302, which we quoted above. We see two problems with the City's argument. As we have already noted, probation has historically been tied to incarceration, and has been construed as constructive confinement. We must read the statute, which was originally enacted in 1939,<sup>[9]</sup> in that light, as we presume the legislature acted in a thoughtful and rational manner with full knowledge of the law when it enacted the statute. *Harmon v. Star Valley Medical Center*, 2014 WY 90, ¶ 47, 331 P.3d 1174, 1187-88 (Wyo. 2014). Therefore, we must conclude that the terms "suspend the imposition or execution of sentence" only refer to a potential sentence of incarceration.

[¶27] We likewise cannot conclude, for reasons stated in *Brown v. Jarvis*, 36 Wyo. 406, 256 P. 336 (1927), that the statute somehow implies a penalty of incarceration that could be suspended. Brown was convicted in Casper's city court of unlawfully possessing intoxicating liquor in violation of a city ordinance. He was sentenced to thirty days in jail despite a state statute which authorized only a fine for violations of ordinances. He obtained relief from the district court, and the city appealed in reliance upon a more general state statute that arguably could be read as allowing for other forms of punishment. The Court rejected that position because viewing the more general provision in that manner would violate the established rule that a penalty cannot arise by implication, but must be expressly imposed by a legislative body. *Id.* at 338.

[¶28] The district court was therefore correct in holding that municipal courts cannot impose probation when the only penalty for an offense is a fine. We recognize that this ruling will limit municipal courts' ability to impose what might be helpful conditions of probation to address the potential drinking problems of youthful offenders. However, the resolution of that issue lies in amending the ordinance to provide for incarceration, or through legislation.

## CONCLUSION

[¶29] We grant the writ of review sought by the City, and hold that the district court correctly concluded that when no confinement is expressly authorized as a punishment for a particular offense, a sentencing court also lacks the authority to impose a period of probation upon a conviction for such an offense. We therefore affirm its decision that in part reversed and remanded the sentence imposed against Simonson by the Casper Municipal Court.

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Notes:

[1] District courts are empowered to hear appeals from municipal courts, and further review may be had by way of a petition for a writ of review in this Court. Wyo. Stat. Ann. § 5-2-119 (LexisNexis 2017); W.R.A.P. 13.01(a).

[2] Those provisions make it illegal for a person under the age of twenty-one to possess alcoholic beverages and define possession to include consumption.

[3] A no contest or nolo contendere plea has the same effect as a guilty plea in a criminal case, but it cannot be used as an admission by the defendant in a civil case premised on the conduct for which she was prosecuted. *State v. Steele*, 620 P.2d 1026, 1028 (Wyo. 1980).

[4] At her first appearance before the municipal court on November 13, 2015, Simonson received and signed an advisement of rights form which advised her of the various pleas open to her, and which also advised her that she faced a maximum penalty of a \$750 fine, and that incarceration was only possible if she had been charged with driving under the influence or as a repeat offender for certain offenses.

[5] It was suggested in argument that the ordinance does not permit incarceration because to do so would perhaps require a jury trial, which could involve a great deal of expense.

[6] The court omitted the probation condition that Simonson undergo an alcohol addiction assessment and complete any recommended counseling because she had completed those proposed requirements prior to entering her plea.

[7] The mootness doctrine holds that a court generally should not entertain a case when a change of circumstances has eliminated the possibility of acting meaningfully to remedy a wrong even after resolving the parties' controversy. *Operation Save America v. City of Jackson*, 2012 WY 51, ¶ 21, 275 P.3d 438, 448 (Wyo. 2012). We strongly suspect the City's case may be moot because the district court did not rule in Simonson's appeal until three days after the period of her probation presumably expired. However, there are three exceptions to the operation of that doctrine which relate to issues of great public importance, issues with respect to which it is necessary to provide guidance to state agencies and lower courts, and controversies capable of repetition while evading review. *Id.* ¶¶ 22-23, 275 P.3d at 448-49; *In Interest of DJS-Y*, 2017 WY 54, ¶ 7, 394 P.3d 467, 469 (Wyo. 2017). Here, the balancing of the powers of a community's governing body and its judiciary is of great importance and must be conveyed to the lower courts. Moreover, the facts of Simonson's case suggest that her sentence is considered "standard" in Casper, and that unless we do something conclusive now, short probation periods will continue to stand as an obstacle to meaningful review.

[8] The City questions the vitality of *Hicklin's* characterization of probation as constructive confinement by noting that the definition of "official detention" in Wyo. Stat. Ann. § 6-5-201(a)(ii) excludes supervision on probation. However, official detention refers to formal arrests and actual confinement. Naturally, it would exclude the constructive confinement of probation.

[9] The statute originally stated that "[a]fter conviction or plea of guilty for any offense, except crimes punishable by death or life imprisonment, the court may suspend the imposition or the execution of sentence and may also place the defendant on probation or may impose a fine applicable to the offense and also place the defendant on probation." 1939 Wyo. Sess. Laws Ch. 91, § 1. The current statute merely reorganizes the language into subparagraphs.

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August 18, 2017

MEMO TO: J. Carter Napier, City Manager

FROM: Liz Becher, Community Development Director <sup>lb</sup>  
Joy Clark, Community Development Technician <sup>jc</sup>

SUBJECT: Consideration and Review of Fiscal Year 2016-2017 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER).

Meeting Type and Date: Work Session, September 12, 2017

Action Type: Council review and comments regarding the CDBG Program 2016/17 CAPER report.

Recommendation: That Council, consider, review, and offer comments regarding the Fiscal Year 2016-2017 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) for the period covering July 1, 2016 through June 30, 2017.

Summary: As a requirement of an entitlement community for Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD), the City of Casper must submit a Consolidated Annual Plan and Evaluation Report (CAPER) detailing to HUD how the City used its CDBG funds. Meeting HUD requirements, and utilizing the required formatting in HUD's Integrated Disbursement Information System (IDIS), the Housing and Community Development Division has prepared a draft of the CAPER for the period covering July 1, 2016 through June 30, 2017.

Law requires a public hearing on the CAPER be held in the presence of the Mayor and City Council members. The public hearing is a concurrent action with the fifteen (15) day public comment period that ended September 7, 2017. All comments received from the public comment period and the public hearing will be incorporated into the final CAPER that will be submitted to HUD no later than September 30, 2017. The final CAPER will be posted on the City's website, Housing and Community Development page and a copy will be available for public review during business hours in the Housing and Community Development Office.

**DRAFT COPY**

**City of Casper  
Consolidated Annual  
Performance & Evaluation  
Report  
(CAPER)**

*July 1, 2016 – June 30, 2017*



**Prepared by:  
Housing & Community Development Department  
City of Casper, Wyoming**

[www.casperwy.gov](http://www.casperwy.gov)



# City of Casper

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## CR-05 - Goals and Outcomes

### **Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)**

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Casper is a recipient of Entitlement Grant funding from the U.S. Department of Housing and Urban Development (HUD). The Community Development Block Grant (CDBG) Program is facilitated and overseen by the Housing and Community Development Office of the City.

Every five years a new Five-Year Consolidated Plan is created involving much research and consultation with the public, social service agencies, City Staff and the City Council. After a thorough research process, it is determined where to best expend funds in the City that will benefit the most vulnerable population in the most efficient manner. Increasing affordable housing and inter-City transportation, assisting with safe, improved housing and commercial buildings, and eliminating slum and blight properties are the goals the City deemed necessary to focus on and work towards. The current Five-Year Consolidated Plan is for the period from 2015 through 2019 and included the First-Year Annual Action Plan. Ninety (90) days following the end of each Program Year, a Consolidated Annual Performance Evaluation Report (CAPER) is required to review the progress the City made according to the goals set forth in the Annual Action Plan for that year. By September 30, 2017, this CAPER is due for the 2016-2017 Second Year Annual Action Plan, and provides an overview of community development and housing activities undertaken by the City of Casper during HUD's Program Year 2016.

The Second Year of the City of Casper's Five-Year Consolidated Plan was successful in its achievements in working towards the goals and objectives of the Plan.

Major initiatives and highlights that were proposed and executed were to:

1. Complete Phase I of the fire suppression system replacement on the City's LifeSteps Campus that provides housing for no or low-income citizens.
2. Continue to improve access to public transportation by providing subsidized tokens and tickets.
3. Continue to perform home rehabilitation projects for homeowners who could not afford the repairs.

# City of Casper

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4. Resume the matching facade grant program in the City Core encouraging business owners to make improvements to aged buildings in the City Core and the Old Yellowstone District.

The City of Casper takes its responsibility of administering its CDBG entitlement very seriously. The community relies on the City to ensure all funds allocated and spent meet community needs. Steps are taken to ensure equal consideration of all requests with prudent stewardship guiding all funding decisions.

CDBG funds were utilized exclusively to meet one of three National Objectives which are: 1) Benefit low-and-moderate-income persons 2) Aid in the prevention or elimination of slums or blight 3) Meet a need having a particular urgency, and the City complied with the overall benefit certification. According to the PR26 Report, 82.43% of CDBG funds benefited low-moderate income persons in the community. CDBG funds benefited low-moderate income homeowners, victims of domestic violence, youth at risk, persons and families who are homeless, persons who are elderly and/or disabled, low-moderate income persons without personal transportation, low-moderate persons needing meals, and low-moderate income neighborhoods.

## **Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)**

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

The report has duplicate rows in several areas reflecting the outcomes in one for the Five-Year Consolidated Plan total and the other for the one-year Annual Action Plan. Some blocks are empty reflecting no accomplishment being realized thus far, or a category that does not apply. The HUD financial program, IDIS, does not pull all information into all categories, therefore, some of the information does not reflect the City's results.

# City of Casper

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
City Core Revitalization	Non-Housing Community Development	CDBG: \$30,000	Facade treatment/business building rehabilitation	Business	10	5	50.00%			
City Core Revitalization	Non-Housing Community Development		Businesses assisted	Businesses Assisted	0	0		3	5	166.67%
Clearance and Demolition	Non-Housing Community Development		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0		20	20	100.00%
Clearance and Demolition	Non-Housing Community Development	CDBG: \$40,000	Buildings Demolished	Buildings	10	6	60.00%			
Emergency Repairs	Emergency Repairs and home rehab		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	640		0	0	
Emergency Repairs	Emergency Repairs and home rehab	CDBG: \$42,968	Homeowner Housing Rehabilitated	Household Housing Unit	25	6	24.00%	5	4	80.00%
Housing Initiatives	Public Housing	CDBG: \$45,000	Homelessness Prevention	Persons Assisted	30	35	116.67%			



# City of Casper

LifeSteps Campus Care	Public Housing		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	24		300	1019	339.67%
LifeSteps Campus Care	Public Housing	CDBG: \$82,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	220	111	50.45%			
LifeSteps Campus Care	Public Housing		Homeless Person Overnight Shelter	Persons Assisted	350	135	38.57%	75	60	80.00%
LifeSteps Campus Care	Public Housing		Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	306		0	306	
LifeSteps Campus Care	Public Housing		Homelessness Prevention	Persons Assisted	370	111	30.00%	20	37	185.00%
Program Administration	Non-Housing Community Development	CDBG: \$57,312	Other	Other	1	1	100.00%	1	1	100.00%
Transportation Assistance	Transportation	CDBG: \$35,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1000	1879	187.90%	400	961	240.25%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan,

# City of Casper

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## **giving special attention to the highest priority activities identified.**

A priority for Program Year 2016 was to improve living conditions at LifeSteps Campus for tenants of the low income housing programs by completing Phase I of replacing the fire suppression system which was determined to be in critical condition and in danger of malfunctioning if it was activated. The system has been replaced in Building C which houses a 24/7 fully staffed housing program for high-risk young girls between the ages of four and ten years old. Other high-risk children in the program that do not require housing also participate in the classes and counseling on-site. The system was also replaced in Building E which houses the Healthcare for the Homeless program on the 2nd floor operated by Community Action Partnership of Natrona County, and the two lower floors which are currently being updated and renovated for housing units utilizing City 1%15 funds allocated to the City's LifeSteps Campus Property Manager, Casper Housing Authority. The replacement was successful, completed per contract, observing Davis Bacon regulations, and City Building Codes. Phase II of the fire suppression system replacement which will be in Building F as well as a full-campus alarm system replacement will be completed utilizing PY17 CDBG funding. Reports are required at mid-year and at end-of-year by agencies utilizing the Campus so that the demographics of the population accessing the campus may be recorded. (24 CFR 570.201(c))

The Housing and Rehabilitation Assistance Program is considered a priority in order to perform Emergency Repairs and Home Rehabilitation projects in eligible homeowner occupied properties. The repairs and rehabilitation will aid in improving the state of the house to a suitable living condition which the homeowner could not otherwise afford. A goal of home rehabilitation efforts is to avoid situations turning into emergency needs due to a leaking roof or inoperable furnace in sub-zero weather. The City was informed in a PY16 Environmental Monitoring visit that Emergency Repairs is an incorrect title to utilize for home rehabilitation, even though some projects seem like emergency repairs to the owners. An actual Emergency Repair project is one which puts the general public in danger and must be dealt with on an urgent basis. This project name will be amended in the Five-Year Consolidated Plan and re-named Home Rehabilitation. It will continue to cover needed repairs both on a general as well as an imminently needed basis. The projects completed this year were all Code compliant and followed Davis Bacon regulations. Three of the low-income homeowners assisted were female-headed households. Three of the low-income homeowners assisted had disabilities. Two of the low-income homeowners assisted were Veterans. The City expects to assist a higher number of homeowners in PY17, as interest has increased significantly in the program due to it becoming better known in the community as well as due to the economic downturn in the City. (24 CFR 570.202(a)(1))

The Subsidized Transportation Assistance Program showed increases for another year. After the development of a Bus Token Outlet Program, increased numbers of citizens were able to obtain tokens to access public transportation to medical appointments, employment, grocery stores, education, entertainment and more. This is a successful program which continues to grow due to factors involving the poor economy and knowledge of the program. Riders must complete an application at the Outlet they choose to obtain tokens or tickets at to show eligibility for

# City of Casper

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subsidized transportation. Reports are required at mid-year and end-of-year on the population served. (24 CRF 570.201 (e))

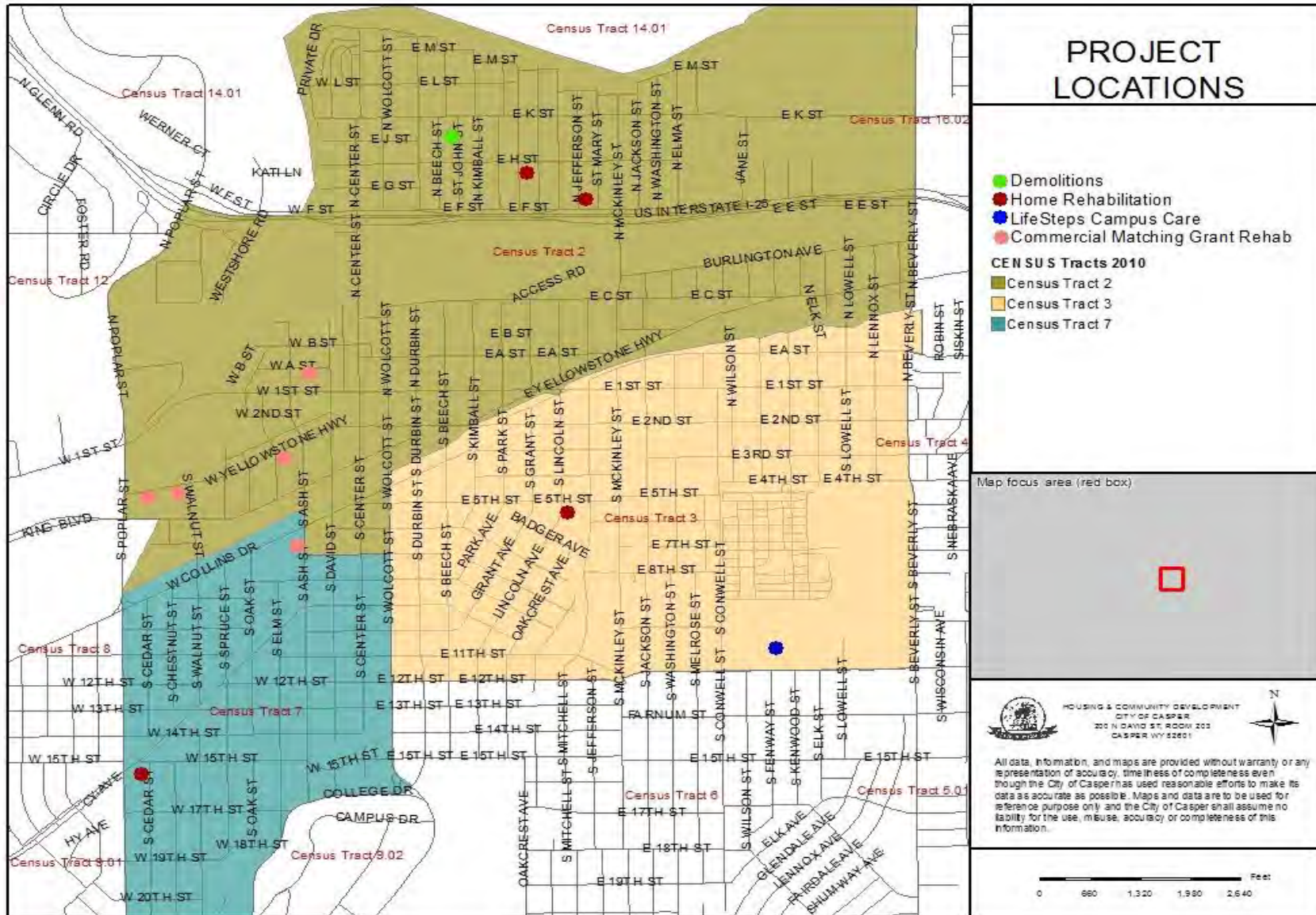
The City's Matching Facade Grant program resumed upon the approval of its updated Urban Renewal Plan by HUD. This program showed improvement due to the demand for it as well as it being temporarily restricted while the Plan was being updated. This is a successful program which continues to be in demand. The City will match fifty-percent, up to \$10,000 on commercial owner-occupied for-profit exterior improvements to a business in the City Core including the Old Yellowstone District. Business owners leverage their funds to increase improvements done to their buildings. Owners generally far exceed the City's required fifty-percent contribution from the owner in total rehabilitation costs. (24 CFR 570.202(a)(3))

Two of the four home rehabilitation projects, the demolition project and four of the five City Core Revitalization/Matching Facade Grant projects were located in Census Tract 200. One City Core Revitalization/Matching Facade Grant project was located on the border of Census Tracts 200 and 700. One home rehabilitation project was located in Census Tract 300. One home rehabilitation project was located in Census Tract 700. Each of the eligible home rehabilitation projects benefitted extremely-low-income homeowners. One is a single female with one child, one is a disabled male with a disabled brother who is a Veteran, one is a disabled single female who is a Veteran and one is a single female with a

disabled mother who is in her care.

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# City of Casper



## PY16 Project Locations

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# City of Casper



Home with obsolete electrical service was to be disconnected and left without power. Service moved to the exterior of home. Single, low-income mother and daughter benefited.



Staircase was out of code compliance and not sturdy enough to support a low-income, elderly stroke victim to enter her residence. New main-entry, code compliant, solid staircase enabled the woman to remain at home.



Home with furnace that stopped working and could not be repaired in November with temperatures below zero. Replaced with energy efficient unit. Disabled, elderly, low-income stroke victim and her daughter/care giver benefited.



Aged roof was leaking and was unrepairable. New, insurance-compliant shingles and gutter system were installed. A low-income elderly, disabled male and his brother, benefited.

## Home Rehabilitation Projects

# City of Casper

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## CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	1,540
Black or African American	72
Asian	5
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
<b>Total</b>	<b>1,617</b>
Hispanic	118
Not Hispanic	1,499

Table 2 – Table of assistance to racial and ethnic populations by source of funds

### Narrative

Public facilities in the City of Casper are all Equal Opportunity / Equal Access and fully accessible to persons with disabilities. Housing and other services provided on the City's LifeSteps Campus and at local agencies assist any person qualifying for the programs in the City and make reasonable accommodations when requested. The community gardens located on the campus are available to any tenant residing on the campus. If garden plots remain, they are offered to the public. Anyone may adopt a garden plot.

The public Farmers Markets continue in the downtown area as well as at the University of Wyoming Agriculture campus which are open to anyone in the City to patronize and both are fully accessible by the public transit vehicles and have ADA ramps to enter and exit the sidewalk passage from or to the vehicles.

Thursdays continue to be popular in the Old Yellowstone District with the Rock the Block event. Musicians play, games of all sorts are available, different things to interest and intrigue all ages of the public are presented each week free of charge and available to any citizen who wishes to join in the fun. Items are offered for free as well as for purchase throughout the monthly Art Walk event which coincides with the weekly Rock the Block event. The public transportation change-station is located in close proximity to all of the events in the Old Yellowstone District and downtown area offering affordable City-wide transportation so that any citizen wishing to participate can do so.

A public plaza is in the final stages of completion at the merging point of the Old Yellowstone District and Downtown Casper which will offer a wide array of activities and entertainment available to the public including winter ice skating! Families and persons receiving any kind of public assistance are

# City of Casper

welcome at all events just as persons not requiring assistance are. The increase in public events, also increases the options for citizens who may be on assistance programs and cannot attend the more costly events. All public events are ADA compliant.

According to the US Census Bureau, Population Estimated, July 1, 2016 mapping data, the Demographics of the population in the City of Casper, the Black or African American (1.0%) and Hispanic populations (7.4%) make up 8.4% of the population of the City of Casper with the White population making up 92.3% of the population and 5.3% of other or mixed populations. The racial information received, on the composition of families assisted shows the Black or African American population at a higher percentage (4.5%) with the Hispanic population comparable at 7.3%, making up 11.8% of the overall population that received assistance. The City, which has a predominantly white population shows similar numbers to the data and in those assisted who are white (95.2%). The percentage of Black or African American people receiving assistance increased by 3.6% over last year's 0.9%.

## CR-15 - Resources and Investments 91.520(a)

### Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	438,103	365,577
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

**Table 3 - Resources Made Available**

### Narrative

Referring to Attachment 1, the Program Year 2016 PR26 Report, the total expended amount is the amount shown above. According to IDIS Grant Amounts, unexpended funds from previous Program Year, 2015 were \$150,823 plus the 2016 allocation of \$287,280 for the total shown.

In Program Year 2016, the City successfully expended funds and was able to complete five accounts, four of which were from PY2014 and pre-2015 funding amounts moving the City closer to operating on the current allocation funding amount each year.



# City of Casper

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In Program Year 2016, the Activities which were funded and fully expended are:

- Transportation Assistance
- Program Administration

In July, the remaining funds which were invoiced at the end of PY2016 for LifeSteps Campus Care were drawn down and the Activity completed.

activities which will carry a balance into Program Year 2017, totalling \$134,570, are:

- PY16 - Home Rehabilitation (\$15,950)
- PY16 - Emergency Repairs (\$3,142)
- PY16 - City Core Revitalization (\$30,000)
- PY16 - Sidewalk Improvement (\$40,000)
- PY15 - Housing Initiatives (\$13,604)
- PY14 - Demolition (\$31,155)
- Pre-2015 - Matching Facade Grants (\$719)

The Emergency Repairs activity, which, as explained in CR-05, will be amended in the Consolidated Plan and the funding combined with the Home Rehabilitation activity and the Emergency Repair Activity will be completed.

The Home Rehabilitation activity has had increasing interest and funds are expected to be expended in PY17 to assist homeowner occupied houses needing repairs and rehabilitation.

Interest continues in the City Core Revitalization activity which the City tags as the Matching Facade Grant program. One application has already been received for PY17. This will complete the Pre-2015 Matching Facade Grants activity and utilize a portion of the PY16 City Core Revitalization funding. With the City Core becoming quite a busy place, it is expected that other applications will be received.

The Sidewalk Improvement funds were retained to be expended in PY17 on a project which was not yet ready for the concrete work for sidewalk improvements in front of and around a building which is being renovated to be used for Veterans programs. ADA ramps will be installed as well.

The Housing Initiatives fund has been utilized on public housing facility rehabilitation. With the fire suppression replacement and the alarm system replacement planned to be completed on the City's LifeSteps Campus in PY17, this activity is expected to be completed.

The Demolition activity - the City has not been approached with notice of an unsafe structure which would qualify for use of the funding. When an eligible project is presented, funds will be expended.

# City of Casper

## Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
City Core	3	3	Matching Facade Grant in the City Core.
LifeSteps Campus	29	41	The fire suppression system replacement
North Casper	30	4	Home rehabilitation, Emergency repairs and a Demolition in the specific area
Old Yellowstone District	7	14	Matching Facade Grants in the District

Table 4 – Identify the geographic distribution and location of investments

### Narrative

The majority of PY16 funding as well as residual funding was expended on the fire suppression system replacement at LifeSteps Campus. The Campus is used for many public programs including: housing, education, child care, health care, training programs, specialized programs for high-risk children, and meal preparation and serving. With over 1200 persons being served this past year on the Campus, it was vital to have a safe, functional fire suppression system. Housing units are currently being added now that the system is in place.

Following the approval of the City's Urban Renewal Plan update, the Facade Grant program which has continued to have growing interest was able to resume. One building in the City Core and four buildings in the Old Yellowstone District were rehabilitated.

The Home Rehabilitation and Emergency funding was expended in the North Casper Target Area as shown above at 4% of the allocation as well as in other areas of the City on qualified projects. The projects in the other areas total percentage was 6%. This amount was lower than expected this year due to not having as many applications for assistance as usually are submitted.

The planned and actual percentage of the PY16 Allocation expended on Transportation Assistance was 12% and the Program Administration planned and actual percentage expended was 20%.

### Leveraging

**Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.**

Use of federal funds on the LifeSteps Campus for the fire suppression system replacement encouraged use of additional City 1%15 funds awarded to the Casper Housing Authority to be

# City of Casper

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used in completing renovations in Building F, beginning to renovate and add bathrooms to individual housing units in Building E, perform electrical and plumbing rehabilitation of aged systems on the Campus in Buildings C, E, and F, install a walk-in cooler/freezer for the commercial kitchen in Building K and perform repairs on the irrigation system for the lawns as well as the on-site community garden.

Matching requirements for the Facade Grant program were satisfied by having applicants for the Grants apply for building rehabilitation. The project must be approved by the Architectural Review Committee to ensure that the plans are acceptable and code compliant with the Old Yellowstone District and City Building policies. Once the project is approved, the business owner may proceed with their project which is checked and evaluated regularly by City Staff. Davis Bacon interviews are performed and regulations are enforced. Upon completion of the project and approval by the Building Code Inspector, the owner must present copies of invoices received from the contractors who performed the work and copies of checks used to pay for the invoices. Upon verification of the amount spent by the owner, fifty-percent in matching funds up to \$10,000 will be reimbursed to the business owner. The total funds expended on the Facade Grants totaled \$50,000 and leveraged funds expended by the business owners totaled \$136,594.

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# City of Casper

## CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	76	173
Number of Non-Homeless households to be provided affordable housing units	125	148
Number of Special-Needs households to be provided affordable housing units	10	24
<b>Total</b>	<b>211</b>	<b>345</b>

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	6	4
Number of households supported through Acquisition of Existing Units	0	0
<b>Total</b>	<b>6</b>	<b>4</b>

Table 6 – Number of Households Supported

**Discuss the difference between goals and outcomes and problems encountered in meeting these goals.**

The goals of the categories listed above are estimated at the time the Annual Action Plan for that year is created with the then-current housing numbers. The numbers increased significantly this year for the homeless population to secure affordable housing units provided by Seton House (126), Casper Housing Authority (27), and Community Action Partnership (20). The number of non-homeless persons who received affordable housing units increased through housing programs by Casper Housing Authority (90), Wyoming Housing Network (58). The number of special-needs persons that received affordable housing units increased from the goal with housing provided by WBI (16), and the Self Help Center (8).

# City of Casper

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## Discuss how these outcomes will impact future annual action plans.

The outcomes reflect the economic downturn across the State of Wyoming. The State experienced the first drop in population in twenty seven years. People were forced to leave the State to find work elsewhere. Natrona County, in which the City of Casper is located lost 1,152 residents for a 1.4 percent decrease of the population matching the loss percentages of two other counties. Other counties in the State had population decreases as well, but not as high. Across the State, 16,000 jobs were lost which totaled more than five percent of its workforce. The economy had significant impacts on citizens not being able to afford housing, transportation, home repairs, and business repairs causing people to move or rely on local assistance sources. The numbers reflect a heavier reliance on the local assistance agencies especially for housing.

The outcomes which all included increases over the estimated numbers of persons who would be served were higher than estimated. Estimates for the Fourth-Year Annual Action Plan may be increased some, but the City desires to remain conservative in its estimates due to exceeding possible housing numbers by overly optimistic planning in previous years. The City would prefer to continue to have realistic plans.

## Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	345	0
Low-income	0	0
Moderate-income	0	0
<b>Total</b>	<b>345</b>	<b>0</b>

Table 7 – Number of Households Served

## Narrative Information

The tenants served by the housing agencies all must verify their income eligibility to participate in the housing programs. All agencies verify that persons in their program either have no or extremely low income levels. Many of the housing participants qualify with their food stamp applications which exhibit no or extremely low income levels. The housing income levels are determined by HUD's annual Income Limits Documentation System. Programs making up the 345 Extremely Low households served included Housing First, Section 8 Housing, Veterans Housing, sliding scale low-income housing in Juniper Ridge apartment complex, and transitional housing at the domestic violence shelters.

Households with no or low-income also utilize the Healthcare for Homeless Clinic (395) on campus, which is not a housing program, so is not included in the above totals.

# City of Casper

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## **CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)**

**Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City's LifeSteps Campus is a housing campus for persons who are homeless, at risk of becoming homeless, or in the high-risk children's program. Building E is being renovated including building-in private bathrooms in many of the housing units. The Campus remains dormitory-style housing with shared kitchens and common areas, and has been painted and decorated inside to have more of a 'homey' feel.

City Staff was highly involved with the Homeless Point-in-Time count in January 2017. The community mission center at the First United Methodist Church was the main location for this year's Count. In conjunction with counting persons who were homeless, a Project Connect event was held. Over 40 agencies asked to participate in the event. Things that persons who were homeless could obtain for free at the event included: food bags, hair cuts, medical checks with free follow-up appointments, dental checks with free follow-ups, depression testing, TB shots, flu shots, pneumonia shots, clothing, blankets, hygiene kits, and free samples and items from many, many agencies - including dog food! Agencies had tables at the event so they could sit and talk with people and let the person discover what they had to offer and how to access it such as Social Security payments and Legal Aid. The kitchen served three full meals throughout the event which was held from 8:00 a.m. to 7:00 pm. 297 meals were served. Agencies who were not familiar with each other or with what others provided interconnected, some for the first time. Between 40-50 persons completed surveys who were unsheltered homeless. Persons who were homeless had their needs assessed and many contacts were made so that their needs could be addressed and followed up with. This Point-in-Time Count event was the largest ever held in the City.

The City will continue to work with and encourage its network of providers who comprise the local Continuum of Care entities in reaching out to persons who are homeless. The City will also continue to hold quarterly Homeless Collaborative meetings in City Hall where local agencies can share needs, availability and opportunities they have.

The City offered a special website section in the GeoSmart program to all local human service agencies where they could insert and maintain their information very easily such as: hours of operation, contact personnel, location, what they have to offer and also when special things occur that others need to know about, such as having bed availability, an overage of food, clothing, etc. Seton House, Casper Housing Authority and First Christian Church took advantage of this offer. This was a program which was displayed on the screen and thoroughly explained at one of the City's Housing Collaborative meetings in City Hall. The hope was that all agencies would take advantage of the free service making what their

# City of Casper

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agency had to offer more available to both those who are needing services and those who are referring clients to services.

A site has been established by the City's GIS Staff for use during the holidays to show who is taking donations and what kind, such as toys, food, new clothing, and when they will be distributing it so that people can find where to donate and others can pick up what they need easier.

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**LifeSteps Campus**



# City of Casper

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## **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City of Casper is addressing the needs of the homeless population by providing the Emergency Cold Weather Shelter for overnight shelter during the winter months when temperatures are below freezing. The gymnasium, Building L, is reserved nightly for the Shelter. The City's Campus Property Management Team developed a program to have coffee, hot tea and occasional snacks available in the common room/dining room which is next door to the gym for people staying at the shelter. Currently, the shelter is restricted to women and children but depending on the increased need for emergency shelter, an area may be looked at to house men overnight as well.

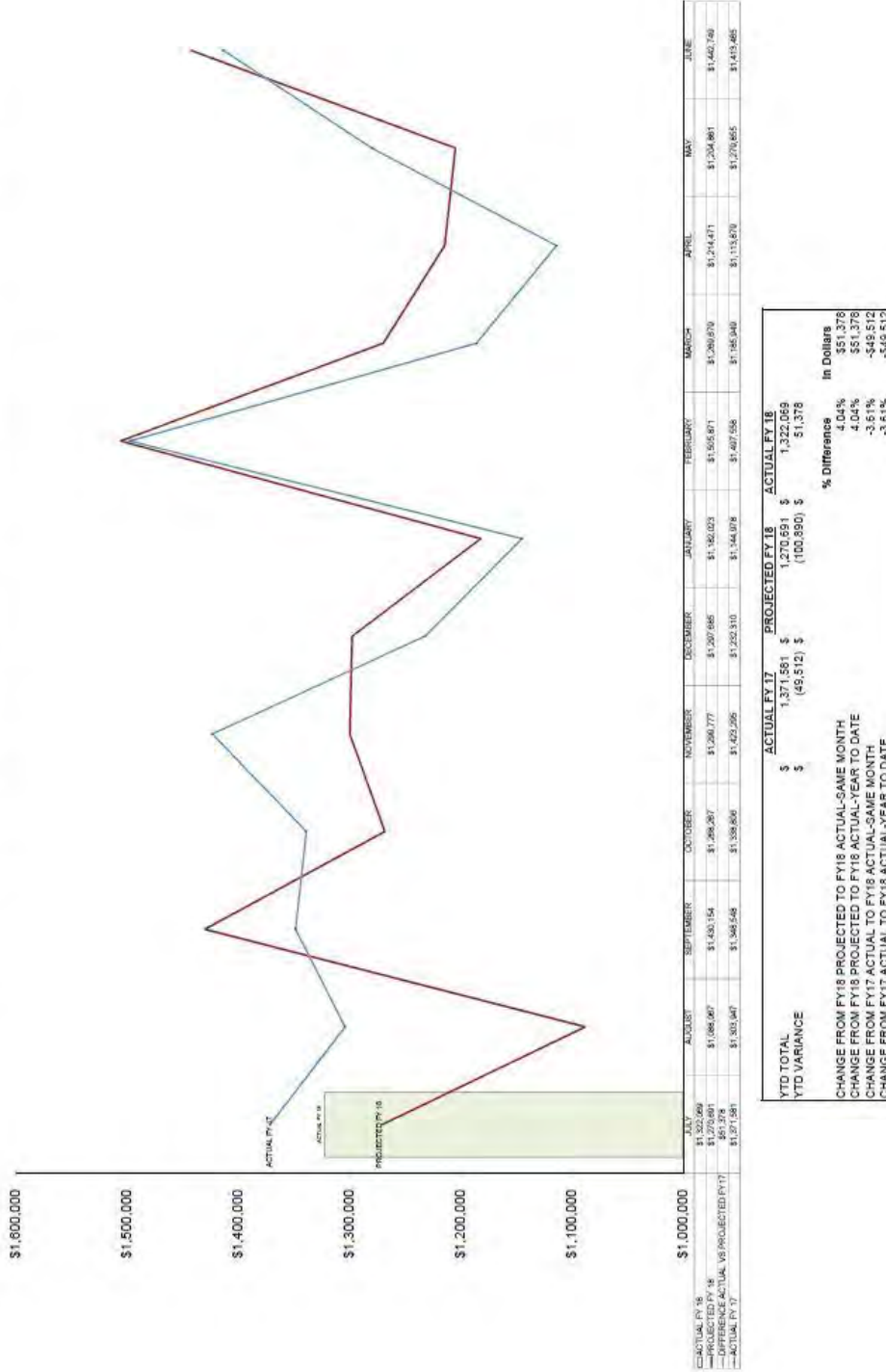
The lack of and need for a Transitional Housing program in the City has become more apparent. Persons who do not qualify for low-income programs, or may hold a mortgage, but require housing due to an emergency such as a fire or flood do not have options for emergency shelter until they can return to their home. Several occurrences this past year made the City very aware of the necessity of a Transitional Housing program.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The Community Development Block Grant program in the City of Casper is becoming increasingly more necessary in rehabilitating properties in order to prevent owners from becoming homeless. The continued downturn in the economy has affected many homeowners' plans for performing repairs on their homes. Sales tax revenue is down in the city, confirming that citizens are not spending money as they do in good economic times. The result of not performing small repairs is that they then become urgently needed repairs due to not having funding available to have the necessary work done. To be proactive, the City is hoping to assist an increased number of homeowners this next year with minor rehabilitation projects prior to them becoming emergencies, which often leaves the homeowner in a dangerous situation, or leaving the home entirely. Through cooperative efforts with local human service agencies, homeowners needing assistance are identified and referred to the City to apply for assistance.

The City will also continue to support contractors seeking tax credit investments by constructing low-income complexes where a person who has lost or sold a home may be able to afford to live avoiding becoming homeless.

## Sales Tax FY 2018 Versus Projection and Prior Year



# City of Casper

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**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The City will continue to assist the homeless population in making the transition to permanent housing and independent living through its continued support of the housing, financial, and educational programs offered at LifeSteps Campus and throughout the City by Casper Housing Authority, Community Action Partnership, Seton House, Wyoming Community Development Authority, Wyoming Housing Network and others that develop programs.

The City will support and encourage agencies with housing services in transitioning people into safe, independent living situations. Educational and supportive programs offered to persons who are newly housed will also be supported to assist the tenants in not returning to homelessness.

Wyoming Housing Network has developed a new foreclosure counseling program which teaches homeowners how to avoid foreclosure or, if it does occur, how to work through it without losing the home and becoming homeless.

The City assisted its Public Housing Authority, the Casper Housing Authority with a tax credit project this past year. The building was condemned and dangerous and it has now been converted to a 50 apartment affordable housing complex called CentrePointe. Applicants must have a minimum annual salary of \$18,000 to qualify for a one bedroom apartment.

The City Council was recently approached with a loan application by the Casper Housing Authority to convert an old school building into a new Veterans center called The Landing. Council approved the loan and plans are progressing to develop the Veterans Center, a Community Garden, and a ReFabb store. Veterans will be offered employment in the Community Garden and the ReFabb store to be re-trained at a job and re-enter the job market securing funds for them to secure housing. Some Veteran's housing may be offered in The Landing, or in near proximity.

In the Five-Year Consolidated Plan, one of the commitments of the City in addressing the Analysis of Impediments report in the Plan, was to encourage and support increased housing for low-to-moderate income residents who may also be elderly, Veterans, disabled, or of other special needs. The City is addressing the shortage of affordable housing for Veterans who are homeless or of extremely low income, senior and/or special needs persons through the support and encouragement of The Landing. Providing housing and one location for services for the Veterans in Casper and Wyoming is very beneficial, as well as including the community garden, ReFabb store, job training and more which can benefit anyone in the community that wants to participate. In support of senior housing, the City

# City of Casper

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encouraged and supported the tax credit application of a local contractor for a 70 unit senior housing complex that is currently being planned. The CDBG Program Coordinator participated in a city-wide Senior Housing Study this year to discover what is lacking and what needs improvement in housing for senior citizens.

The City has also incorporated the directive to assess the availability of affordable, accessible housing in a range of unit sizes into its Planning and Zoning decisions.

## **CR-30 - Public Housing 91.220(h); 91.320(j)**

### **Actions taken to address the needs of public housing**

The City continues to meet regularly with the local housing agencies such as Casper Housing Authority, Community Action Partnership, and Seton House, who oversee public housing in the community, to discuss their needs and if necessary help lobby for additional resources.

Additional services which encompass living and working in the City are:

- Providing subsidized tickets and tokens for reliable, safe transportation to and from public housing complexes for employment, shopping, medical care, and entertainment in the community.
- Encouragement for public housing complexes to include on-site social service areas to provide more convenient access to the services for the tenants.
- Continued improvements being accomplished at LifeSteps Campus creating additional public housing units.
- New programs being developed and offered to Campus tenants to encourage responsible independent living.
- Opportunities offered to plant, maintain, harvest, store, and learn to prepare foods from community gardens.
- Including common areas in public housing complexes which can be reserved and utilized for family events, birthday parties, or larger get-togethers that a small apartment or housing unit would not accommodate.
- Educational opportunities of a wide variety - nutrition, finance, hygiene, housekeeping, hobbies.

### **Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

The City contracts for the property management of LifeSteps Campus. The current management agency, Casper Housing Authority, is supported in the many programs that have occurred in the past year and are planned for the upcoming year. Weekly meetings are required on the Campus with the management to stay informed of the Campus activities. Public housing residents are encouraged to

# City of Casper

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assist the on-site staff in learning basic homeowner skills, such as painting, landscaping, small repairs and decorating. The skills that are learned can continue on into successful independent home care. The commercial kitchen staffs two professional chefs who plan to offer cooking classes. A program where tenants can contribute their time and efforts on the Campus in lieu of paying for meals is being planned. This will assist the staff on the large campus as well as arm the tenant with skills they can take to independent, permanent housing.

Wyoming Housing Network, who is the property management agency for Building B on LifeSteps Campus, is offering classes on homeownership as well as the foreclosure counseling which was previously described. Wyoming Community Development Authority (WCDA) also does financial counseling for homeownership.

The City supports these programs and gives referrals to people seeking education into what is needed to responsibly purchase and maintain their own home.

## **Actions taken to provide assistance to troubled PHAs**

The Casper Housing Authority is documented as not being classified as a troubled Public Housing Authority.

## **CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)**

**Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)**

The cost of housing, or the incentives to develop, maintain or improve affordable housing, are not affected by any specific public policy that would create a barrier to additional housing.

The City has made efforts to encourage and simplify affordable housing developments such as:

- Accessory dwelling units are allowed.
- Twin homes on lots that were not approved for them in the past are now allowed.
- Reducing the minimum lot sizes to reduce the burden on the homeowner allowed.
- Reducing the minimum set-backs causing there to be less restrictions for improvements.
- Non-conforming buildings are now allowed as re-buildable as long as they are Code compliant.
- Mixed use was added to the Municipal Code to invite multi-use facilities.

Cost burden and lack of adequate low-income housing continue to be the main barriers to affordable housing in Casper. The cost burden is affecting increased numbers of citizens with the poor economic state of the area.

# City of Casper

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## **Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)**

The City of Casper, taking into account factors over which it has control, has taken the following steps addressing underserved needs:

- Partnering with its housing agencies to create more affordable housing units, and developing financing plans for payments and credit issues.
- Continuing to provide facilities at LifeSteps Campus where free or low-cost health care can be obtained.
- Providing facilities at LifeSteps Campus offering life skills training and educational opportunities.
- Encouraging new developers to plan social service areas directly within new complexes better connecting citizens with agencies they need services from.

## **Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)**

In accordance with HUD regulations 24 CFR Part 35, rehabilitation program assisted homes constructed prior to 1978, where paint will be disturbed, will be inspected and tested for lead-based paint by a certified lead-based paint contractor. The risks to the homeowner and neighbors, of proceeding with a project are assessed prior to beginning.

Homeowners involved in rehabilitation projects in which painted surfaces will be disturbed and have tested positive for lead receive copies of the following:

- Lead Hazard 19 Page Information Pamphlet
- Property Owner Disclosure
- Notice of Lead Hazard Evaluation and Presumption
- Notice of Lead Hazard Reduction Activity including Clearance

Prior to the rehabilitation and lead-based paint hazard work going out to bid, the Program Staff will determine the type of contractor needed to complete the required work. The Program Staff, homeowner, and contractor(s) awarded the job, will review the key aspects of the lead hazard reduction during the pre-construction conference.

The awarded contractor(s) will perform safe work practices at all times, which includes but is not limited to:

- Occupant protection
- Work site preparation
- Daily clean-up
- Safe work practices
- Worker protection

# City of Casper

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Occupants will be notified of any lead hazard reduction measures that were taken. Subsequent to the program's final inspection, the lead-based paint inspector will conduct a clearance examination including dust samples to confirm the unit is safe for occupancy and that lead hazard reduction was performed according to the Program's work specifications.



September 2013

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## Protect Your Family From Lead in Your Home

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### Lead-Based Paint Pamphlet

# City of Casper

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## **Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)**

The City of Casper, taking into account factors affecting poverty over which it has control, has taken the following steps to attempt to reduce the number of households with incomes below the poverty line:

- Subsidized public transportation tickets and tokens funded with CDBG funds connect the LMI neighborhoods to employment bases and to other buses serving the municipal area. This eases the burden of not having access to a vehicle, or not having the resources available to repair a vehicle, and increases employment options.
- The City coordinates with local non-profit organizations such as CLIMB Wyoming, the McMurry Training Center, and Wyoming Workforce Services to provide business training programs which target low/moderate income individuals.
- The City contracts with its local economic development alliance for technical assistance and consultation to the local small business and entrepreneurial community.
- Coordination efforts continue on the part of the City departments of Planning, Code Enforcement, Housing and Community Development and local agencies to provide for social service activities, planning, housing development and rehabilitation programs.
- Owners/managers of new businesses developed in the City are reminded to be Equal Opportunity Employers and hiring locally is suggested.

## **Actions taken to develop institutional structure. 91.220(k); 91.320(j)**

The affordable housing strategy will be carried out by several primary providers and coordinators including: The City Departments of Housing and Community Development and Planning, Casper Housing Authority, Community Action Partnership of Natrona County, Self Help Center, Seton House, Veterans Agencies, Wyoming Community Development Authority (WCDA), Wyoming Housing Network, and the Wyoming Rescue Mission. Other agencies such as non-profit and/or for-profit housing developers will also play an important role in service provisions.

It is anticipated that these government agencies and housing developers will continue to be supported by outside funding sources, such as WCDA (public agency) and local banks (financing). Amounts may be reduced due to the economic instability in the area, but are still expected to be distributed.

The Housing and Community Development (HCD) Department will be the primary coordinator for non-federal funds and federal funds, such as CDBG, for the development and rehabilitation of affordable housing. This function will continue to be augmented by other providers, particularly non-profits such as the Homeless Coalition of Wyoming and housing developers. The HCD Department will communicate with these and other providers to improve coordination of services and to pool resources. The HCD Department will act as the conduit for local funds as well as State funds. It will also work with private developers to assist them in obtaining financing and approvals for affordable housing development. The Casper Housing Authority will coordinate all projects associated with the City's public housing units and housing vouchers. The Authority is responsible for reporting directly with HUD regarding public housing



# City of Casper

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and housing vouchers. Coordination between the providers of rental assistance should be strengthened to ensure efficient use of funds and to reduce duplication. Communications between the City and non-profits will continue to be enhanced in order to deal more effectively with the housing programs.

## **Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)**

The City of Casper will continue to assist and work with public and private housing and social service agencies. The quarterly Homeless Collaborative meeting the City facilitates brings together housing and social service agencies that are involved in the overall process of housing a person and keeping them housed which involves much more than simply having a home. A good financial plan including support, a safe, good night's sleep, and good nutrition can assist in leading to employment and self sufficiency which can keep people housed and prevent homelessness. Agencies discuss their availability of services they have at these meetings including:

- Financial assistance for deposits, rent, utilities, medical care, emergency repairs, home purchases, counseling.
- Beds which are available to agencies who are approached with citizens needing emergency overnight shelter.
- Food resources including locations, food boxes and/or bags, any excess items they have available at the time.
- Volunteer possibilities for clients of housing and social service agencies and for staff from the agencies.

During the Point-in-Time Count event, Project Connect, which was previously discussed, more housing and social services agencies connected than ever before in one location. Obtaining information of what each entity is able to assist with, to what degree, and the requirements of their programs will help greatly with coordinating efforts to assist more people in a more efficient manner in the City.

# City of Casper

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## Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Actions taken to overcome the effects of impediments identified in the City's 2012 Analysis of Impediments to Fair Housing Choice are as follows:

### *Private Sector Impediments and actions taken to overcome them*

1. **Discriminatory refusal to rent or negotiate for rental.** There have been no complaint calls relayed to the CDBG Program Coordinator this past year from citizens or from the local HUD officer of persons who were refused the opportunity to rent or the opportunity to negotiate for a rental due to discrimination. Fair Housing and Equal Opportunity information is better publicized nationally as well as locally with an emphasis on the regulations to housing agencies and real estate firms.
2. **Discriminatory patterns in home purchase loan denials.** Home buyers continue to be better educated in Fair Housing and Equal Opportunity regulations through credit counseling and home purchase training. Classes are offered locally by the banks, WCDA, Wyoming Housing Network, Casper College, and many human service agencies on regulations that must be observed by the loaning entity as well as the requirements of the buyer. Better education for the home buyer prepares them to ask direct questions regarding discrimination if they feel it is occurring.
3. **Discriminatory patterns in predatory lending.** Unequal lending practices have not been reported to the City on the basis of being an American Indian, Hispanic or Black/African American in the past year. Again, as stated above, home buyers being better educated through credit counseling and home purchase training is preparing them to ask more qualified questions of the lenders letting them know of their awareness of the Fair Housing and Equal Opportunity laws.

The number of outreach and educational opportunities in the City have increased. WCDA developed a stronger presence in the community this past year supporting fair housing and equal opportunity of citizens. Citizens and landlords alike are becoming better educated in the Fair Housing Law which is beneficial to both parties. Property management companies who are working on behalf of the local housing agencies are under strict regulations to observe Fair Housing and Equal Opportunity regulations. Public housing agencies who are federally funded must report regularly on non-discriminatory practices.

### *Public Sector Impediments, Actions, and Measurable Objectives*

1. **Lacking statewide fair housing law.** The Wyoming Fair Housing Act, Senate File Number SF0132 is a forty two page law which became effective July 1, 2015 to protect citizens and enable laws to be enforced regarding fair housing. Equal Justice Wyoming in Cheyenne and online (<http://www.legalhelpwy.org>) has a Housing division which well delineates the Wyoming Fair Housing laws. Equal Justice Wyoming is a state funded civil legal services program working

# City of Casper

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with Wyoming legal aid providers and community organizations to help people with limited income find help for their legal problems including housing issues (1-877-432-9955). The local Legal Aid office representatives participated in the Project Connect Point-in-Time event.

2. **Limited access to fair housing services due to lack of a state or local fair housing entity.** Referring to the information above and now with additional resources available on the internet to Wyoming citizens, there is better access to fair housing services. The Fair Housing outreach and education efforts have improved, and housing and human service agencies often relay where to access the laws regarding fair housing issues.

## Discussion

The City is participating in a statewide collaborative effort to produce an Assessment of Fair Housing/Analysis of Impediments report in 2018 which will be in effect for a five-year period after its approval by HUD. A survey is currently being distributed widely throughout the state which contains questions pertaining to knowledge of fair housing practices both for homeowners and renters. The collaborative is hoping to obtain 450 responses to the survey. The responses will exhibit the awareness, or lack of, fair housing laws in the State and if people feel that fair housing practices are being observed regarding public and/or private housing. Having landlords become more aware of the Fair Housing laws and their responsibilities to their tenants continues to be encouraged. The City is striving to address obstacles to meeting underserved needs, fostering and maintaining affordable housing, removing barriers to affordable housing, developing institutional structures and enhancing coordination between public and private housing and social service agencies, and fostering public housing improvements and resident initiatives through interaction with agencies which were interviewed for the Five Year Consolidated Plan.

# City of Casper

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## **CR-40 - Monitoring 91.220 and 91.230**

**Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

The City of Casper monitors the efforts and expenditures of every project by being on-site periodically during projects and through up-to-date project files which include photographs. Monitoring of projects is also performed through weekly review meetings, annual City audits, and HUD monitoring.

CDBG projects accomplished at LifeSteps Campus are overseen regularly by City Staff and daily by the Campus property Management personnel to assure projects are done efficiently and are meeting all safety requirements. Annual reporting is required of any agency or program utilizing the Campus where federal funds have been expended.

Casper Area Transportation Coalition (CATC) provides required bi-annual and annual reports describing the population they are assisting including race/ethnicity, gender, elderly, disabled, and income levels. Full reports are required prior to being reimbursed for tickets and tokens for the subsidized ticket/token program reporting on who they have served.

Qualifying recipients for home rehabilitation projects is thorough and well documented and includes: financial statements, annual tax documents, and a full application listing all persons living in the household and their income amounts and sources.

City Core, commercial building rehabilitation projects, must show the need for rehabilitation and meet all requirements. Davis Bacon, and environmental regulations are observed. Recommendations of hiring low-income, minority persons whenever possible from the local, surrounding area are made.

All approved projects are verified to be serving or benefitting low-income, elderly and/or disabled citizens without any preference to race or ethnicity. Projects are contracted per proper procurement measures. Any projects involving Davis Bacon regulations are monitored, assuring all requirements are met, such as on-site interviews, verifying required posted materials are present and visible, and verifying wages on Certified Payrolls.

Comprehensive planning requirements involving the long-term goals of the City, regarding transportation, utilities, land use, recreation, and housing are considered in the planning of the CDBG funding forecasts. The Five-Year Consolidated Plan is also referred to regarding long-term planning.

# City of Casper

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## **Citizen Participation Plan 91.105(d); 91.115(d)**

### **Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.**

The City values public input in general, and also as an important factor of all reports required of the CDBG program. Citizens are notified of opportunities to comment on the Annual Action Plan (AAP), the Consolidated Annual Performance Evaluation Report (CAPER), the Five-Year Consolidated Plan, and any Amendments to an AAP. Efforts are made as described below to solicit participation from protected classes including racial/ethnic minorities, non-English speaking persons and persons with disabilities. All locations where documents are placed for public viewing and comments are fully accessible to any citizen including persons with disabilities, and alternate language options are offered. All public meeting locations are fully accessible to any citizen of any ability with alternate language options offered. Public Hearings in City Council Chambers are fully accessible to persons of any ability with alternate language options offered. Reasonable accommodations are offered for any of the above listed meetings or events.

The Citizen Participation Plan requirements are adhered to carefully and all required public comment periods are honored. Public meetings are held at locations where the people being directly affected by the topic being proposed may be most likely to attend. Notices are posted in the local newspaper meeting requirements set forth by HUD and in the Citizen Participation Plan. Notices of Public Meetings and the opportunities for Public Comment for the major Plans are advertised in the newspaper, on the city website and at five public locations as well as occasionally in all 23 public transportation vehicles.

The draft AAP was advertised and available for Public Comment from 4/7/17 – 4/23/17 (17 days) and the final AAP from 6/20/17-7/11/17 (21 days). A total of 51 people, including persons with disabilities, were in attendance between the two Public Meetings held and comments were considered and incorporated into the final Plan. The draft CAPER was advertised and available for Public Comment from 8/18/17-9/7/17 (15 business days). No comments were received that were not considered or responded to.

Presentations of reports requiring City Council approval or Public Hearings before the Council are advertised in the newspaper and included on the City website's Council Agenda page well in advance of the meetings occurring. The advertisement for the 2017-2018 CAPER's Public Hearing was published in a legal ad on August 18, 2017 (Exhibit C) and in a block ad on August 20, 2017 (Exhibit D). A Notice to Establish a Public Hearing was on the Agenda for Consent at the September 5, 2017 City Council meeting. The draft of the CAPER was presented at the City Council Work Session on September 12, 2017 with announcement of the Public Hearing occurring at the City Council meeting on September 19, 2017. Any and all comments received at Public Hearings are incorporated into the reports submitted to HUD.

The advertisements in the newspaper for the CAPER, and the same with the 2017/18 AAP, included information in both English and Spanish and offered translation services and reasonable

# City of Casper

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accommodations to be provided if requested, as well as the Wyoming Relay number that could be accessed for persons with hearing impairment or to have the Public Hearing translated into Spanish or another language. There is also a permanent plaque posted at the entrance to Council Chambers informing the public that hearing devices are available if needed.

## **CR-45 - CDBG 91.520(c)**

**Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.**

There have been no changes in the City's program objectives. The City believes the CDBG program is satisfying many needs in the community without changes. With the continued distressed economy, any programs offering assistance could benefit from additional funding. This past year, the City has experienced LifeSteps Campus becoming more in demand with requests for public housing. Replacing the fire suppression and alarm systems to ensure a safe environment for the tenants has been imperative. Completion of the system replacements is expected to be completed in PY17.

Looking ahead, as a result of past experience, the City feels it would be beneficial to allocate increased funding on home rehabilitation projects due to the older housing stock being in poor condition and the owners being increasingly unable to perform needed repairs. This is the only change in program funding planned at this time. Of course, the City is aware that all of the programs benefitting LMI citizens will be dependent on receiving future HUD funding. The City will continue to monitor information regarding the National Budget and funding HUD receives for Program Year 18.

**Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?**

Yes

**[BEDI grantees] Describe accomplishments and program outcomes during the last year.**

The City received a BEDI grant for the Old Yellowstone District area. A consultant has been secured to facilitate the work and satisfy the grant requirements, and has previous experience and is familiar with Brownfields programs. The consultant held several public meetings with home and business owners who live in and/or operate businesses in the defined area. Interest was fair with a few owners wanting to sign-up for initial testing. The program is in Phase I. Testing has just begun, therefore there have been no determinations made as to if any remediation will be recommended. After business and home owners understand more about the grant and see their neighbors taking advantage of the testing, it is hoped that additional testing will be applied for.

## CITIZEN PARTICIPATION RESULTS

### CASPER CITY COUNCIL COMMENTS

DRAFT

## EXHIBITS


<b>EXHIBIT A:</b>	<b>PR26 – Summary of Funds/Expenditures .....</b>	<b>35</b>
<b>EXHIBIT B:</b>	<b>PR03 – Full Program Summary.....</b>	<b>38</b>
<b>EXHIBIT C:</b>	<b>Public Notice Publication .....</b>	<b>79</b>
<b>EXHIBIT D:</b>	<b>Public Comment/Hearing Legal Ad .....</b>	<b>80</b>
<b>EXHIBIT E:</b>	<b>Public Comment/Hearing Block Ad .....</b>	<b>81</b>

DRAFT



## PR26 Expenditure Report

## EXHIBIT A

	Office of Community Planning and Development	DATE: 08-09-17
	U.S. Department of Housing and Urban Development	TIME: 10:13
	Integrated Disbursement and Information System	PAGE: 1
	PR26 - CDBG Financial Summary Report	<b>EXHIBIT A</b>
	Program Year 2016 CASPER, WY	

PART I: SUMMARY OF CDBG RESOURCES	
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	150,823.00
02 ENTITLEMENT GRANT	287,280.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	0.00
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE OF CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	438,103.00
PART II: SUMMARY OF CDBG EXPENDITURES	
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	308,265.36
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	308,265.36
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	57,312.00
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	365,577.36
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	72,525.64
PART III: LOW/MOD BENEFIT THIS REPORTING PERIOD	
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	254,115.36
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	254,115.36
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	82.43%
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS	
23 PROGRAM YEAR(S) COVERED IN CERTIFICATION	PY: 2016 PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS	
27 DISBURSED IN IDIS FOR PUBLIC SERVICES	35,000.00
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	35,000.00
32 ENTITLEMENT GRANT	287,280.00
33 PRIOR YEAR PROGRAM INCOME	8,502.27
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	295,782.27
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	11.83%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	57,312.00
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 + LINE 40)	57,312.00
42 ENTITLEMENT GRANT	287,280.00
43 CURRENT YEAR PROGRAM INCOME	0.00
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	287,280.00
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	19.95%

# City of Casper



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LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17  
 Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18  
 Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2014	3	314	5952614	LifeSteps Campus	03C	LMC	\$2,612.33
2014	3	314	6057045	LifeSteps Campus	03C	LMC	\$10,000.00
2015	2	321	5969243	Housing Initiatives	03C	LMC	\$625.00
2015	2	321	5978500	Housing Initiatives	03C	LMC	\$460.00
2015	2	321	5987771	Housing Initiatives	03C	LMC	\$6,327.50
2015	2	321	6007076	Housing Initiatives	03C	LMC	\$9,337.80
2015	2	321	6026763	Housing Initiatives	03C	LMC	\$5,302.50
2015	2	321	6057045	Housing Initiatives	03C	LMC	\$9,343.00
2015	3	320	5952614	LifeSteps Campus Care	03C	LMC	\$37,978.77
2015	3	320	5959705	LifeSteps Campus Care	03C	LMC	\$3,351.35
2015	3	320	5969243	LifeSteps Campus Care	03C	LMC	\$19,977.00
2015	3	320	6057045	LifeSteps Campus Care	03C	LMC	\$25,156.16
2016	3	328	6022678	LifeSteps Campus Care	03C	LMC	\$750.41
2016	3	328	6057045	LifeSteps Campus Care	03C	LMC	\$61,842.14
					03C	Matrix Code	\$193,063.96
2016	1	329	5996222	Transportation Assistance	05E	LMC	\$27,815.00
2016	1	329	6016571	Transportation Assistance	05E	LMC	\$4,751.25
2016	1	329	6057045	Transportation Assistance	05E	LMC	\$2,433.75
					05E	Matrix Code	\$35,000.00
2015	2	319	5952614	Emergency Repairs	14A	LMH	\$2,175.53
2016	2	327	5952614	Home Rehabilitation	14A	LMH	\$1,604.47
2016	2	327	5996222	Home Rehabilitation	14A	LMH	\$871.00
2016	2	327	6026763	Home Rehabilitation	14A	LMH	\$11,456.40
2016	2	327	6035482	Home Rehabilitation	14A	LMH	\$3,086.00
2016	2	333	5996222	Emergency Repairs	14A	LMH	\$2,563.00
2016	2	333	6016571	Emergency Repairs	14A	LMH	\$1,995.00
2016	2	333	6035482	Emergency Repairs	14A	LMH	\$2,300.00
					14A	Matrix Code	\$26,051.40
<b>Total</b>							<b>\$254,115.36</b>

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	1	329	5996222	Transportation Assistance	05E	LMC	\$27,815.00
2016	1	329	6016571	Transportation Assistance	05E	LMC	\$4,751.25
2016	1	329	6057045	Transportation Assistance	05E	LMC	\$2,433.75
					05E	Matrix Code	\$35,000.00
<b>Total</b>							<b>\$35,000.00</b>

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	6	332	5952614	Program Administration	21A		\$4,924.02
2016	6	332	5959705	Program Administration	21A		\$4,924.02

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Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	6	332	5969243	Program Administration	21A		\$5,038.22
2016	6	332	5978500	Program Administration	21A		\$7,844.65
2016	6	332	5987771	Program Administration	21A		\$6,720.61
2016	6	332	5996222	Program Administration	21A		\$5,826.31
2016	6	332	6007076	Program Administration	21A		\$8,225.70
2016	6	332	6016571	Program Administration	21A		\$5,826.32
2016	6	332	6026763	Program Administration	21A		\$5,826.31
2016	6	332	6035482	Program Administration	21A		\$2,155.84
					21A	Matrix Code	\$57,312.00
<b>Total</b>							<b>\$57,312.00</b>



U.S. Department of Housing and Urban Development  
 Office of Community Planning and Development  
 Integrated Disbursement and Information System  
 CDBG Activity Summary Report (GPR) for Program Year 2016  
 CASPER

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### EXHIBIT B

**PGM Year:** 2013  
**Project:** 0001 - HRAP Activities  
**IDIS Activity:** 305 - Mission Serve  
**Status:** Completed 3/17/2017 12:00:00 AM  
**Location:** 1121 S Cherry St Casper, WY 82604-2826

**Objective:** Create suitable living environments  
**Outcome:** Affordability  
**Matrix Code:** Rehab; Single-Unit Residential (14A) **National Objective:** LMH

**Initial Funding Date:** 07/30/2013

**Description:**

The City performs an activity which allows for less-urgent (but still imperative to owners safety and health) repairs to be done on homes of low-moderate income Casper residents. The activity is an annual program where roofs are replaced, windows and doors are repaired or replaced, houses are painted, fences are fixed and/or ramps are constructed for accessibility by persons with disabilities. The project increases the real estate value in neighborhoods and is an annual community effort bringing in youth to involve them with public service projects. It is one of the community's proud moments and its occurrence is a motivating force for many of the members of the community that wish to help their neighbors.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$6,131.62	\$0.00	\$0.00
		2011	B11MC560001		\$0.00	\$6,097.62
		2012	B12MC560001		\$0.00	\$34.00
	PI			\$924.39	\$0.00	\$924.39
<b>Total</b>	<b>Total</b>			<b>\$7,056.01</b>	<b>\$0.00</b>	<b>\$7,056.01</b>

**Proposed Accomplishments**

Housing Units : 10

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	6	0	0	0	6	0	0	0
Black/African American:	1	0	0	0	1	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0

PR03 - CASPER

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Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>
Female-headed Households:	03		0		0			
<i>Income Category:</i>								
	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Person</b>				
Extremely Low	5	0	5	0				
Low Mod	1	0	1	0				
Moderate	1	0	1	0				
Non Low Moderate	0	0	0	0				
<b>Total</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>0</b>				
Percent Low/Mod.	100.0%		100.0%					

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2013	This project began in Program Year 2012 and continued into Program Year 2013. This was due to World Changers organization pulling out of the Casper area just as the work was due to begin. 7 homes were scheduled to have work done which was achieved in this Activity satisfactorily with the homeowner's and inspector's approval. A very small group of volunteers with the Mission Serve program, overseen by the City's contractor, Neal Sutton, completed the promised work on the homes. Only one home was suspect of possible lead based paint out of the 7 and preventative measures were taken following HUD lead based practices including the 3-step clean-up process as well as painting the house and trim with encapsulating Elastomeric paint. Work that was done on the 7 homes included installation of new energy efficient windows and doors, roof repairs, painting the homes and newly repaired or rebuilt fences, tree removal and yard clean-up. The 7 home addresses are listed on the detail page. Remaining funds (\$2943.99) will be reallocated to the PY14 Clearance and Demolition Activity in order to address a safety and health issue with a dangerous house on Jefferson needing cleared and demolished.	



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**PGM Year:** 2013  
**Project:** 0003 - Transportation Subsidy  
**IDIS Activity:** 307 - CATC Subsidized Fares  
**Status:** Completed 3/17/2017 12:00:00 AM  
**Location:** 1715 E 4th St Casper, WY 82601-3044  
**Objective:** Create suitable living environments  
**Outcome:** Affordability  
**Matrix Code:** Transportation Services (05E) **National Objective:** LMC

**Initial Funding Date:** 07/30/2013

**Description:**

The activity purchases ridership tickets for low-moderate income persons who ride CATC and The Bus. The availability of transportation in Casper, especially to the most disadvantaged, is a high priority in that it can be practically impossible without funding sources beyond the City's general fund. CATC receives CDBG funds from the City and is responsible for verifying the income eligibility of each applicant onsite. In addition, CATC gives a portion of the tokens to local nonprofit organizations to use for homeless and income eligible clientele. Nonprofit organizations that provide supportive services, especially to homeless persons and families, give their clients tokens for CATC and The Bus and CATC tickets so their clients have access to transportation for medical appointments and other necessary business.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$18,388.01	\$0.00	\$0.00
		2011	B11MC560001		\$0.00	\$14,273.58
		2012	B12MC560001		\$0.00	\$12,028.43
		2013	B13MC560001		\$0.00	(\$9,914.00)
	PI			\$2,197.99	\$0.00	\$2,197.99
<b>Total</b>	<b>Total</b>			<b>\$18,586.00</b>	<b>\$0.00</b>	<b>\$18,586.00</b>

**Proposed Accomplishments**

People (General) : 375

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	195	18
Black/African American:	0	0	0	0	0	0	11	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	12	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	3	0

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Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>221</b>	<b>18</b>

Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	193
Low Mod	0	0	0	28
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	221
Percent Low/Mod	100.0%			

Annual Accomplishments

Years	Accomplishment Narrative	# Benefiting
2013	The Casper Area Transportation Coalition has four fixed routes in the City of Casper CDBG area. A stop at Taco Bell was removed this year and routes are in the beginning stages of revision. The changes may include new stops, but will mainly be to refine the routes and make them run more efficiently. CATC gave out tickets and tokens to eligible low income and/or elderly and/or disabled persons who must complete an application to show they qualify. In October 2013, CATC celebrated their millionth rider on The Bus system that has been operating since April of 2005. Tokens are given out to ride The Bus or CATC to eligible recipients in two categories, General Public/Youth and Adult Elderly/Disabled. Tickets are given out to ride The Bus to eligible recipients for Adult Elderly/Disabled residents. The total numbers of tokens and tickets the funding provided that were given out to eligible recipients were: Tokens - 32,870, Tickets - 3,250, 221 Persons were assisted with transportation.	



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**PGM Year:** 2013  
**Project:** 0002 - City Core Revitalization  
**IDIS Activity:** 309 - Matching Facade Grants  
**Status:** Canceled 2/27/2017 2:52:36 PM  
**Location:** 200 N David St Casper, WY 82601-1815

**Objective:** Create economic opportunities  
**Outcome:** Availability/accessibility  
**Matrix Code:** Rehab: Publicly or Privately-Owned Commercial/Industrial (14E)

**National Objective:** SBA

**Initial Funding Date:** 07/31/2013

**Description:**

This activity provides small facade matching grants to rehabilitate building entrances. An attractive entrance will entice shoppers to come inside, look around and hopefully spend money. The continuity of the look of the neighborhood is also conducive to its overall identity. A successful facade grant will hopefully encourage additional LMJ creation.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2012	B12MC560001		\$0.00	\$30,719.59
		2013	B13MC560001		\$0.00	(\$30,719.59)
<b>Total</b>	<b>Total</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Proposed Accomplishments**

Businesses : 4

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2013	Four Facade Grants were awarded in FY2013 for commercial properties: The Artist's Choice Art Gallery-647 W. Yellowstone, Oil City Printers-544 E. Yellowstone, The Coca Cola Building-627 S. Yellowstone and the County Annex Building-120 West First. SHPO was contacted prior to any work being done on the buildings to assure the City could proceed with proposed building changes and not need to address historical building requirements. Environmental reports were conducted on each property in accordance with HUD requirements. Funds were used to install new awnings which dramatically improved the storefront as well as the area in general, on the Artist's Choice Gallery, and also to install new windows in Oil City Printers, the Coca Cola Building and the County Annex building. The aged windows being replaced were deteriorating, some were cracked and all were allowing cold weather to enter around the frames. Replacing the windows with insulated, well fitting, energy efficient units provided improvement to the look of the buildings as well as addressing slum and blight in the surrounding neighborhoods. In an attempt to use Matrix Code 14F as recommended, it was realized that this Matrix Code only applies to the Accomplishment Type: Housing Units, therefore, the Matrix Code remains as 14E for Rehab of Publicly or Privately-Owned Commercial/Industrial businesses, where SBA and Businesses are the coordinating National Objective and Accomplishment Types available to 14E.	





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**PGM Year:** 2013  
**Project:** 0002 - City Core Revitalization  
**IDIS Activity:** 310 - Demolitions  
**Status:** Completed 3/17/2017 12:00:00 AM  
**Location:** 2118 S Jefferson St Casper, WY 82601-5509  
**Objective:** Create suitable living environments  
**Outcome:** Availability/accessibility  
**Matrix Code:** Clearance and Demolition (04) **National Objective:** SBS

**Initial Funding Date:** 07/31/2013

**Description:**

Clearance and demolition funds will facilitate redevelopment efforts. This activity allows for approximately 1 demolition in conjunction with other redevelopment projects.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
		Pre-2015		\$5,996.00	\$0.00	\$0.00
CDBG	EN	2012	B12MC560001		\$0.00	\$266.03
		2013	B13MC560001		\$0.00	\$5,729.97
<b>Total</b>	<b>Total</b>			<b>\$5,996.00</b>	<b>\$0.00</b>	<b>\$5,996.00</b>

**Proposed Accomplishments**

Housing Units : 1

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2013	A request or need for Clearance or Demolition of a property in PY13 was not made. Code Enforcement officers did not discover a property needing clearance from hazardous materials nor did they notify the Community Development Technician of a property needing to be demolished. The City will reallocate the funds as indicated in the 2015 Annual Action Plan, to PY2014 and plans to complete a clearance or demolition project in one of the LMI areas in the City.	
2014	No properties were presented to have clearance done or to be demolished in this program year. Funds will be used on clearance and demolition projects in Program Year 2014. Upon using the funds from this PY13, the Activity will be completed. The Property being reviewed for Clearance and Demolition is a house that has become a dangerous rodent, insect infested building. The homeowner had passed away and unaware to anyone, the property was simply 'left'. In the last 2 years, the home had at least 3 feet of standing water in it that remained until it evaporated, causing black mold to grow as well as severe structural damage. After it had dried out, animals got in and scavenged through for food and left feces and urine throughout the house. Transients then realized the house was vacant and entered through several areas, ransacked the property, damaged it further, and used the bathroom, which had no water in it causing an extreme biological hazard. The Clearance and Demolition is being addressed as a slum and blight on a spot basis activity. Asbestos has been confirmed and a scope of work is being developed first for abatement per DEQ regulations and observation, followed by demolition. The credit union that holds the title said they would waive the foreclosure and release it to the City. The Habitat for Humanity group is interested in building a home on the site and the City would waive the lien placed on it and donate it to the Agency to build a home for a very low to low income family. Eliminating this home from the area will improve the value and appeal of the area. A new home built on the block will improve the value of the neighboring homes even further. Remaining funds from this Activity were expended and the remainder for this project will be expended from PY14 Clearance and Demolition Activity #317.	



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**PGM Year:** 2013  
**Project:** 0004 - Administration  
**IDIS Activity:** 311 - Community Development Technician Salary and Benefits  
**Status:** Completed 3/17/2017 12:00:00 AM  
**Location:** Objective:  
 Outcome:  
 Matrix Code: General Program Administration (21A) National Objective:

**Initial Funding Date:** 07/31/2013

**Description:**

Provides for the full salary of the Community Development Technician plus benefits (minus 10% for direct rehab program administration), in order to administer the CDBG grant funds.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$45,503.73	\$0.00	\$0.00
		2011	B11MC560001		\$0.00	\$25,261.52
		2012	B12MC560001		\$0.00	\$22,994.21
		2013	B13MC560001		\$0.00	(\$2,752.00)
<b>Total</b>	<b>Total</b>			<b>\$45,503.73</b>	<b>\$0.00</b>	<b>\$45,503.73</b>

**Proposed Accomplishments**

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:					0	0		
Black/African American:					0	0		
Asian:					0	0		
American Indian/Alaskan Native:					0	0		
Native Hawaiian/Other Pacific Islander:					0	0		
American Indian/Alaskan Native & White:					0	0		
Asian White:					0	0		
Black/African American & White:					0	0		
American Indian/Alaskan Native & Black/African American:					0	0		
Other multi-racial:					0	0		
Asian/Pacific Islander:					0	0		
Hispanic:					0	0		
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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Female-headed Households:

0

Income Category:

	Owner	Renter	Total	Person
Extremely Low			0	
Low Mod			0	
Moderate			0	
Non Low Moderate			0	
Total	0	0	0	0
Percent Low/Mod				

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.

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**PGM Year:** 2014  
**Project:** 0003 - LifeSteps Campus Care  
**IDIS Activity:** 314 - LifeSteps Campus  
**Status:** Completed 8/4/2017 12:00:00 AM  
**Location:** 1514 E 12th St Casper, WY 82601-4084  
**Objective:** Provide decent affordable housing  
**Outcome:** Availability/accessibility  
**Matrix Code:** Homeless Facilities (not operating costs) (03C)  
**National Objective:** LMC

**Initial Funding Date:** 08/27/2014

**Description:**

The City will use CDBG Entitlement Grant monies, also leveraged by a much larger amount of the City's General Fund, to support the operation and maintenance of the LifeSteps Campus.  
 The Campus is owned by the City and provides a unique opportunity for many of Casper's social services to be located in one place.  
 On the campus, which is managed by a local non-profit agency, there are the following services: Building B contains approximately 8 permanent low-income housing units and is managed by Wyoming Housing Network; Building E has the Healthcare for the Homeless Clinic and the Early Head Start Program; Building F also contains several Housing First housing units; Building H was upgraded in February 2014 including a lift inside the building and houses an on-site property manager; Building K houses a kitchen and dining common room.  
 The kitchen is used primarily for providing meals to the children in the Early Head Start Program.  
 The buildings are very old, and there are many maintenance issues which need to be addressed in this and future Program Years.  
 The CDBG money will be used for emergency repairs, rehabilitation and upgrades on the campus.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$125,937.71	\$0.00	\$0.00
		2012	B12MC560001		\$0.00	\$64,872.25
		2013	B13MC560001		\$0.00	\$46,853.13
		2014	B14MC560001		\$12,612.33	\$14,412.33
	PI			\$9,062.29	\$0.00	\$9,062.29
<b>Total</b>	<b>Total</b>			<b>\$135,000.00</b>	<b>\$12,612.33</b>	<b>\$135,000.00</b>

**Proposed Accomplishments**

Public Facilities : 360

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	189	5
Black/African American:	0	0	0	0	0	0	5	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	6	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0

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American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>200</b>	<b>5</b>

Female-headed Households: 0 0 0 0 0 0 0 0

Income Category:	Owner	Renter	Total	Person
Extremely Low	0	0	0	200
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	200
Percent Low/Mod				100.0%

**Annual Accomplishments**



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Years	Accomplishment Narrative	# Benefiting
2014	<p>The dishwasher in Building K had stopped working completely. The lowest and most responsible bid was awarded. Requested: new Hobart AM15 Commercial Dishwasher unit which was installed on December 30, 2014. The cost was \$14,748.00.</p> <p>Carpet in one room of Building C had been partially torn up, warranting replacement. The lowest most responsible bid was awarded. No files under the carpet were damaged and no substances were disturbed in the process. A floor sealant was applied to ensure full encapsulation of the existing tile surface new carpeting. Total: \$800.00 was on the February Drawdown.</p> <p>The porch on the back of Building D had deteriorated and separated from the building. The concrete pad/patio area had developed hazardous cracks. The lowest bid was the most responsible and was awarded. The project proceeded under Davis Bacon rules. It was completed on 4/26/2015. Total: \$3349.48 was included in the April 2015 drawdown.</p> <p>Concrete in several areas on Campus had cracked, deteriorated or warped due to age. The damaged areas were tripping hazards or causing drainage issues. The lowest bid was the most responsible and was awarded. The project proceeded under Davis Bacon rules. It was completed on 4/27/2015. Total: \$9100.0 was included in the April 2015 drawdown.</p> <p>14 aged &amp; deteriorated windows were replaced with energy efficient windows with a 20 Year transferable warranty that no other contractor matched. The project was completed following Davis Bacon regulations on June 5 and the final funds were drawn down in the June Drawdown.</p> <p>Bids were obtained for Building K flooring and the stained, torn &amp; faded carpet and cove base were replaced with LVT flooring and cove base. Project was completed following Davis Bacon regulations on April 26. Funds were drawn down in the April Drawdown.</p> <p>Sliding Glass doors had been nailed shut due to not being able to be closed and weather coming in. Rotted wood along the bottom of the doors and side windows. The carpet was destroyed due to water damage. Each opening had a pair of French-style solid doors installed with solid, matching permanent side windows. Work completed following Davis Bacon regulations on June 5 and the remaining amount was drawn down in June.</p> <p>A Fire Inspection revealed necessary electrical work was needed in Buildings E &amp; F. Outlets were cracked, broken or out of code, switches did not operate proper fixtures and loads were too heavy on some circuits. The work was completed following Davis Bacon regulations on April 29 and the invoiced amount was drawn down in April.</p> <p>Building B, Apt 204 had carpet that was extremely aged and linoleum cracked, with holes. Flooring had not been replaced for many years in this building. LVT flooring was installed following Davis Bacon regulations. The job was completed on June 10 and the invoiced amount was drawn down in June.</p> <p>A concrete sidewalk needed constructed from the parking lot of Building D to the front handicapped ramp for full accessibility from the parking lot. The sidewalk was constructed following Davis Bacon regulations and completed on June 29. The funds were drawn down in the June drawdown.</p> <p>Several emergency repairs were made to the failing fire suppression system. It had deteriorated in many areas and several feet of pipe had to be replaced as well as a compressor that controlled the 3 main valves. Part of this work was done in PY14 and part in PY15.</p> <p>The Heating Replacement in Building E requires an Amendment to the AAP which was done and approved by Council. Unexpended funds will be added to this Activity and PY15#320 funding will be used as well to complete this project.</p> <p>The Fire Suppression System Replacement project of PY16 will expend the remaining funds in this Activity. The system was replaced in Buildings C and E which house at-risk young females and permanent supportive housing tenants respectively ensuring a safe environment.</p>	



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**PGM Year:** 2014  
**Project:** 0004 - City Core Revitalization  
**IDIS Activity:** 316 - Matching Facade Grants  
**Status:** Canceled 2/27/2017 2:54:43 PM  
**Location:** 145 N Durbin St Casper, WY 82601-1914  
**Objective:** Create economic opportunities  
**Outcome:** Availability/accessibility  
**Matrix Code:** Rehab; Publicly or Privately-Owned Commercial/Industrial (14E) **National Objective:** SBS

**Initial Funding Date:** 08/27/2014

**Description:**

The City Core revitalization project will be a multi-year project providing small facade matching grants to encourage rehabilitation of building exteriors. An attractive facade will entice consumers to come inside, look around and hopefully spend money. The continuity of the look of the neighborhood is also conducive to its overall identity. A successful facade grant will may encourage additional employment opportunities by increasing the appeal and success of the business. The National Objective is to aid in the prevention or elimination of slum and blight on a spot basis.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2013	B13MC560001		\$0.00	\$0.00
<b>Total</b>	<b>Total</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Proposed Accomplishments**

Businesses, 2

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2014	No Facade Grants in the Urban Renewal Area were accomplished by the end of this year. A Facade Grant was awarded to a business located outside of the Urban Renewal Area. 145 S. Durbin, a 1948 building which houses the Casper Housing Authority, had deteriorating brick, concrete and siding and received new EFIS and Stucco. This improvement enhanced the building as well as the area it is located in. The business made a significant financial commitment to the project. PY14 funds were used in PY15.  Per the HUD request to de-obligate funding in this Activity the remaining \$10,000.00 was re-allocated to LifeSteps Campus Care, Activity 314, which is an eligible area of expenditures listed in the Five-Year Consolidated Plan as well as the Annual Action Plan.	



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**PGM Year:** 2014  
**Project:** 0004 - City Core Revitalization  
**IDIS Activity:** 317 - Clearance and Demolition  
**Status:** Open  
**Location:** 1030 Saint John St Casper, WY 82601-1258  
**Objective:** Create suitable living environments  
**Outcome:** Availability/accessibility  
**Matrix Code:** Clearance and Demolition (04) **National Objective:** SBS

**Initial Funding Date:** 08/27/2014

**Description:**  
 Clearance and demolition funds will facilitate redevelopment efforts through the removal of slum and blight. All residential properties must be vacant before clearance and demolition progresses. DEQ processes related to asbestos testing will be followed. This activity allows for approximately 3 demolitions in conjunction with other redevelopment projects. Redevelopment projects may be commercial, residential or mixed use.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$62,746.29	\$0.00	\$0.00
		2012	B12MC560001		\$0.00	\$16,431.26
		2013	B13MC560001		\$0.00	\$11,010.07
		2014	B14MC560001		\$4,150.00	\$4,150.00
	PI			\$233.70	\$0.00	\$233.70
<b>Total</b>	<b>Total</b>			<b>\$62,979.99</b>	<b>\$4,150.00</b>	<b>\$31,825.03</b>

**Proposed Accomplishments**

Housing Units : 3

**Annual Accomplishments**





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Years	Accomplishment Narrative	# Benefiting
2014	<p>1/30/2015 The City completed the Mission Serve (previously World Changers) Activity #305 in PY13 due to the program ceasing and there being no possibility of expending funds for it. The City created an Amendment to the Annual Action Plan following correct procedures and reallocated the remaining funds to assist with clearance and demolition of dangerous properties.</p> <p>Property planned for Clearance and Demolition, after discussion with Shayne Brady and addressing it as Slum and Blight on a Spot Basis. Dangerous rodent, insect infested house. Past 2 years, home had at least 3 feet of water in it remaining until it evaporated, causing black mold and severe structural damage. Animals scavenged through leaving feces and urine throughout the house. Transients entered through several areas, ransacked the property, damaged it further, and caused an extreme biological hazard. Asbestos was confirmed, scope of work was developed first for abatement per DEQ regulations and observation, followed by demolition. The City would waive the lien to build a home for a very low to low income family. Eliminating this home will improve the safety, value, and appeal of the area. Habitat for Humanity is interested in building a home on this property. A new home built on the block will also improve the value of the neighboring homes.</p> <p>Demolition was accomplished at a second house addressing Slum and Blight on a Spot Basis. 1653 S Washington was a house that had been left vacant and abandoned after the deaths of the owners. The property tested positive for asbestos. Property was boarded up by the City and no trespassing signs were posted. This property had been infested by rodents and insects. Transients had come in and used the property. The house was severely vandalized and damaged and drug use was evident from the paraphernalia throughout. Animal and human fecal matter also throughout the property made it a toxic, biological hazardous site. With funding, asbestos abatement was performed observing DEQ regulations and house was demolished. Habitat for humanity built a single family home on the lot in the summer of 2016.</p> <p>A very small building for Clearance and Demolition located at 520 S Kimball-back. 2 room building left years ago, vacant and unused. Code Enforcement identified it as a fire hazard with weed growth around it which has become infested by rodents and insects. Located in the LMI Census Tract 300. Became location for transients had drug paraphernalia and alcohol containers discovered on a regular basis. Floors have deteriorated and sunk in and the windows are mostly broken. Asbestos was discovered and abatement was performed following DEQ regulations prior to demolition. Demolition of this dangerous building was performed and the lot is now cleared and safe.</p> <p>Funds spent on items determined to be ineligible in 2011 were repaid to the CDBG account from the City of Casper and required to be expended immediately on an eligible expense. The full amount, \$1,871.17, was expended and drawn down on this Clearance and Demolition activity in June 2016.</p> <p>1030 St. John, located in Census Tract 200, has been vacant for over 1 year. Determined to be a dangerous building with certifications from Fire Department and Code Enforcement. Owners are deceased. Vacant building was unsecured and an attractive nuisance for vagrants and children, extremely dilapidated. Deterioration, lack of maintenance, significant amount of combustible material created a hazardous fire load and deemed the structure to be a fire hazard. Demolition will occur spring 2017.</p> <p>A balance remains in this Activity, therefore it is not yet completed. Dangerous buildings are being inspected by Code Enforcement and the Casper Fire Department that may be eligible to expend the funding on.</p>	



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**PGM Year:** 2015  
**Project:** 0002 - Housing Rehabilitation Assistance Program  
**IDIS Activity:** 319 - Emergency Repairs

**Status:** Completed 3/17/2017 12:00:00 AM  
**Location:** 1037 N Durbin St Casper, WY 82601-1242

**Objective:** Create suitable living environments  
**Outcome:** Sustainability  
**Matrix Code:** Rehab; Single-Unit Residential (14A)

**National Objective:** LMH

**Initial Funding Date:** 10/22/2015

**Description:**

This activity aides in the sustainable provision of decent and affordable housing. Loan fees for previous rehabilitation loans are charged to this activity. Existing housing stock will be preserved and upgraded for persons at or below eighty percent of Area Median Income. Eligible homeowners will be assisted with emergency rehabilitation grants on necessary maintenance and/or repairs.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC560001	\$25,425.57	\$2,175.53	\$25,425.57
	PI			\$331.33	\$0.00	\$331.33
<b>Total</b>	<b>Total</b>			<b>\$25,756.90</b>	<b>\$2,175.53</b>	<b>\$25,756.90</b>

**Proposed Accomplishments**

Housing Units : 5

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	2	0	0	0	2	0	0	0
Black/African American:	0	0	0	0	0	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0

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<b>Total:</b>			2	0	0	0	2	0	0	0
Female-headed Households:			1		0		1			
<b>Income Category:</b>	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Person</b>						
Extremely Low	2	0	2	0						
Low Mod	0	0	0	0						
Moderate	0	0	0	0						
Non Low Moderate	0	0	0	0						
Total	2	0	2	0						
Percent Low/Mod	100.0%		100.0%							

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2015	<p>A home at 1037 N. Durbin was brought to the City's attention that had the gas turned off due to a water leak in the crawl space plumbing that had damaged the furnace, also in the crawl space. Davidson Mechanical went to perform the replacement of all of the original cast iron pipes under the floor in the crawl space. After beginning the project, they realized the scope of work was much larger than originally anticipated and they did not have the time or manpower to commit to the project and cancelled the contract at that time. They invoiced for the work that had been completed. It became evident that the plumbing repairs were only a small portion of what was needed in the home and the project did not warrant the continuance of expending HUD funds.</p> <p>A homeowner, at 812 N. Grant applied for assistance following a public meeting that was held for last year's CAPER report. The home is in need of paint, new roof, front porch replacement and 2 entry doors. The home tested positive for lead paint and proper procedures have been put in place. The owner has been notified of the lead paint and given the Lead Paint booklet to be informed. Only Lead-Based Paint certified painters have been contacted for quoting the project. Lead-based paint was not present on the porch. As of completion of this Activity, this home has received: new roof, new paint, new porch. The remainder of the porch and the door replacements will be charged to Activity #327 in PY16, as this Activity is fully expended.</p> <p>A homeowner at 1022 N. Jefferson applied needing assistance with paint and a new roof. Quotes were requested from at least three contractors.</p> <p>A homeowner at 1024 St John applied needing assistance with a new roof. Quotes were requested from at least three contractors.</p> <p>A homeowner at 509 S. Lincoln applied for assistance with a leaking roof - needing a new roof. Quotes will be requested from at least three contractors.</p> <p>***The three projects listed above will all be PY16 projects due to the full expenditure of funds on the two projects which were completed above needing many repairs done - especially the Grant Street home. The number of housing units hoped to be accomplished was over-estimated when planning projects in the Annual Action Plan. The City will be more conservative and realistic from now on in planning the numbers of projects which can actually be completed. Five applications were taken.</p> <p>The roofing projects referred to above will be accomplished in PY16 if they are determined to be eligible projects.</p>	



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**PGM Year:** 2015  
**Project:** 0003 - LifeSteps Campus Care  
**IDIS Activity:** 320 - LifeSteps Campus Care  
**Status:** Completed 8/4/2017 12:00:00 AM  
**Location:** 1514 E 12th St Casper, WY 82601-4084  
**Objective:** Provide decent affordable housing  
**Outcome:** Sustainability  
**Matrix Code:** Homeless Facilities (not operating costs) (03C)  
**National Objective:** LMC

**Initial Funding Date:** 10/22/2015

**Description:**

The City will use CDBG Entitlement Grant monies, also leveraged by a the City's General Fund, to support the operation and maintenance of the LifeSteps Campus. The Campus is owned by the City and provides a unique opportunity for many of Casper's social services to be located in one place. On the campus, which is managed by a local non-profit agency, there are the following services: Building B contains approximately 8 permanent low-income housing units and is managed by Wyoming Housing Network; Building C is home to a disabled adult program called All About Family; Building E has transitional housing units in addition to the Healthcare for the Homeless Clinic and the Early Head Start Program; Building F also contains several transitional housing units; Building H was upgraded in February 2014 including a lift inside the building and houses 2 transitional housing residents who are acting on-site property managers; and Building K is a kitchen and large dining room which is used for providing meals to the children in the Early Head Start Program, breakfast and lunches for campus residents and an educational cooking program. The buildings are very old, and there are many issues which need to be addressed in this and future Program Years. The CDBG money will be used for emergency repairs, rehabilitation and upgrades on the campus including assisting with increasing housing units.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$359,452.97	\$0.00	\$0.00
		2013	B13MC560001		\$0.00	\$231,722.61
		2014	B14MC580001		\$5,557.07	\$127,730.36
		2015	B15MC560001	\$81,899.28	\$80,906.21	\$81,899.28
	PI			\$231.13	\$0.00	\$231.13
<b>Total</b>	<b>Total</b>			<b>\$441,583.38</b>	<b>\$86,463.28</b>	<b>\$441,583.38</b>

**Proposed Accomplishments**

Public Facilities : 66

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	887	105
Black/African American:	0	0	0	0	0	0	26	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0

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Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	123	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,036</b>	<b>105</b>

Female-headed Households: 0 0 0

Income Category:	Owner	Renter	Total	Person
Extremely Low	0	0	0	1,036
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	1,036
Percent Low/Mod				100.0%

### Annual Accomplishments

Years	Accomplishment Narrative	# Benefiting
2015	<p>Some funding for the Campus has been used for repairing the fire suppression system. The City hired a qualified company to do a Five-Year Inspection on the system which was found to be in a dangerously poor state. They determined that required draining of lines had not been done for several years as the City had been told it was. Building C and Building E are in severe need of replacement. Housing Initiative (#321) Funding in addition to LifeSteps Funding is planned to be used to replace the systems. The fire suppression system replacement in Buildings C and E was completed in PY16 and the remaining funding in this Activity was expended on the project. Full procurement procedures were followed. A City Engineer oversaw the project and created and managed the RFP and project. All tests and inspections were completed. Davis Bacon regulations applied and were observed. The fire suppression project in buildings C and E has been completed.</p> <p>The Heating system in Building E was the other critical system that needed replaced this year due to failure. The boiler burned up after the replacement was planned, confirming the necessity of replacement. The continual leaks and repairs causing the system to shut down left tenants, staff and children in the Head Start program and staff and patients in the Healthcare for Homeless program cold many times. The heating system is being converted from steam to hot water heat. This will be a more efficient way to heat the building. The Heating System Replacement will ensure safety of the people in the building and eliminate further issues of leaks and the lack of heat. A full environmental review was performed with assistance with an assigned consultant. The Head Start program was temporarily relocated by the City into one of the buildings vacated by the Transitional Housing program. Weekly progress meetings take place as well as weekly Davis Bacon interviews. The project is progressing well.</p>	



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**PGM Year:** 2015  
**Project:** 0002 - Housing Rehabilitation Assistance Program  
**IDIS Activity:** 321 - Housing Initiatives  
**Status:** Open  
**Location:** 200 N David St Casper, WY 82601-1815  
**Objective:** Create suitable living environments  
**Outcome:** Availability/accessibility  
**Matrix Code:** Homeless Facilities (not operating costs) (03C)  
**National Objective:** LMC

**Initial Funding Date:** 10/22/2015

**Description:**

The City intends to use CDBG funds for re-development of vacant properties into either homeless shelters (Matrix Code 03C) or market affordable rental housing (Matrix Code 14B) for a variety of tenants with low to moderate income, the working poor, senior, disabled, and others. Tenants required to meet an income qualification will be income qualified through our HUD partners. Prioritization will also be given to specific rehabilitation projects that address ADA compliance, safety issues such as fire suppression, energy-efficiency, and creation of public space.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC560001	\$45,000.00	\$31,395.80	\$31,395.80
<b>Total</b>	<b>Total</b>			<b>\$45,000.00</b>	<b>\$31,395.80</b>	<b>\$31,395.80</b>

**Proposed Accomplishments**

Public Facilities : 6

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	551	51
Black/African American:	0	0	0	0	0	0	19	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	70	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>640</b>	<b>51</b>

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Female-headed Households: 0 0 0

Income Category:	Owner	Renter	Total	Person
Extremely Low	0	0	0	640
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	640
Percent Low/Mod				100.0%

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2016	The fire suppression system in Buildings C and E on LifeSteps Campus is needing to be replaced. The system is corroded to the point of repairs no longer being possible. Many leaks over the last three years have been repaired to keep the system running. Due to the safety issue of not having a fully functional fire suppression system that can be depended on, it will be replaced. All existing piping and valves will be replaced with new ones in the same locations. Building C has been newly renovated to accommodate residents with special needs and the fire suppression system replacement will complete that renovation. Building E is having rehabilitation done to housing units and moving the Early Head Start Program to new quarters which will be more functional. The fire suppression system replacement will be done in conjunction with the rehabilitation in Building E. Funding from LifeSteps Campus Care current and previous years as well as City funding will be used to replace the fire suppression system.	



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**PGM Year:** 2015  
**Project:** 0001 - Transportation Subsidies  
**IDIS Activity:** 322 - Transportation Assistance  
**Status:** Completed 8/24/2016 12:00:00 AM  
**Location:** 200 N David St. Casper, WY 82601-1815  
**Objective:** Create suitable living environments  
**Outcome:** Availability/accessibility  
**Matrix Code:** Transportation Services (05E) **National Objective:** LMC

**Initial Funding Date:** 10/22/2015

**Description:**

This activity makes transit services on the City's public transportation systems (CATC) affordable and available to low-moderate income persons, especially elderly persons and persons with disabilities by subsidizing the costs of tickets and tokens. Providing recipients reliable transportation to employment, education, medical services, shopping and social activities. Transit options available are the fixed route service, The Bus, or the dial-a-ride service, CATC.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC560001	\$28,346.15	\$0.00	\$28,346.15
	PI			\$6,653.85	\$0.00	\$6,653.85
<b>Total</b>	<b>Total</b>			<b>\$35,000.00</b>	<b>\$0.00</b>	<b>\$35,000.00</b>

**Proposed Accomplishments**

People (General) - 200

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	744	71
Black/African American:	0	0	0	0	0	0	55	0
Asian:	0	0	0	0	0	0	7	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	72	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	54	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0





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<b>Total:</b>									932	71
Female-headed Households:									0	
<b>Income Category:</b>	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Person</b>						
Extremely Low	0	0	0	932						
Low Mod	0	0	0	0						
Moderate	0	0	0	0						
Non Low Moderate	0	0	0	0						
Total	0	0	0	932						
Percent Low/Mod				100.0%						

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2015	The Casper Area Transportation Coalition (CATC) requested reimbursement for 12,461 subsidized tokens distributed to General Public and Youth and 20,900 for Adult Elderly and/or Disabled persons, and 6,155 trip tickets for Adult Elderly and/or Disabled persons. A new Bus Token Outlet program was developed by the City this year making additional bus token access points available to citizens and requiring all persons requesting assistance for transportation tickets or tokens to complete an application verifying a status of low income, elderly or disabled, or a combination. 314 persons applied through CATC which is a 90 person increase from last year's number of 224 showing a growing need for transportation assistance. The Outlets requiring applications for the tokens they distribute are: Central Wyoming Rescue Mission - women's and men's centers, Casper Housing Authority, Interfaith, First United Methodist Church, and Community Action Partnership of Natrona County. There has been great success with the forms the City created and required of the Outlets providing tokens to citizens. A good response was received with more accurate accounting of the actual numbers of low income, disabled and elderly citizens assisted with this program. The reports are in, and the numbers of persons being benefited has increased significantly, by 697 - an increase in ridership of 24% from prior years' reporting. The new process is showing a more valid picture of citizens in the City utilizing subsidized transportation.	



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**PGM Year:** 2015  
**Project:** 0004 - City Core Revitalization  
**IDIS Activity:** 323 - Clearance and Demolition  
**Status:** Completed 4/4/2017 12:00:00 AM  
**Location:** 221 N Park St Casper, WY 82601-2041  
**Objective:** Create suitable living environments  
**Outcome:** Sustainability  
**Matrix Code:** Clearance and Demolition (04) **National Objective:** SBS

**Initial Funding Date:** 10/22/2015

**Description:**  
 Clearance and demolition funds will facilitate redevelopment efforts through the removal of slum and blight. All residential properties must be vacant before clearance and demolition progresses. DEQ processes related to asbestos testing will be followed. This activity allows for approximately 3 demolitions in conjunction with other redevelopment projects. Redevelopment projects may be commercial, residential or mixed use depending on the location of the project.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC560001	\$18,000.00	\$0.00	\$18,000.00
<b>Total</b>	<b>Total</b>			<b>\$18,000.00</b>	<b>\$0.00</b>	<b>\$18,000.00</b>

**Proposed Accomplishments**

Housing Units : 2

**Annual Accomplishments**



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Years	Accomplishment Narrative	# Benefiting
2015	<p>The Central Wyoming Rescue Mission (CWRM) independently purchased 2 lots with buildings on them which were very old, dilapidated, in disrepair with broken windows, peeling paint and poor roofs and drainage systems. Both buildings were vacant, encouraging transients that frequented them on a regular basis. The lots were not maintained which caused issues of weeds, insects, rodents and animals on the lot that spread into adjoining properties. Code Enforcement has 13 Citations regarding the properties involving Weed-growth on the property which had spread into the alley and the gutter. Junk- miscellaneous debris including lumber, broken snowmobile, televisions, microwaves, mattresses, bagged trash, and more. Vehicle- unregistered vehicle on the lot in 2013 which was unknown if it belonged to a tenant or not. The CWRM approached the City for funding assistance in the removal of the buildings. The Clearance Activity has been determined to be eligible and will be the program referred to for removal of the buildings. The future plan of CWRM on the lot is for the creation of additional temporary housing for 20 male persons who are homeless. A date is not yet established for this yet, but is expected to occur in the next two years. The funds for 2015 will be expended and the Activity completed, \$103.83 from PY14 Clearance and Demolition Activity #317 and \$1871.17 from the City to reimburse HUD for previous ineligible expenses from a prior staff person, also from PY14 #317. The modulars will be located catty corner and next-door from the existing Mission buildings which have been there for many years. Environmental Review was performed prior to the Clearance. Trains run across the north side of the City every day on a sporadic basis. Burlington Northern was contacted and said the trains were not on a set schedule due to running when there were loads. The train horns are not blown in the proximity of this property as there are no intersections nearby to warn people of their presence. The noise that is heard is the same as any location in the northern parts of town since the tracks span across the entire north side of the City and the sound is not obtrusive. No population is disproportionately affected by the sound. Code Enforcement stated that there is no sound ordinance due to trains in the City, because they traverse the entire north side of the City and can be heard from locations in all four directions throughout and nearby the City. The National Objective of SBS will be changed to LMH when the modulars are placed on the property which will house homeless, male tenants for up to two years.</p>	



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**PGM Year:** 2015  
**Project:** 0004 - City Core Revitalization  
**IDIS Activity:** 324 - Matching Facade Grants.SBR  
**Status:** Completed 8/4/2017 12:00:00 AM  
**Location:** 234 W 1st St Casper, WY 82601-2492  
**Objective:** Create suitable living environments  
**Outcome:** Sustainability  
**Matrix Code:** Rehab: Publicly or Privately-Owned Commercial/Industrial (14E)  
**National Objective:** SBR

**Initial Funding Date:** 03/18/2017

**Description:**

The City Core revitalization project will be a multi-year project providing small facade matching grants to encourage rehabilitation of building exteriors. An attractive facade will entice consumers to come inside, look around and hopefully spend money. The continuity of the look of the neighborhood is also conducive to its overall identity. A successful facade grant will may encourage additional employment opportunities by increasing the appeal and success of the business. The National Objective is to aid in the prevention or elimination of slum and blight in the Urban Renewal Area.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC560001	\$10,000.00	\$10,000.00	\$10,000.00
<b>Total</b>	<b>Total</b>			<b>\$10,000.00</b>	<b>\$10,000.00</b>	<b>\$10,000.00</b>

**Proposed Accomplishments**

Businesses: 1

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2015	Buildings in the Urban Renewal Area are in much need of rehabilitation and repair to remove slum and blight, however, a new Urban Renewal Report was not in place this year, so projects could not be accomplished. It is expected that the new Urban Renewal Report will be submitted and approved in PY16 and this successful program can continue. There is much interest, and applications are being taken on a regular basis from interested business owners. The Updated report was approved 3/22/2017. A painting project was completed on a building which had extreme aged paint which had cracked, peeled and let moisture underneath it. Lead paint testing was performed and was negative. Good quality paint of colors that were approved for the Old Yellowstone District by the Architectural Review Board was applied. The owner installed lighting after the painting was complete which leveraged the funding as well as investing in over half of the required amount to match the amount paid by the Matching Grant program.	



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**PGM Year:** 2015  
**Project:** 0004 - City Core Revitalization  
**IDIS Activity:** 326 - Matching Facade Grant  
**Status:** Completed 4/4/2017 12:00:00 AM  
**Location:** 544 E Yellowstone Hwy Casper, WY 82601-2609  
**Objective:** Create suitable living environments  
**Outcome:** Sustainability  
**Matrix Code:** Rehab; Multi-Unit Residential (14B)  
**National Objective:** LMH

**Initial Funding Date:** 10/22/2015

**Description:**

The City Core revitalization project will be a multi-year project providing small facade matching grants to encourage rehabilitation of building exteriors. An attractive facade will entice consumers to come inside, look around and hopefully spend money. The continuity of the look of the neighborhood is also conducive to its overall identity. A successful facade grant will may encourage additional employment opportunities by increasing the appeal and success of the business. The National Objective is to aid in the prevention or elimination of slum and blight on a spot basis. These projects will be located outside of the Urban Renewal Area.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC560001	\$10,000.00	\$0.00	\$10,000.00
<b>Total</b>	<b>Total</b>			<b>\$10,000.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>

**Proposed Accomplishments**

Housing Units : 1

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	6	3	6	3	0	0
Black/African American:	0	0	0	0	0	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0



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Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>0</b>
Female-headed Households:	0		1		1			

Income Category:	Owner	Renter	Total	Person
Extremely Low	0	6	6	0
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
<b>Total</b>	<b>0</b>	<b>6</b>	<b>6</b>	<b>0</b>
Percent Low/Mod		100.0%	100.0%	

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2015	A Matching Grant was awarded to a business outside of the Urban Renewal Area - Oil City Printers. They were able to install new windows for tenants on the upper floor which has apartments and the lower floor which has business space. None of the windows had ever been replaced and were letting rain and wind come through the edges where there was no longer any seal and the metal and/or wood had rotted or warped too badly for repair. The rehabilitation eliminates further issues of water leaks and the lack of heat due to the open areas surrounding the old windows. The apartments are now weather-tight and the tenant I spoke to said his apartment "was finally warm." This project was completed in January 2016. This Activity improved a building providing decent living conditions for the tenants. Low income status of the tenants was confirmed through interviews with the tenants and building owner who did not plan on any increases in rent charges which were all well below HUD's Fair Market Rent amounts.	



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**PGM Year:** 2016  
**Project:** 0002 - Housing Rehabilitation Assistance Program  
**IDIS Activity:** 327 - Home Rehabilitation  
**Status:** Open  
**Location:** 509 S Lincoln St Casper, WY 82601-3326  
**Objective:** Create suitable living environments  
**Outcome:** Sustainability  
**Matrix Code:** Rehab; Single-Unit Residential (14A) **National Objective:** LMH

**Initial Funding Date:** 08/08/2016

**Description:**  
 To assist eligible low-moderate income homeowners with qualifying home rehabilitation or imminently needed repairs.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC560001	\$32,968.00	\$17,017.87	\$17,017.87
<b>Total</b>	<b>Total</b>			<b>\$32,968.00</b>	<b>\$17,017.87</b>	<b>\$17,017.87</b>

**Proposed Accomplishments**

Housing Units : 3

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	3	0	0	0	3	0	0	0
Black/African American:	0	0	0	0	0	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
Female-headed Households:	2		0		2			



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Income Category:	Owner	Renter	Total	Person
Extremely Low	3	0	3	0
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	3	0	3	0
Percent Low/Mod:	100.0%		100.0%	

### Annual Accomplishments

Years	Accomplishment Narrative	# Benefiting
2016	<p>Homeowner called 5/11/16 requesting assistance for replacing an aged roof that was leaking. The homeowner completed an application for assistance and was found to be eligible via financial- Extremely Low Income Limit, and Environmental qualifications. State Historic Preservation Office responded on 9/29/16 that the project was eligible to proceed with. 3 roofing contractors were contacted who were the only ones registered at sam.gov and said they would present quotes for the project. 2 submitted quotes, the third was emailed three additional times and called twice and still did not submit a quote. From the two quotes received, the lowest, most responsible quote was awarded. A Contract was completed with the Legal Department and submitted to the City Manager and Clerk for signatures.</p> <p>In July 2016 a homeowner approached me needing a furnace replaced and stairs replaced. Homeowner qualified for assistance financially and via an Environmental Review. An elderly, disabled woman as well as herself, who is disabled reside in the home along with a sister who is a caretaker. On 11/1/16 State Historic Preservation response was received finding both projects at this property to be eligible to proceed with. On 9/21-3 contractors were contacted and requested to submit quotes for the replacement of the main entry stairs which were not stable for a stroke victim and not-to-code. By 12/5 - 3 responses were received, contracting was done through the City Legal Dept and necessary signatures were obtained. Notice to Proceed was sent, A Davis Bacon meeting was held prior to the project beginning.</p> <p>A homeowner qualified (Financial, Environmental, SHPO) and had some rehabilitation work performed on her home in PY15. There was still a need to replace two storm doors. 3 contractors who are registered at sam.gov were contacted for quotes. Three responses were received and the lowest most responsible quote was awarded. The contract was processed through the Legal department and necessary signatures obtained. A notice to proceed was issued. The project is under \$2,000, therefore does not require Davis Bacon observation. As weather permits, the contractor will replace the front and side storm doors which will complete this home rehabilitation.</p>	





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**PGM Year:** 2016  
**Project:** 0003 - LifeSteps Campus Care  
**IDIS Activity:** 328 - LifeSteps Campus Care  
**Status:** Completed 8/4/2017 12:00:00 AM  
**Location:** 1514 E 12th St Casper, WY 82601-4084  
**Objective:** Provide decent affordable housing  
**Outcome:** Availability/accessibility  
**Matrix Code:** Homeless Facilities (not operating costs) (03C)  
**National Objective:** LMC

**Initial Funding Date:** 08/08/2016

**Description:**

Funding will be allocated for necessary repairs and capital improvements to LifeSteps Campus, which houses a Housing First program, Health Care for the Homeless Clinic, Early Headstart program and several community service and social service agencies. This is an older campus that is in need of repairs and rehabilitation in the common areas as well as in the public housing units and the Headstart classrooms. All work to be performed will have quotes obtained or be put out for the public bidding process. All regulations will be followed including any projects involving lead-based paint, asbestos management or necessitating Davis Bacon requirements.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$12,666.00	\$0.00	\$0.00
		2013	B13MC560001		\$0.00	(\$750.41)
		2014	B14MC560001		\$13,416.41	\$13,416.41
		2016	B16MC560001	\$82,000.00	\$48,425.73	\$48,425.73
	PI			\$750.41	\$750.41	\$750.41
<b>Total</b>	<b>Total</b>			<b>\$95,416.41</b>	<b>\$62,592.55</b>	<b>\$61,842.14</b>

**Proposed Accomplishments**

Public Facilities : 20

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	1,099	74
Black/African American:	0	0	0	0	0	0	44	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	78	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0

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Other multi-racial:	0	0	0	0	0	0	0	35	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,256</b>	<b>74</b>
Female-headed Households:	0	0	0	0	0	0	0	0	0

Income Category:	Owner	Renter	Total	Person
Extremely Low	0	0	0	1,256
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	1,256
Percent Low/Mod				100.0%

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2016	The Fire Suppression system in buildings C and E was determined to be in a poor state and in danger of failing if it was activated. A 5-Year inspection was performed on the system. The existing pipes were extremely corroded and had a lot of sludge in them. The system is being replaced with a Nitrogen generated system which will aid in the corrosion from the very hard water in Casper as well as adding many additional drains so that the condensation can be drained monthly-virtually eliminating build-up in the pipes. The remaining building, Building F fire suppression system replacement and a full Campus Fire Alarm system replacement will be completed with PY17 funding to ensure a safe place for all residents and visitors on the Campus. A new program involving high-risk youth began this year in Building C. 143 homeless youth were housed over the year in this program. 16 units were rehabbed for additional Housing First units with City One Cent funds allocated to the Casper Housing Authority and 16 new tenants were housed on the Campus in the Housing First program. Many special events took place on the City's Housing Campus this past year facilitated by the Property Management Team from the Casper Housing Authority. An Easter egg hunt and Christmas party for tenants on Campus as well as low income housed residents in the City, Community Garden, meals served from the commercial kitchen by 2 professional chefs to tenants and program participants, a hot lunch summer meal program offered to tenants and neighborhood children. Interest continues to increase from agencies wanting to offer programs on the Campus.	



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**PGM Year:** 2016  
**Project:** 0001 - Transportation Subsidies  
**IDIS Activity:** 329 - Transportation Assistance  
**Status:** Completed 8/4/2017 12:00:00 AM  
**Location:** 200 N David St Casper, WY 82601-1815  
**Objective:** Create suitable living environments  
**Outcome:** Availability/accessibility  
**Matrix Code:** Transportation Services (05E) **National Objective:** LMC

**Initial Funding Date:** 08/08/2016

**Description:**

This activity makes transit services on the City's public transportation systems (CATC) affordable and available to low-moderate income persons, especially elderly persons and persons with disabilities by subsidizing the costs of tickets and tokens.  
 Providing recipients reliable transportation to employment, education, medical services, shopping and social activities.  
 Transit options available are the fixed route service, The Bus, or the dial-a-ride service, CATC.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC560001	\$35,000.00	\$35,000.00	\$35,000.00
<b>Total</b>	<b>Total</b>			<b>\$35,000.00</b>	<b>\$35,000.00</b>	<b>\$35,000.00</b>

**Proposed Accomplishments**

People (General) : 400

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	770	69
Black/African American:	0	0	0	0	0	0	48	0
Asian:	0	0	0	0	0	0	5	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	97	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	41	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>961</b>	<b>69</b>

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Female-headed Households: 0 0 0

Income Category:	Owner	Renter	Total	Person
Extremely Low	0	0	0	932
Low Mod	0	0	0	26
Moderate	0	0	0	3
Non Low Moderate	0	0	0	0
Total	0	0	0	961
Percent Low/Mod				100.0%

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2016	The transportation assistance program this year has provided subsidized public transportation for the following: TRIP TOKENS - General Public/Youth: 15,045, Students: 565, Adult Elderly and/or Disabled: 20,435, TRIP TICKETS (for Dial-a-Ride service) - Adult Elderly and/or Disabled: 4,639, Child: 75. This number includes tokens which are distributed to local social service agencies that must have recipients complete an application showing they are LMI in order to receive transportation assistance. The total amount reported of combined tokens and tickets distributed totals 36,045. Information on the population served The agencies involved in the Bus Token Outlet program are required to submit a mid-year report as well as an end-of-year summary report on all applicants. At Mid-Year, 571 individuals had received subsidized transportation with an additional 390 individuals by year-end. The total number reported of 961 is a 4.5% increase from last year which exhibits the need for continued subsidized transportation.	



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**PGM Year:** 2016  
**Project:** 0005 - City Core Revitalization  
**IDIS Activity:** 330 - Matching Facade Grants.SBR  
**Status:** Open  
**Location:** 701 W Yellowstone Hwy Casper, WY 82601-1731  
**Objective:** Create economic opportunities  
**Outcome:** Sustainability  
**Matrix Code:** Rehab: Publicly or Privately-Owned Commercial/Industrial (14E) **National Objective:** SBR

**Initial Funding Date:** 08/08/2016

**Description:**

The City Core revitalization project will be a multi-year project providing small facade matching grants to encourage rehabilitation of building exteriors. An attractive facade will entice consumers to come inside, look around and hopefully spend money. The continuity of the look of the neighborhood is also conducive to its overall identity. A successful facade grant will may encourage additional employment opportunities by increasing the appeal and success of the business. The National Objective is to aid in the prevention or elimination of slum and blight in the Urban Renewal Area.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
		Pre-2015				
CDBG	EN	2014	B14MC560001	\$40,000.00	\$0.00	\$40,000.00
		2016	B16MC560001	\$30,000.00	\$0.00	\$0.00
		<b>Total</b>	<b>Total</b>		<b>\$70,719.59</b>	<b>\$40,000.00</b>

**Proposed Accomplishments**

Businesses : 3

**Annual Accomplishments**



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Years	Accomplishment Narrative	# Benefiting
2016	<p>The City was able to resume the Matching Facade Grant Program this year and four projects were completed. The first project was completed at Car Care Center. Their roof, soffit and fascia had deteriorated to the point of water leakage into the building when it snowed or rained. Upon inspection, it was determined to be an eligible project for commercial rehabilitation in the Old Yellowstone District. The City expended \$10,000 for City Core Revitalization and the business owner expended \$53,153. Proper procurement was observed and Davis Bacon Regulations were followed. The second project was completed at Wyoming Office Products. The paint and wood had deteriorated to the point that the front board was no longer attached to the back board on the store front. A safety concern of the board blowing off in strong winds and hitting a pedestrian was present also. New backboard, siding, signage and lights were installed making it safe for passersby as well as improving the structure itself. The repair to this aged establishment has added to the overall esthetics of the area. The City expended \$10,000 for City Core Revitalization and the business owner expended \$10,440. Proper procurement was observed and Davis Bacon Regulations were followed. The third project completed was at Racca's Napoletana Pizzeria. This building was an old fruit warehouse and had stood vacant for many, many years. This business renovated the entire building and applied for a matching facade grant to aid in the installation of new windows. The City expended \$10,000 for City Core Revitalization and the business owner expended \$32,185. Proper procurement was observed and Davis Bacon Regulations were followed. The fourth project was completed at Mercer Family Resource Center. This building has had no rehabilitation done for many years and the siding, windows and soffits are all severely deteriorated. This project was approved for a two-phase facade grant due to extreme need for rehabilitation. The windows had warped and some were unable to be locked and let in weather elements. The most imminent need was the window replacement which will be followed next PY with siding replacement. 10 of 37 windows were replaced and well sealed in. The City expended \$10,000 for City Core Revitalization and the business owner expended \$19,645. Proper procurement was observed and Davis Bacon Regulations were followed.</p>	



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**PGM Year:** 2016  
**Project:** 0004 - Sidewalk Improvements  
**IDIS Activity:** 331 - Sidewalk Replacement  
**Status:** Open  
**Location:** 200 N David St Casper, WY 82601-1815  
**Objective:** Create suitable living environments  
**Outcome:** Availability/accessibility  
**Matrix Code:** Sidewalks (03L) **National Objective:** SBS

**Initial Funding Date:** 08/08/2016

**Description:**

Sidewalks that are determined to be a hazard to citizens in low income census tracts will be repaired or replaced to provide safe areas to traverse. Damaged or deteriorated sidewalks are an impediment to citizens and can cause an extreme challenge to a disabled resident. The damage can force a citizen to travel in the roadway and be in a dangerous situation.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC560001	\$40,000.00	\$0.00	\$0.00
<b>Total</b>	<b>Total</b>			<b>\$40,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Proposed Accomplishments**

Public Facilities : 10

**Annual Accomplishments**

No data returned for this view. This might be because the applied filter excludes all data.



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**PGM Year:** 2016  
**Project:** 0006 - Program Administration  
**IDIS Activity:** 332 - Program Administration  
**Status:** Completed 6/28/2017 12:00:00 AM  
**Location:** Objective:  
 Outcome:  
 Matrix Code: General Program Administration (21A) National Objective:

**Initial Funding Date:** 08/08/2016

**Description:**

Provides for the Administration oversight costs of the CDBG program, including the Community Development Technician's salary and benefits.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC560001	\$57,312.00	\$57,312.00	\$57,312.00
<b>Total</b>	<b>Total</b>			<b>\$57,312.00</b>	<b>\$57,312.00</b>	<b>\$57,312.00</b>

**Proposed Accomplishments**

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:					0	0		
Black/African American:					0	0		
Asian:					0	0		
American Indian/Alaskan Native:					0	0		
Native Hawaiian/Other Pacific Islander:					0	0		
American Indian/Alaskan Native & White:					0	0		
Asian White:					0	0		
Black/African American & White:					0	0		
American Indian/Alaskan Native & Black/African American:					0	0		
Other multi-racial:					0	0		
Asian/Pacific Islander:					0	0		
Hispanic:					0	0		
<b>Total:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Female-headed Households:					0			

Income Category:

Owner Renter Total Person

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# City of Casper



U.S. Department of Housing and Urban Development  
Office of Community Planning and Development  
Integrated Disbursement and Information System  
CDBG Activity Summary Report (GPR) for Program Year 2016  
CASPER

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Extremely Low			0	
Low Mod			0	
Moderate			0	
Non Low Moderate			0	
Total	0	0	0	0
Percent Low/Mod				

#### Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.

DR

# City of Casper



U.S. Department of Housing and Urban Development  
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 CDBG Activity Summary Report (GPR) for Program Year 2016  
 CASPER

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**PGM Year:** 2016  
**Project:** 0002 - Housing Rehabilitation Assistance Program  
**IDIS Activity:** 333 - Emergency Repairs  
**Status:** Open  
**Location:** 707 N Jefferson St Casper, WY 82601-1413  
**Objective:** Create suitable living environments  
**Outcome:** Sustainability  
**Matrix Code:** Rehab; Single-Unit Residential (14A) **National Objective:** LMH

**Initial Funding Date:** 08/08/2016

**Description:**

To assist eligible homeowners with emergency repairs such as: replacing a water heater, repairing or replacing leaking or failing plumbing, replacing dangerous electrical components, replacing a furnace in cold winter months or repairing damage to the home from a fallen tree.  
 An activity categorized as emergency repair is the result of more imminent need and will be scheduled as soon as possible by the first available qualified contractor after verifying income eligibility of the homeowner.  
 \* Per recommendations of the Region VIII Environmental Officer, the remaining funding in this Activity, \$3,142.00 will be re-allocated to the Home Rehabilitation Activity, number 327. It was explained to the City that this is still a basic rehab-type project and does not warrant having a URG National Objective or is not a threat to the General Public.  
 This Activity will be completed and the remaining funds expended in Activity #327 for regular rehabilitation projects as well as projects with high need.

**Financing**

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC560001	\$10,000.00	\$6,858.00	\$6,858.00
<b>Total</b>	<b>Total</b>			<b>\$10,000.00</b>	<b>\$6,858.00</b>	<b>\$6,858.00</b>

**Proposed Accomplishments**

Housing Units : 2

**Actual Accomplishments**

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	2	0	0	0	2	0	0	0
Black/African American:	0	0	0	0	0	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0



# City of Casper



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Hispanic:	0	0	0	0	0	0	0	0
<b>Total:</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
Female-headed Households:	2		0		2			
<b>Income Category:</b>								
	<b>Owner</b>	<b>Renter</b>	<b>Total</b>	<b>Person</b>				
Extremely Low	2	0	2	0				
Low Mod	0	0	0	0				
Moderate	0	0	0	0				
Non Low Moderate	0	0	0	0				
<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>				
Percent Low/Mod	100.0%		100.0%					

**Annual Accomplishments**

Years	Accomplishment Narrative	# Benefiting
2016	<p>In July 2016 a homeowner approached me needing a furnace replaced and stairs replaced. The homeowner qualified for assistance financially and via an Environmental Review. On 11/1/16 State Historic Preservation response was received finding both projects at this property to be eligible to proceed with. On 11/4 contractors were contacted and requested to submit quotes for a furnace replacement, as weather was getting colder. 11/8 - 3 quotes were received. contracting was done through the City Legal Dept and necessary signatures were obtained. The furnace was changed out on 11/17/16. Funds will be drawn down in December for this Emergency Repair. The stairway to the main entrance of the home was determined to be out-of-compliance by the Building Inspector. The owner's mother who is a stroke victim had a difficult time entering the home with the stairs in their current condition. A second need was determined at this property and completed. IDIS however will only let me enter 1 address.</p> <p>A homeowner occupied home was determined to be in a dangerous state due to the original electric meter being located inside the residence which needed to be relocated to the exterior of the home and, the original screw-in-type fuses and fuse box were still the source of power which was very aged and not to Code Standards. The power company left the power on with the guarantee that the electric service would be moved and upgraded as soon as possible. The homeowner qualified as eligible with income verification, being a single, female head of household with a daughter and living in a dangerous and possibly life-threatening situation. The project is expected to be completed by the end of January and draw down for in February.</p>	



# City of Casper



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Total Funded Amount:	\$1,201,878.01
Total Drawn Thru Program Year:	\$1,033,732.86
Total Drawn In Program Year:	\$365,577.36

DR

**PUBLIC NOTICE  
PUBLIC COMMENTS SOUGHT  
PUBLIC HEARING TO BE HELD**

The City of Casper Fiscal Year 2016/2017 Consolidated Annual Performance and Evaluation Report (CAPER) has been prepared to meet statutory performance requirements for the expenditures and use of Community Development Block Grant (CDBG) funds. A draft will be available for public review and comments for fifteen business days beginning August 18, 2017 and ending at 5 PM, September 7, 2017. The City of Casper is a recipient of Entitlement Grant funding from the U.S. Department of Housing and Urban Development. Copies of the draft CAPER report will be available for public review at the following locations: Copias del proyecto de informe estarán disponibles para revisión del público en los siguientes lugares:

- Housing & Community Development Office, Room 203, City Hall, 200 N. David Street
- Casper Housing Authority, 145 N. Durbin Street
- Community Action Partnership of Natrona County, 800 Werner Court, Ste. 201
- LifeSteps Campus, Building K, 1514 E. 12<sup>th</sup> Street
- Natrona County Public Library, Second Floor Reference Desk, 307 East 2<sup>nd</sup> Street
- Electronically at the City of Casper website, [www.casperwy.gov](http://www.casperwy.gov)

City Council will conduct a public hearing on the CAPER on Tuesday, September 19, 2017 at 6:00 PM in Council Chambers at City Hall, 200 North David Street, Casper WY, to review the use of City of Casper CDBG Entitlement Funds for 2016-2017. City Council meetings are broadcast live on local government channel 192.

Comments should be directed to Joy Clark in the Housing and Community Development Office, at the above address, by calling (307) 235-8241, by fax, (307) 235-8362, or by email to [jclark@casperwy.gov](mailto:jclark@casperwy.gov). Written and oral public comments provided during the comment period will be summarized in the final Report which may be accessed after September 30, 2017 at [www.cityofcasperwy.com](http://www.cityofcasperwy.com) or at the Housing and Community Development office.

**People requiring reasonable accommodations including language interpreters should contact Joy Clark. Personas que requieren un formato especial, asistencia o alojamiento no deben contactar a Joy Clark para solicitar formatos alternativos. Hearing impaired individuals may contact Wyoming Relay 1-800-877-9965 for assistance to participate in the CAPER Public Hearing. Spanish-Language Service (Servicio en Español) 1-800-829-2783.**

PUBLISH:  
*Casper Star Tribune*  
Legal Ad August 18, 2017  
Block Ad August 20, 2017

**The Legal Ad and Affidavit of Publication will appear here**

DRAFT

**A copy of the published Block Ad will appear here**

DRAFT

September 1, 2017

MEMO TO: J. Carter Napier, City Manager

FROM: Liz Becher, Community Development Director *lb*  
Andrew Beamer, PE, Public Services Director

SUBJECT: Planning & Engineering Fees

Recommendation

Consideration of potential increases to Planning Division and Engineering Division fees for services.

Summary

During this economic downturn, the City is once again reminded that the municipal funding model in Wyoming is unfortunately, extremely volatile, and mostly uncontrollable. One revenue source which the City does exercise control over is fees that citizens pay for services. Citizens of Casper have been fortunate through the years to pay much less than the actual cost to provide services because of traditionally robust mineral extraction revenues, which have subsidized the cost of those services. The City's challenge is that there are only two (2) options available to balance the budget in lean times, decrease services, and/or increase revenues. Neither are popular options. The City has spent years trimming costs and restructuring the organization to continue to provide services to the public at the levels that they expect. Unfortunately, cuts can only take the organization so far, and eventually, the City must look to changing its various fee structures and subsidies to balance the revenue side of the equation.

Historically, Planning and Engineering fees have not coincided with, or taken into consideration, the amount of time and hard costs involved for City staff to review a case, meet with applicants, process the application for the Planning & Zoning Commission and City Council, and to visit and inspect sites. Other costs, depending on the types of cases, include County Clerk recording fees, Casper Star-Tribune publication costs, and private-sector surveying review costs. The actual costs involved vary depending on the type of project and the size of the project. Variations in an application review process further depend on Casper Municipal Code and State Statute requirements. Planning fees resulted in roughly \$12,857 in revenue for FY17. Engineering does not currently have a fee structure in place.

A summary of staff's analysis of the City's fees is below. The maximum justifiable fees shown take into consideration average hard costs and the quantification of staff's time for each type of development application. Staff fees are based on \$50/hour, assuming this is approximately the average salary, including benefits, of all staff putting time and resources into the review of an application. Other associated real costs that should be considered include the Casper Star-



Tribune for legal notice/publication and the County Clerk for recording of documents and agreements. These costs are mandated by law. In FY 2017, \$3,659 was spent on Casper Star-Tribune publication costs. This equates to approximately \$126 per application. As for recording costs, in FY 2017 the Planning Division oversaw approximately forty-three (43) cases and at the same time spent approximately \$4,051 on recording costs, which equates to roughly \$94 per application. In calculating the maximum justifiable fees, the cost for both publication and recording is rounded to \$90 per application. While \$94 is the FY17 average cost of recording with the County Clerk, actual FY17 recording costs ranged from \$25 for a Conditional Use Permit to \$631 for a major replat.

It should be noted that the potential fees summarized below are the maximum justifiable amount that could be reasonably charged based on the quantified cost to the City. It is up to the City Council to decide what, if any, portion should be subsidized by the General Fund, or whether the entire cost should be borne by applicants.

**Preliminary Plats, Final Plats, Re-plats, and Minor Boundary Adjustments** – For every plat application, Planning & Engineering together may spend anywhere from two (2) to sixty (60) hours depending on the size and complexity of the proposed subdivision, or the quantity of lots involved. Plats were divided into two categories: greater and fewer than twenty-five (25) lots. Often, large subdivisions will be comprised of greater than twenty-five (25) lots which take a great deal of time to review and oversee the development of. On the other hand, staff often receives subdivisions that may only be three (3) lots. It was felt that the creation of two separate categories would be more equitable to applicants and would more fairly compensate for staff time, publication costs, and recording fees in most cases.

Minor Boundary Adjustments, or a lot line adjustment, is simply a plat that only includes one to two lots. The current \$150 fee accurately compensates for staff time, but does not compensate for recording costs.

**Surveyor Fee** – The Engineering Division has had a City Surveyor on staff in the past and traditionally has not charged applicants to conduct a technical surveying review of plats. The City Surveyor position was dissolved several years ago, and the Engineering Division currently contracts this position to local consulting firms to provide such services. Between June of 2012, when the surveyor contract was first put in place, and June of 2016, the average cost for the on-call City Surveyor to review plats has been \$5,280 per year or approximately \$262 per plat. Most recently in FY 2017, the cost for the contract Surveyor was \$4,365.50 or \$181.89 per plat. These costs, averaging about \$225 per plat year to year, have been incorporated into the recommended fees for Preliminary Plats, Final Plats and Re-plats.

**Right of Way Vacation** –The Planning Division has not traditionally charged applicants to prepare street and alley vacation materials or to review and process applications. In 2015 alone, this service was requested three (3) times and materials were prepared without any compensation. It is further noted that with a vacation, the City is giving up real property to the adjacent landowners for no compensation. The maximum justifiable application fee is based on an estimated five (5) hours of staff time.

**Conditional Use Permit, Zoning Amendment, Variances & Exceptions** - Planning staff spends an average between thirteen and a half (13.5) and seventeen and a half (17.5) hours on each of these types of development cases. They are all processed in a similar manner and have similar publication requirements.

**Site Plans** – Planning & Engineering together spend roughly thirty-three (33) hours, on average, per site plan application. Most recently, the Planning and Engineering Divisions have taken a greater role in inspecting sites before Certificate of Occupancies are released by the Building Division to ensure all on and off-site improvements have been properly constructed. The result is higher quality commercial and multi-family developments and improved developer accountability. Time spent on a development application, on average, has increased by 25% with this initiative. The fees have proportionally been adjusted based on this time increase and has factored in the true cost of staff time, publication fees, and recording fees. This application type has been separated into three separate categories to ensure the City is compensated for larger projects and at the same time remain equitable with regard to smaller developments.

**Planned Unit Developments (PUDs)** – Traditionally, PUD's have been treated as a site plan review, yet the initial review of a PUD typically includes a great deal more review than a standard site plan with a significantly larger scope of physical land. With the establishment of a PUD, required development guidelines and planning documents are heavily negotiated between City staff and the applicant, and takes considerable time, which is unique to a PUD review. In addition, considerable County Clerk recording costs exist due to the need to record the entire set of development guidelines, which are forty-one (41) pages on average. Furthermore, PUD guidelines and plans are amended from time to time and require approval by Planning & Zoning and City Council. A separate fee has been recommended for amendments as they are not as time intensive as an initial review but still require public meetings, legal notices, and publication costs. An additional cost for recording PUD guidelines has also included in the maximum justifiable fee, in the amount of \$130.

**Annexation** – Annexations are often accompanied by plats and are always accompanied by zone changes. Furthermore, annexations have unique, state-mandated public notice and newspaper publication requirements, resulting in extremely expensive publication costs. Most recently in 2016, the Wolf Creek 9 annexation cost a total of \$1404 in public notice, Star Tribune publication fees, and recording fees. In addition, Wyoming State Statutes require an annexation study to analyze costs and benefits of every annexation, regardless of size, resulting in additional staff time. Planning fees were most recently adjusted in December of 2013, to increase the annexation application fee from free (0\$) to \$600 to cover then-current publication costs. Since December of 2013, average publication costs have increased approximately \$200-\$300. The maximum justifiable fee has increased for annexations to more accurately cover the cost of staff time and all associated costs.

**Zoning Research, Verification, and other staff time** - These fees are based on \$50/hour, assuming this is approximately the average salary, including benefits, of all staff putting time and resources into research. Many times staff is asked to provide information, such as floodplain designations, zoning history, Code Enforcement violations, building permit history, lease/license agreement history, site plan and subdivision agreements, Certificates of Occupancy, etc. This

type of research can encompass a significant amount of staff time and takes away from the time spent on other (compensated) work. Currently, this information is being provided for free, as the Planning Division has not adopted a mechanism for recouping these costs. Most often, the research is being performed by City staff for a professional due-diligence company, which is then charging a client for its services. The due-diligence company is able to get their research done for free by City staff and then charges their client for the information.

**Appeals** - Generally, appeals only occur with Conditional Use Permit applications, and require further staff time to draft materials for Council, in addition to publication and public notice costs. At this time, the Planning Division does not charge applicants for appeals. Without a reasonable fee for appeals, it has been staff's experience that there is no disincentive for applicants to ignore the Planning and Zoning Commission's decision, and appeal their case to the City Council, regardless of the legal merit of their argument. The Planning and Zoning Commission, as an appointed, not elected body, and in the case of Conditional Use Permits, makes their decisions as a quasi-judicial group, based only on the facts of the case, and sometimes, in the face of extreme opposition. An applicant has nothing to lose by appealing their decision to the Council, which can have the negative effect of politicizing the decision, rather than having it decided on facts alone.

### Existing/Justifiable Fee Schedule

Type of Review	Existing Fees	Existing Percent Subsidized	Justifiable Fees	Notes
Preliminary Plat	\$350	76%	\$1,440	Staff Time + Contract Surveyor + Costs
Final Plat/Re-Plat - less than 25 lots	\$350	80%	\$1,740	Staff Time + Contract Surveyor + Costs
Final Plat/Re-Plat - more than 25 lots	\$350	86%	\$2,590	Staff Time + Contract Surveyor + Costs
Surveyor Fee	No Charge	100%	\$225 (incorporated into plat fees)	Based on City Surveyor input
Minor Boundary Adjustment	\$150	38%	\$240	Staff Time + Costs
Vacation	No Charge	100%	\$515	Staff Time + Costs
Zoning Change	\$300	71%	\$1,040	Staff Time + Costs
Conditional Use Permit	\$275	67%	\$840	Staff Time +

				Costs
Site Plan – under 20,000 sq/ft	\$300	64%	\$840	Staff Time + Costs
Site Plan – between 20,000 sq/ft and 43,560 sq/ft	\$300	83%	\$1,715	Staff Time + Costs
Site Plan – over 43,560 sq/ft	\$300	90%	\$2,865	Staff Time + Costs
OYDSPC Design Review	No Charge	-	No Charge + Site Plan Fee if applicable	
PUD – initial guideline review	\$300	91%	\$3,220 + Final plat fee if applicable	Staff Time + Costs
PUD – guideline amendment & subarea plan review	\$300	79%	\$1,415	Staff Time + Costs
Annexation	\$600 + Plat and Zone Change Fee	56%	\$1,375 + Plat and Zone Change fee	Staff Time + Costs
Exception/Variance	\$275	67%	\$840	Staff Time + Costs
Zoning Research, verification, and other staff time	No Charge	100%	\$50/hour	Average Staff Salary including benefits
Appeal of administrative or Planning Commission action	No Charge	100%	\$200	Staff Time + Costs
After the Fact Permit	Same as Initial Fee	-	Double the Initial fee	

**Expected Revenue** – In consideration of a City subsidy no greater than 30%.

Type of Review	Justifiable Fees	Proposed Fees (30% Subsidy)	Average Annual Number of Cases	Expected Annual Revenue
Preliminary Plat	\$1,440	\$1,008	1	\$1,008
Final Plat/Re-Plat - less than 25 lots	\$1,740	\$1,218	11	\$13,398
Final Plat/Re-Plat - more than 25 lots	\$2,590	\$1,813	4	\$7,252
Surveyor Fee	\$225 (incorporated into plat fees)	\$158	8	\$1,264

Minor Boundary Adjustment	\$240	\$168	11	\$1,848
Vacation	\$515	\$361	2	\$722
Zoning Change	\$1,040	\$728	12	\$8,736
Conditional Use Permit	\$840	\$588	9	\$5,292
Site Plan – under 20,000 sq/ft	\$840	\$588	17	\$9,996
Site Plan – between 20,000 sq/ft and 43,560 sq/ft	\$1,715	\$1,201	2	\$2,402
Site Plan – over 43,560 sq/ft	\$2,865	\$2,006	1	\$2,006
OYDSPC Design Review	No Charge + Site Plan Fee if applicable	-	-	-
PUD – initial guideline review	\$3,220 + Final plat fee if applicable	\$2,254	0	\$0
PUD – guideline amendment & subarea plan review	\$1,415	\$991	0	\$0
Annexation	\$1,375 + Plat and Zone Change fee	\$963	4	\$3,852
Exception/Variance	\$840	\$588	0	\$0
Zoning Research, verification, and other staff time	\$50/hour	\$35	-	-
Appeal of administrative or Planning Commission action	\$200	\$140	2	\$280
After the Fact Permit	Double the Initial fee	-	-	-
<b>Total</b>				<b>\$58,056</b>

For comparison purposes, below are fee schedules from various cities around Wyoming.

<b>Type of Review</b>	<b>Sheridan</b>	<b>Gillette</b>	<b>Cheyenne</b>	<b>Laramie</b>
Preliminary Plat	\$100-\$3,750	\$680	\$175	\$1,780
Final Plat/Re-Plat - less than 25 lots	\$75-\$2400 (+\$75)	\$850 + \$15 per lot	\$125 (+RF)*	\$730
Final Plat/Re-Plat - more than 25 lots	\$1,875 - \$3,750 (+\$75)	\$850 + \$15 per lot	\$125 (+RF)	\$730
Surveyor Fee	-	-	-	-
Minor Boundary Adjustment	\$75-\$100 per lot (+\$75)	\$340	-	\$70
Right of Way Vacation	\$150 + \$2 per sq/ft (+\$75)	\$340	\$125 (+RF)	\$765
Zoning Amendment	\$825	\$340	\$125 (+RF)	\$625
Conditional Use Permit	\$150	-	\$125 (+RF)	\$435
Site Plan – under 20,000 sq/ft	\$150	\$340	\$100 (+RF)	\$420
Site Plan – between 20,000 sq/ft and 43,560 sq/ft	\$150	\$340	\$100 (+RF)	\$420
Site Plan – over 43,560 sq/ft	\$150	\$340	\$100 (+RF)	\$420
PUD – initial guideline review	\$1,000 (+\$75)	\$680	-	\$1,220
PUD – guideline amendment	\$150	-	-	-
Annexation	\$1000 (+\$75)	\$475	\$150 (+RF)	\$0
Exception/Variance	\$200 (+\$75)	\$595	\$75 (+RF)	\$435
Zoning Research, Verification, and other staff time	\$50/hour	-	\$10/hour	-
Appeals				\$435

\* RF = Recording Fee

## Staff Hours Calculation

### Preliminary Plat

(Final Plat 25 lots or less) subtract (Engineering Construction Related Hours) = \$1,440  
 (Current fee is \$350, but it is credited toward cost of final plat. Proposed fee may also be credited towards cost of final plat.) – **76% Subsidized**

### Final Plat –25 lots or more

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Design Review	7	5.5 (+ City Surveyor)
Meet with applicant	2	1
Planning & Zoning Memos and Materials	4	
Public Notice & Sign Posting	4	
Planning & Zoning Meeting	1.5	.5
Subdivision Agreement draft and review	1	.5
Council Materials & Meeting	4	
Pre-Construction		4
Construction Oversight		8
City Surveyor Cost		\$225
Total	23.5	19.5
Cost @ \$50/hr	\$1,175	\$1,200 (including City Surveyor)

\$2,375 + \$215 (Public Notice & Recording Fee) = \$2,590  
 (Current fee is \$350) – **86% Subsidized**

**Final Plat –fewer than 25 lots**

<b>Site Plan Review</b>	<b>Planning Hours</b>	<b>Engineering Hours</b>
Application Processing & Design Review	3	2 (+ City Surveyor)
Meet with applicant	1	.5
Planning & Zoning Memos and Materials	4	
Public Notice & Sign Posting	4	
Planning & Zoning Meeting	1.5	.5
Subdivision Agreement draft and review	1	.5
Council Materials & Meeting	2	
Pre-Construction		2
Construction Oversight		4
City Surveyor Cost		\$225
Total	16.5	9.5
Cost @ \$50/hr	\$825	\$700 (including City Surveyor)

\$1,525 + \$215 (Public Notice & Recording Fee) = \$1,740  
 (Current fee is \$350) – 80% *Subsidized*

**Minor Boundary Adjustment**

<b>Site Plan Review</b>	<b>Planning Hours</b>	<b>Engineering Hours</b>
Application Processing & Design Review	1.5	.5
Total	1.5	.5
Cost @ \$50/hr	\$125	\$25

\$150 + \$90 (Recording Fee) = \$240  
 (Current fee is \$150) – 38% *Subsidized*



## Vacation of street or alley

Site Plan Review	Planning Hours	Engineering Hours
Prepare Applicant Materials	2	1
Meet with Applicant	.5	
Review Materials and Application	.5	
Council Document Prep & Meetings	2	
Total	5	1
Cost @ \$50/hr	\$250	\$50

\$300 + \$215 (Public Notice & Recording Fee) = \$515  
*(Currently no fee – free) – 100% Subsidized*

## Zone Change

Site Plan Review	Planning Hours
Application Processing & Design Review	2.5
Meet with applicant	.5
Planning & Zoning Memos and Materials	4
Public Notice & Sign Posting	4
Planning & Zoning Meeting	1.5
Council Materials & Meeting	4
Total	16.5
Cost @ \$50/hr	\$825

\$825 + \$215 (Public Notice & Recording Fee) = \$1,040  
*(Current fee is \$300) – 71% Subsidized*

## Conditional Use Permit & Exceptions/Variations

Site Plan Review	Planning Hours
Application Processing & Design Review	2.5
Meet with applicant	.5
Planning & Zoning Memos and Materials	4
Public Notice & Sign Posting	4
Planning & Zoning Meeting	1.5
Total	12.5
Cost @ \$50/hr	\$625

\$625 + \$215 (Public Notice & Recording Fee) = \$840  
 (Current fee is \$275) – 67% **Subsidized**

## Site Plan Review under 20,000 sq/ft

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Design Review	1.5	1
Meet with applicant	.5	.5
Public Notice & Sign Posting	2	
Site Plan Agreement draft and review	1	
Pre-Certificate of Occupancy Site Visit & Communication	1	1
Pre-Construction		2
Construction Oversight		2
Total	6	6.5
Cost @ \$50/hr	\$300	\$325

\$625 + \$215 (Public Notice & Recording Fee) = \$840  
 (Current fee is \$300)- 64% **Subsidized**

Site Plan Review between 20,000 sq/ft and 43,560 sq/ft

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Design Review	3.5	2.5
Meet with applicant	1	1
Planning & Zoning Memos and Materials	4	
Public Notice & Sign Posting	4	
Planning & Zoning Meeting	1.5	.5
Site Plan Agreement draft and review	1	
Pre-Certificate of Occupancy Site Visit & Communication	1.5	3.5
Pre-Construction		2
Construction Oversight		4
Total	16.5	13.5
Cost @ \$50/hr	\$825	\$675

\$1,500 + \$215 (Public Notice & Recording Fee) = \$1,715  
 (Current fee is \$300) – 83% *Subsidized*

## Site Plan Review over 43,560 sq/ft

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Design Review	7	5.5
Meet with applicant	2	1
Planning & Zoning Memos and Materials	4	
Public Notice & Sign Posting	4	
Planning & Zoning Meeting	1.5	.5
Site Plan Agreement draft and review	1	
Council Materials & Meeting	4	
Pre-Certificate of Occupancy Site Visit & Communication	3	7.5
Pre-Construction		4
Construction Oversight		8
Total	26.5	26.5
Cost @ \$50/hr	\$1325	\$1325

$\$2,650 + \$215$  (Public Notice & Recording Fee) =  $\$2,865$

(Current fee is \$300) – **90% Subsidized**

## PUD Guideline Review

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Review	9	5.5
Meet with applicant	2	1
Planning & Zoning Memos and Materials	6	
Public Notice & Sign Posting	4	
Planning & Zoning Meeting	1.5	.5
Agreement draft and review	2	
Council Materials & Meeting	6	
Total	30.5	7
Cost @ \$50/hr	\$1525	\$350

\$2,875 + \$215 (Public Notice and Recording Fee) + \$130 (Recording PUD Guidelines) = \$3,220  
*(Currently processed as a site plan for \$300) – 91% Subsidized*

## PUD Guideline Amendment, Sub Area Plan Review

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Design Review	3.5	2.5
Meet with applicant	2	1
Planning & Zoning Memos and Materials	4	
Public Notice & Sign Posting	4	
Planning & Zoning Meeting	1.5	.5
Agreement draft and review	1	
Council Materials & Meeting	4	
Total	20	4
Cost @ \$50/hr	\$1000	\$200

\$1,200 + \$215 (Public Notice & Recording Fee) = \$1,415  
*(Currently processed as a site plan for \$300) – 79% Subsidized*

## Annexation\*

Site Plan Review	Planning Hours	Engineering Hours
Application Processing & Design Review		
Meet with applicant	.5	.5
Planning & Zoning Memos and Materials		
Public Notice & Sign Posting		
Planning & Zoning Meeting		
Annexation Agreement Draft and Review	1	.5
Council Materials & Meeting	4	
Total	5.5	1
Cost @ \$50/hr	\$275	\$50

\$325 + \$950 (Public Notice & Recording Fee) = \$1,375  
*(Current fee is \$600 – updated in 2013) – 56% Subsidized*

\*Economies of scale exist with an annexation application due to the inclusion of a zone change application and commonly a plat application. Many things such as preparing reports and public notices do not need to be included in the annexation fees when these are already calculated into the fees of a zoning or plat application. The above hours are unique to the annexation application and go beyond the time that is spent for zone change or plat applications.

August 29, 2017

MEMO TO: J. Carter Napier, City Manager  
FROM: Liz Becher, Community Development Director *LB*  
SUBJECT: Building Division Fees

Recommendation

Consideration of possible increases to Building Division fees for services.

Summary

During this economic downturn, the City is once again reminded that the municipal funding model in Wyoming is unfortunately, extremely volatile, and mostly uncontrollable. One revenue source which the City does exercise control over is fees that citizens pay for services. Citizens of Casper have been fortunate through the years to pay much less than the actual cost to provide services because of traditionally robust mineral extraction revenues, which have subsidized the cost of those services. The City's challenge is that there are only two (2) options available to balance the budget in lean times, decrease services, and/or increase revenues. Neither are popular options. The City has spent years trimming costs and restructuring the organization to continue to provide services to the public at the levels that they expect. Unfortunately, cuts can only take the organization so far, and eventually, the City must look to changing its various fee structures and subsidies to balance the revenue side of the equation.

The last significant change to the City's building permit fee structure occurred in October/November of 1979. At that time, according to City records, building permit fees were raised between 150%-200% (Source: Council Minutes, October 16, 1979).

Since 1979, there have been fairly minor changes to the fees, the most significant of which occurred in 1992, 1995 and 2012. The 1992 fees reflected a 10% increase over the 1979 fees, and the 1995 fees reflect another relatively small adjustment upward. In 2012, 17 years after the previous fee adjustment, building fees were again revised modestly, and this is the fee schedule that is in use today. By way of example, below is a breakdown of what a \$100,000 building permit would cost, starting in 1979, until today:

1979:	\$435.00
1992:	\$476.00
1995:	\$524.00
2012/Current:	\$576.00

Building Division staff researched eight (8) different municipalities in the region to compare their fee structures with the City of Casper's fees. What was discovered was no surprise, based on what contractors have been telling us for years. Casper enjoys some of the lowest building permit fees around.

Attached to this memo are the results of staff's research. Staff looked at six (6) benchmark building valuations, from \$10,000 to \$1,000,000 in an effort to compare apples to apples across all jurisdictions. On the various graphs, the green line indicates where Casper is today, in relation to the other municipalities (low to high). The red line indicates where Casper would fall if the permit fees were raised by a certain percentage (noted on the top of each sheet). Projected fee increases have been provided in the 20%-40% range for the Council's consideration. In general, a 40% increase in building permit fees would put Casper at approximately the median in most valuation ranges. One of the final graphs that is being provided shows the estimated yearly revenue levels for the various increases. The 2016 revenues being shown as a baseline are approximate, and it should be noted that 2016 can be considered "conservative," based on significantly higher revenues that have been collected in previous years.

In reviewing building permit fees, it also became apparent that the method of calculating fees for mechanical and plumbing permits is inefficient, and not equitable considering the size and scope of the projects. Mechanical and plumbing permits are distinct types of building permits. The method in use today for determining the cost of those fees is based on counting up the number and types of fixtures. For example, showers, sinks, water heaters, ice makers, hose bibs, garbage disposals, dishwashers, water softeners, water closets, etc. are all tallied, which is unwieldy and time-consuming for both applicants and City inspection staff. Counting plumbing fixtures is, at best, a questionable use of time. The inequality of the permit system becomes evident when you compare a typical \$200,000 home to a \$1,000,000-plus home. The number of fixtures in those homes are not significantly different, and the permit fees end up to be fairly similar. Another inequity exists between residential structures, and commercial structures. For instance, a modest apartment building could have a much higher number of plumbing fixtures as compared to a large commercial project such as a high school or a shopping center/mall. For this reason, staff suggests moving away from the current system, and instituting a new valuation-based approach to determining plumbing and mechanical permit costs. The fee structure would be designed to have minimal effect on residential construction, with more equitable (higher) fees for commercial projects. Of the approximate \$77 Million in total valuation of construction in 2016, approximately \$11 Million of that is estimated to be attributed to plumbing and mechanical systems. Using a valuation approach would have generated \$290,000 in permits, and in 2016, using the current system of calculating permit fees, the City only received \$115,000.

Two other revenue sources within the Building Division were also reviewed. One, was Contractor Licensing. In general, it is advisable to keep Contractor Licensing fees low, in order to encourage contractors to get licensed. Licensed contractors generally want to keep their licenses, so they follow the rules, and apply for permits. For that reason, staff does not suggest raising Contractor Licensing Fees.

The final Building Division fee structure that was reviewed were the fees that the City of Casper charges the Towns of Evansville and Bar Nunn for performing building inspections on their



behalf. The City of Casper provides certified inspectors, and all costs associated with those employees, including wages, taxes, insurance, retirement, vehicles, fuel, etc. There are also costs involved for office personnel taking calls, billing, construction/building plan reviews, etc. The City of Casper also retains all inspection records in its own software for those towns. Evansville and Bar Nunn charge residents appreciably higher building permit fees than they remit to the City of Casper. This arrangement is fairly lucrative for those towns, and they carry few of the inherent risks, and yet capture the financial rewards of the arrangement. It is proposed that the same fee structure that the City of Casper ultimately utilizes for its own residents be applied in the outlying communities as well. Below is a summary of revenues collected from Bar Nunn and Evansville, as well as the number of residential permits, for the past three (3) years:

**Contract Building Permit Fees paid to Casper by Bar Nunn and Evansville**

FY17 - \$29,354 (Includes residential permit of \$850 per home, plus \$54 per commercial inspection);  
FY16 - \$33,593 (Includes residential permit of \$850 per home, plus \$54 per commercial inspection);  
FY15 - \$102,472 (Includes residential permit of \$850 per home, plus \$54 per commercial inspection).

**Residential Building Permits for Bar Nunn and Evansville**

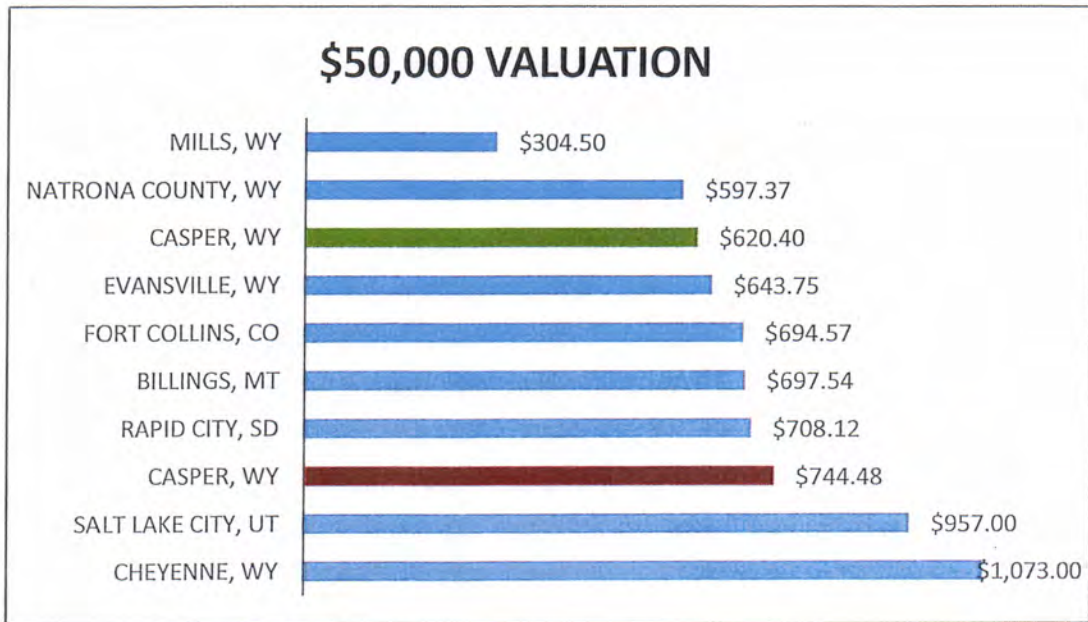
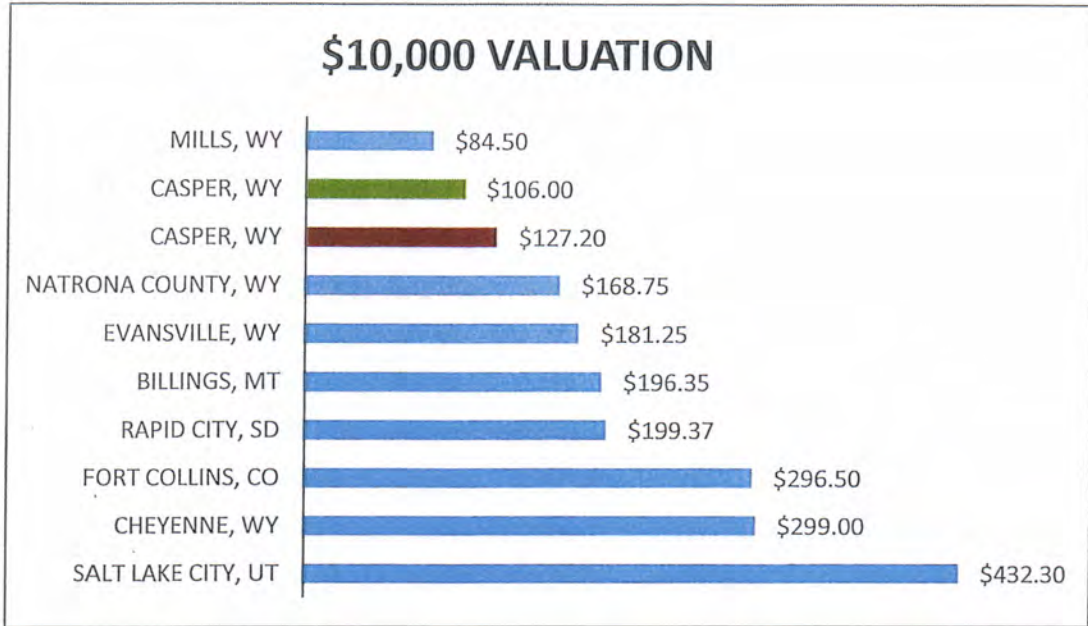
FY17 – 16 homes (\$13,600 @ \$850 per home);  
FY16 – 17 homes (\$14,450 @ \$850 per home);  
FY15 – 96 homes (\$81,600 @ \$850 per home).

To illustrate the revenues the City would see from Bar Nunn and Evansville with a more equitable fee structure, a simple analysis has been provided below. The analysis only takes into consideration residential permits, assumes an average new home is valued at \$250,000, and uses the City’s building permit fee schedule, including a 40% increase. Since the valuations of commercial structures in Bar Nunn and Evansville in previous years are not known, the example below does not include commercial revenues, which, most likely, would be significant if based on the valuation of the structure rather than simply charging \$54 per inspection as is currently the practice.

**Projected Building Permit Fees (with new fee structure)**

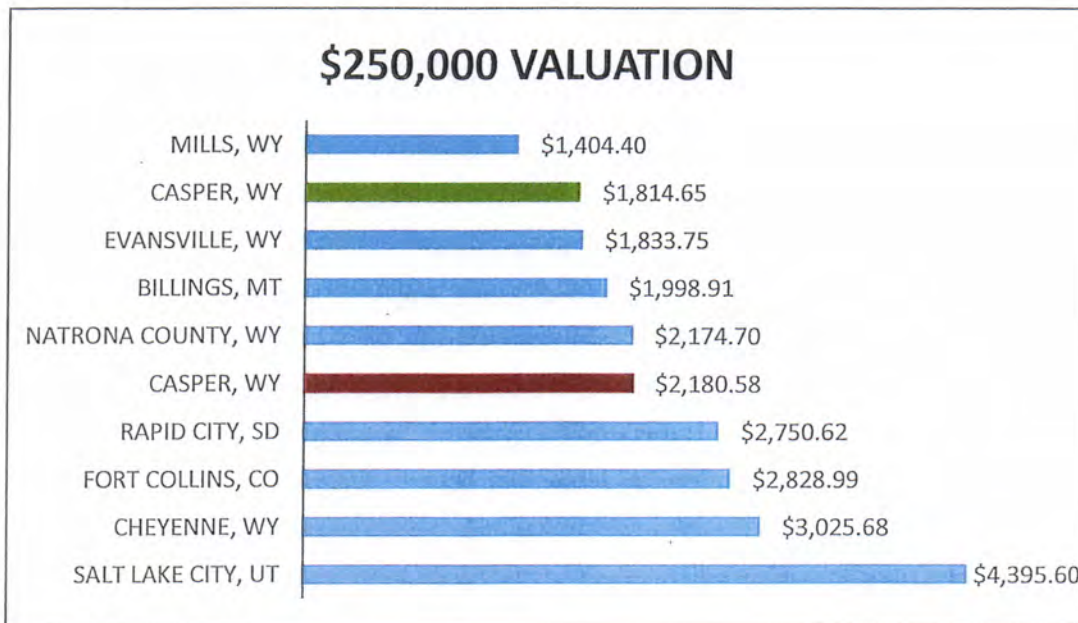
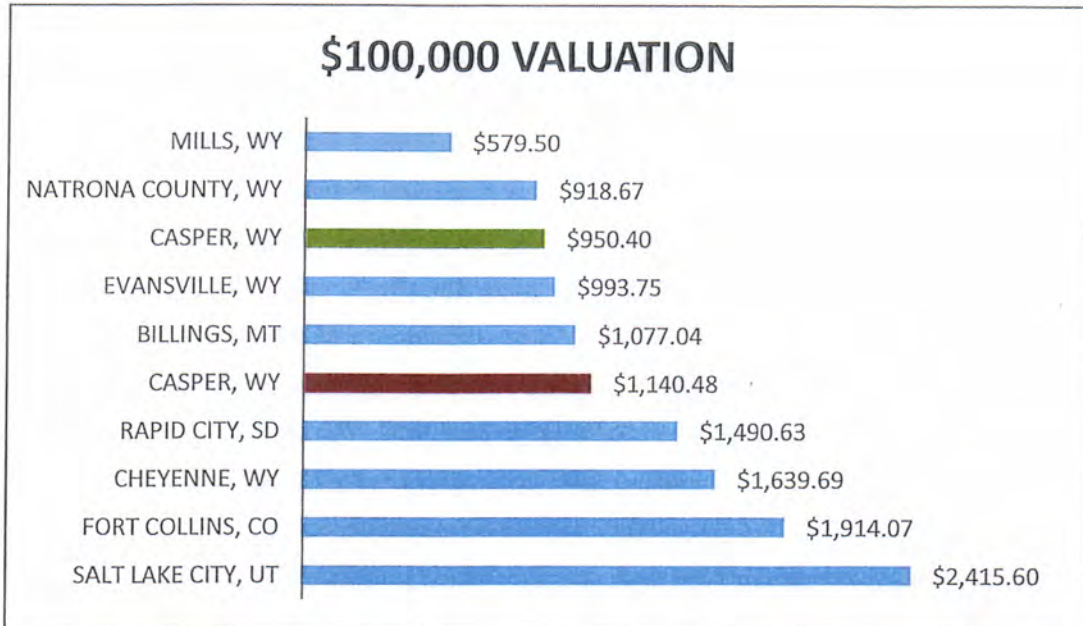
FY17 – (\$37,856, residential, same number of new units);  
FY16 – (\$40,222, residential, same number of new units);  
FY15 – (\$227,136 residential, same number of new units).

## 20% INCREASE IN FEES



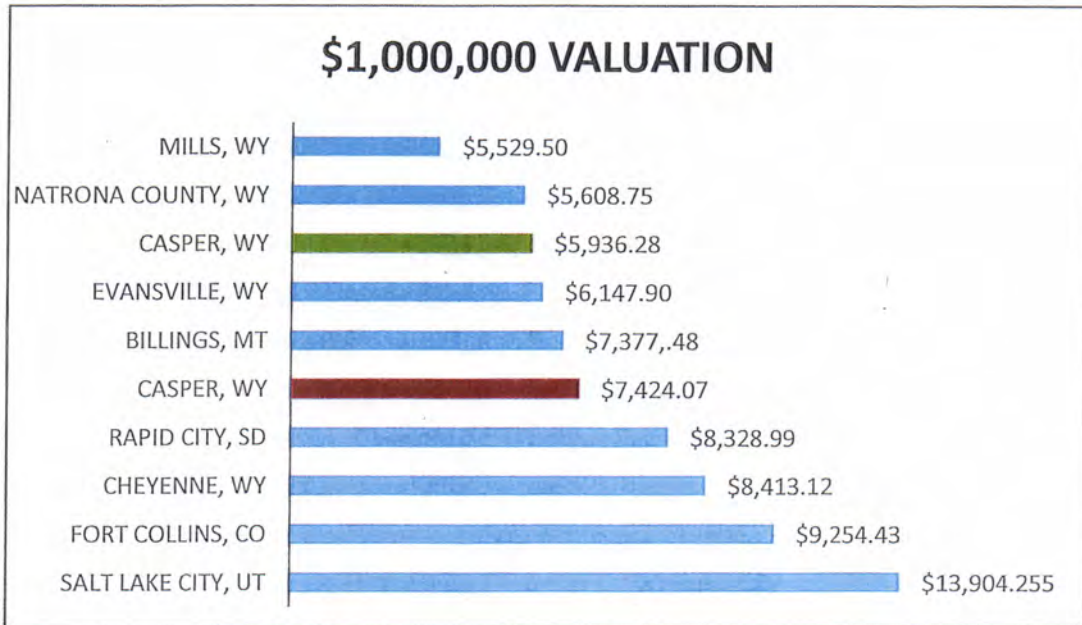
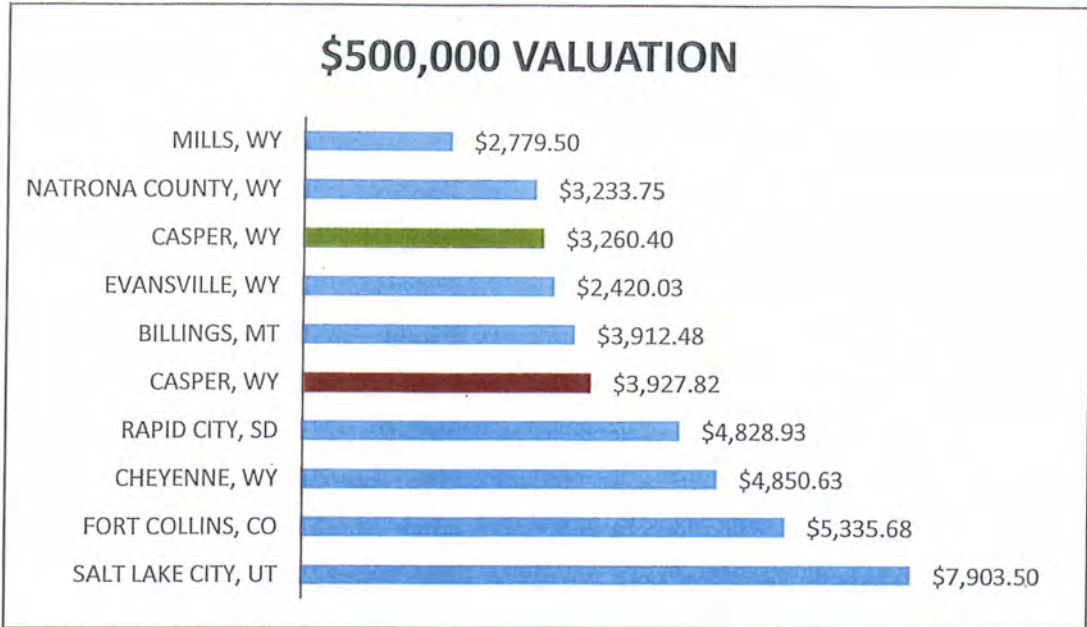
POTENTIAL REVENUE  
 PRESENT REVENUE

## 20% INCREASE IN FEES



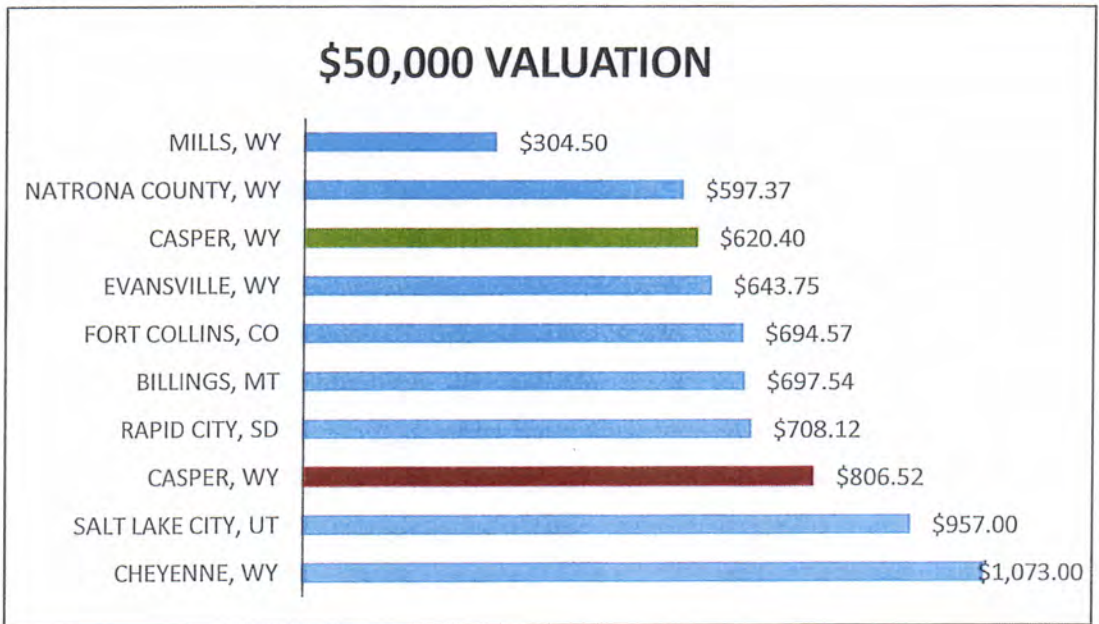
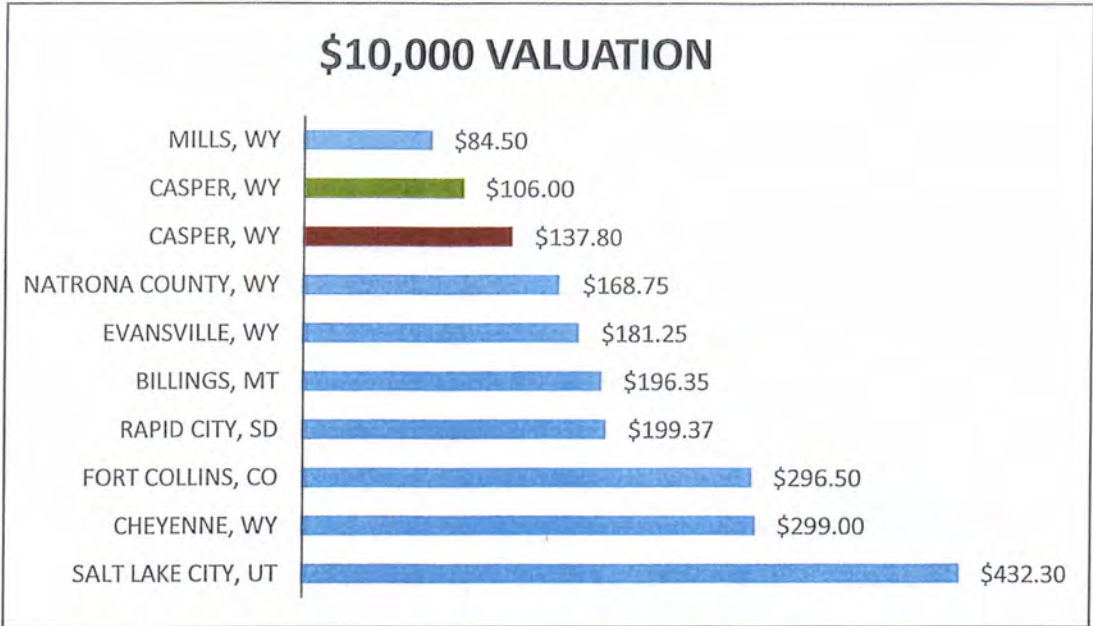
POTENTIAL REVENUE  
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## 20% INCREASE IN FEES



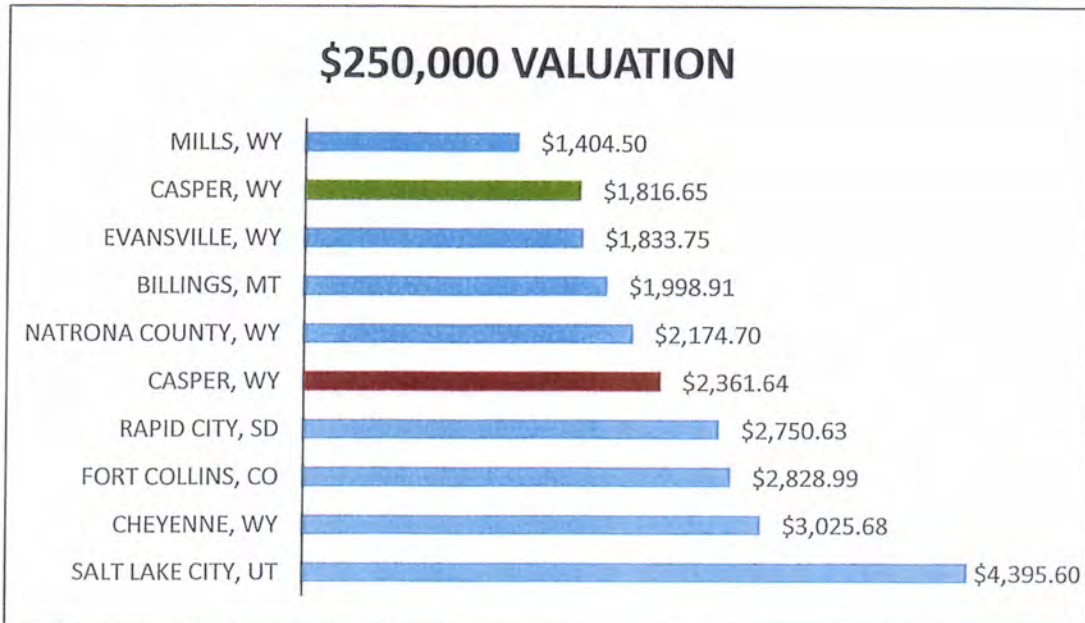
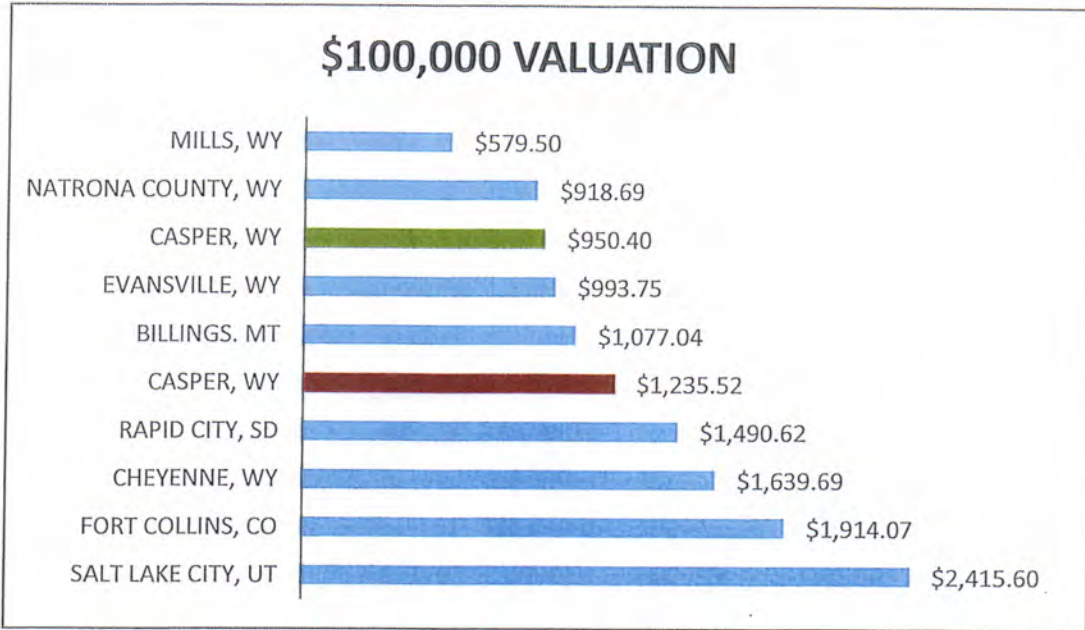
POTENTIAL REVENUE  
 PRESENT REVENUE

## 30% INCREASE IN FEES

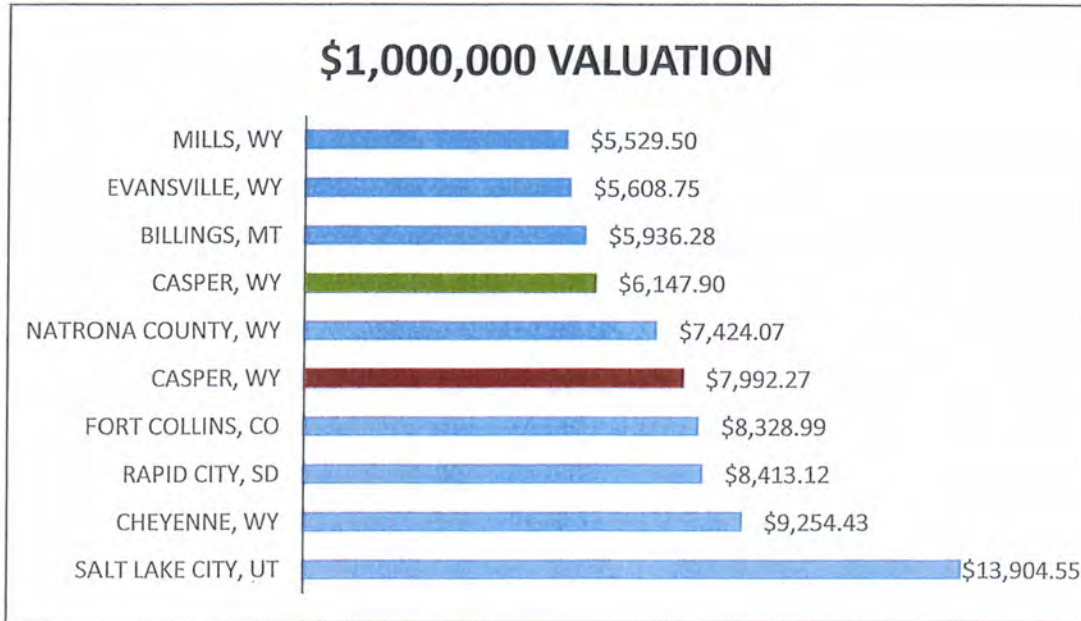
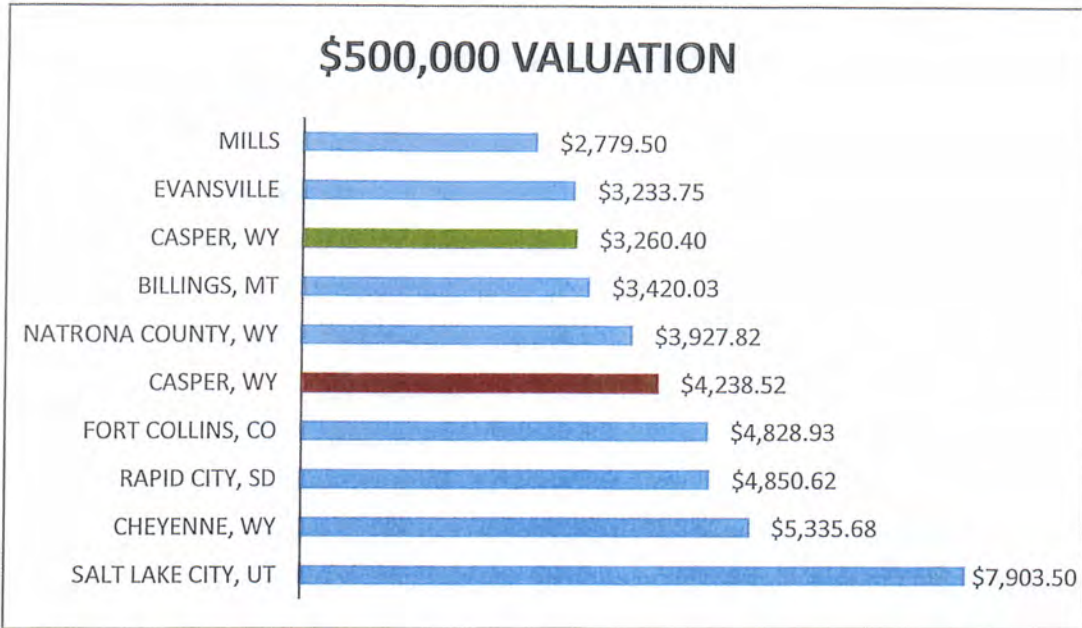


POTENTIAL REVENUE  
 PRESENT REVENUE

## 30% INCREASE IN FEES

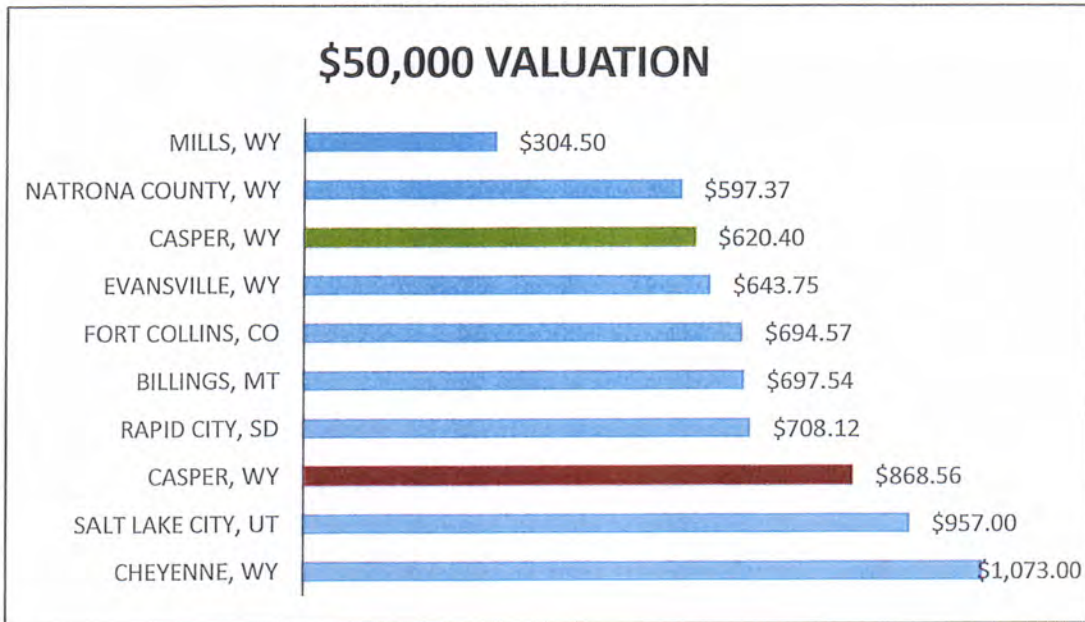
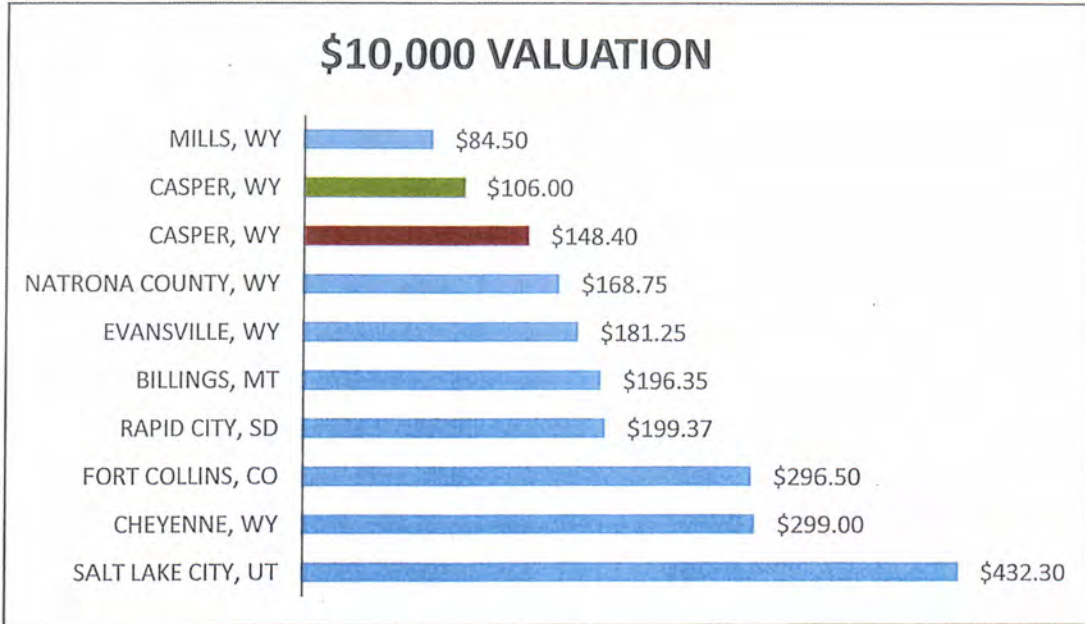


## 30% INCREASE IN FEES



POTENTIAL REVENUE  
 PRESENT REVENUE

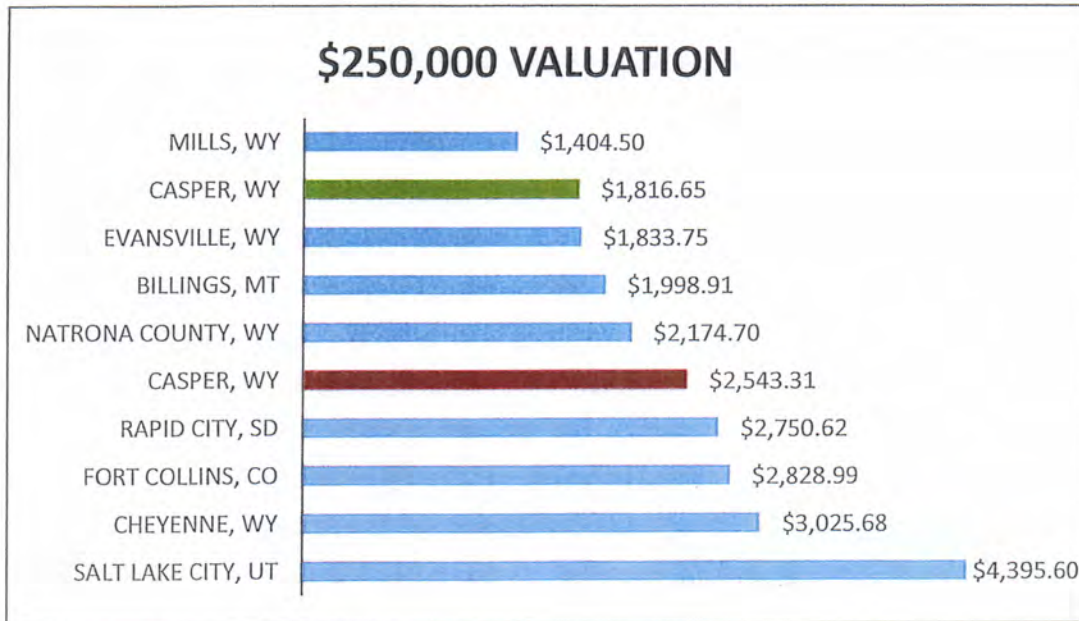
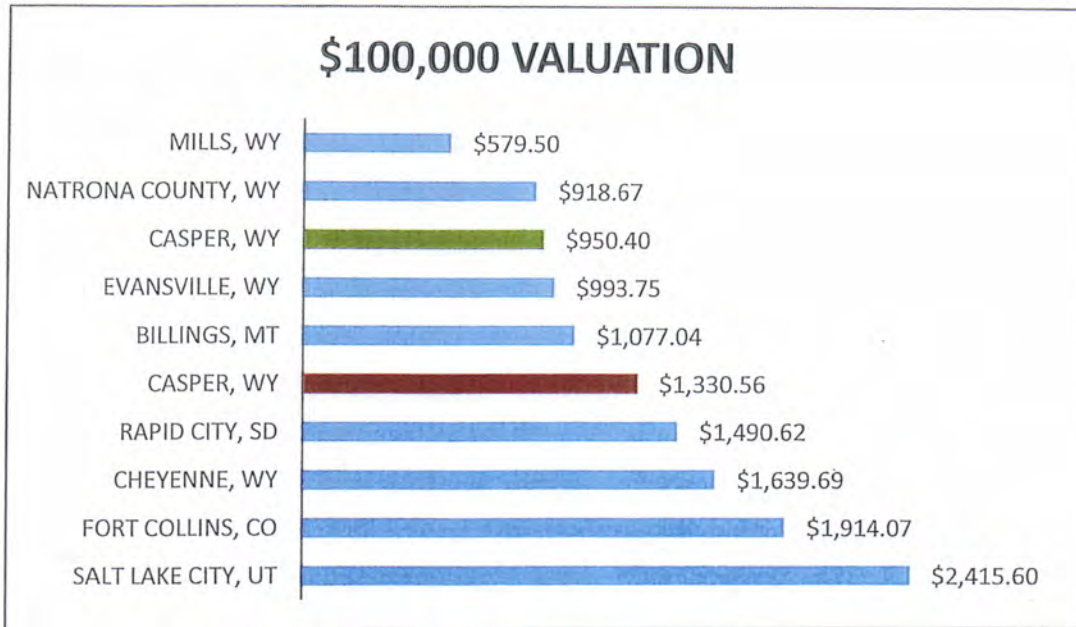
## 40% INCREASE IN FEES



POTENTIAL REVENUE  
 PRESENT REVENUE

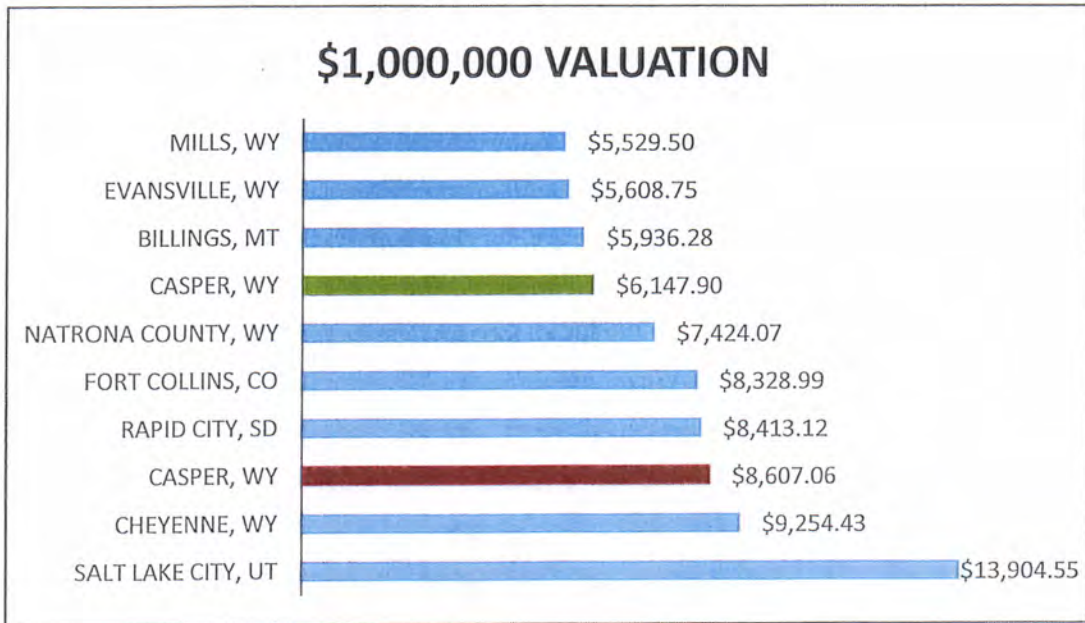
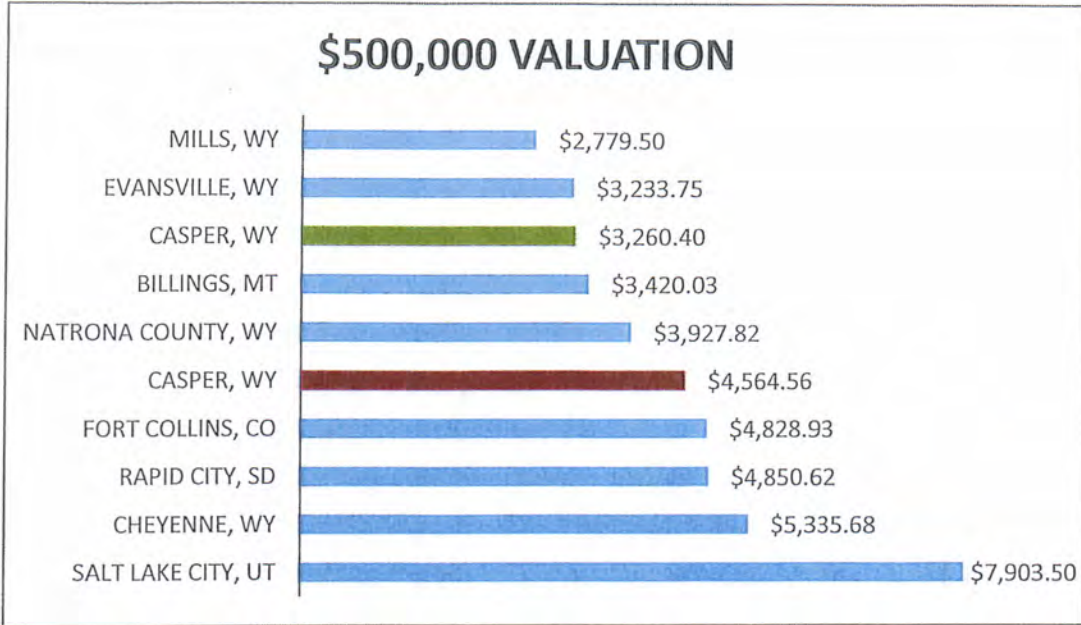


## 40% INCREASE IN FEES



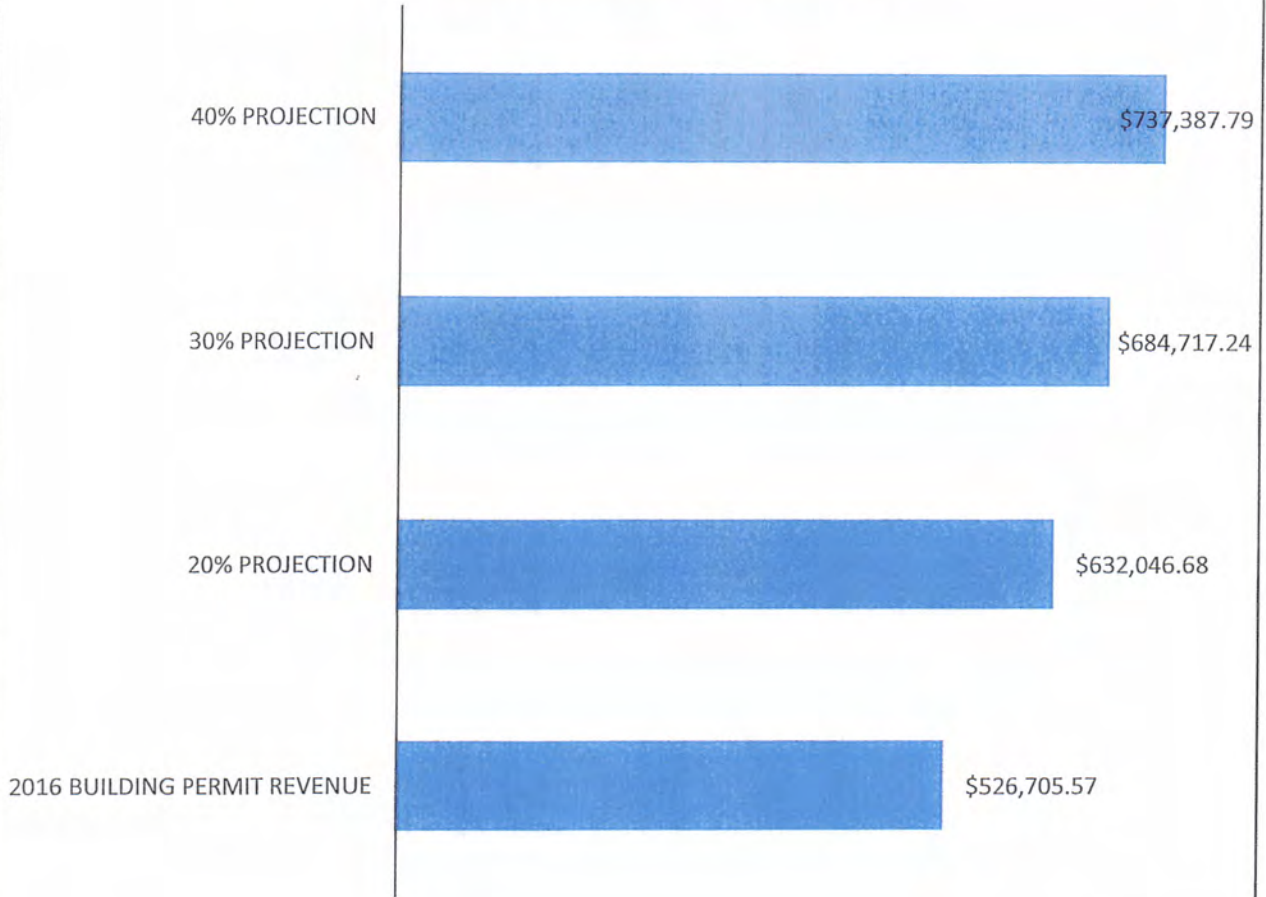
POTENTIAL REVENUE  
 PRESENT REVENUE

## 40% INCREASE IN FEES



POTENTIAL REVENUE  
 PRESENT REVENUE

## PERMIT PROJECTIONS



# Inspection Agreement

## Town of Evansville and Bar Nunn

The current inspection agreement with Bar Nunn and Evansville allows the following charges:

- Eight Hundred Fifty Dollars (\$850.00) per single family Residence.
  - Residential valuation with a \$250,000 in the City of Casper has a permit fee of \$1,101.00. Also, you will have a plan check fee of \$200.00, water and sewer tap fees of \$2540.00. For a total revenue of \$3841.00
- Fifty Four Dollars (\$54.00) per hour for commercial inspections, typically 1 inspection is charged for 1 hr. = \$54.00 per inspection.
  - Commercial project with a one million dollar valuation (\$1,000,000.00) in the City of Casper has a permit fee of \$3,726.00, plan check fee of 65% of the permit fee \$2421.90, water and sewer tap fees would be a minimum of \$4197.00. For a total minimum revenue of \$10344.90.
  - The City of Casper would have to perform 113 inspections on that project to equal the revenue of the permit excluding tap fees if the project was in the City of Casper.
- Commercial project with a valuation of \$1,000,000.00 project would average between 20 to 40 inspections, which would result in \$2,160.00 for 40 inspections. Most commercial projects are in excess of \$1,000,000.00 and this would increase exponentially.

Please note that Bar Nunn and Evansville charges similar costs for permits. They do not supply certified inspectors, or all costs associated with employees for inspections. This is including of wages, taxes, insurance, retirement, or vehicles. There is also time involved for the City of Casper office personnel for taking calls, billing etc. Their inspection records are retained in our ViewPermit program which is all added costs.

The following is a recap of the inspections agreement with Bar Nunn and Evansville:

- Year 2006
  - \$46.00 hour per inspection
- Year 2008
  - \$50.00 hour per inspection
- Year 2010
  - \$54.00 hour per inspection
- Year 2013
  - \$850.00 per residential house

Total revenue for contractual inspections for Bar Nunn and Evansville for 2016 calendar year:

- \$46,520.00


## Contractor License Comparison

The license comparisons of the following Municipalities shows that the City of Casper is consistent with the current rates typically enforced at this time.

It is a common belief that if license fees are kept as low as reasonable for the local economy, it will encourage contractors to attain the proper licensing for their company. This in turn will increase permit revenue, due to required permits and inspections for projects, an unlicensed contractor will not pull permits or schedule inspections. This happens periodically in Casper. Usually it is discovered when a home owner or client will contact the City of Casper to complain on quality of workmanship or to see if a permit was attained for their project. It is the Building Divisions desire to keep licensing and testing as affordable as possible for the previous reasons.

JURISDICTION	GENERAL CONTRACTORS	ELECTRICAL CONTRACTOR	MECHANICAL/PLUMBING CONTRACTORS
NATRONA COUNTY, WY renewal(annual)	\$375.00 \$112.50	\$375.00 \$112.50	\$375.00 \$112.50
CHEYENNE, WY renewal	\$750.00 \$225.00	\$300.00(2 YEARS) \$50.00	\$300.00(2YEARS) \$50.00 APPLICATION FEE FOR ALL LICENSES
RAPID CITY, SD renewal(3 years)	\$300.00 \$100.00	\$500.00 \$200.00(2 YEARS)	\$205.00 \$80.00(3 YEARS)
BILLINGS, MT renewal	UNKNOWN	\$250.00(3YEARS) \$53.00	\$125.00 \$30.00(APPLICATION FEE)
SALT LAKE CITY, UT renewal	\$210.00 \$113.00	\$110.00 \$63.00	\$110.00 \$63.00
FORT COLLINS, CO renewal	\$300.00	\$300.00	\$300.00
CASPER, WY renewal(annual)	\$300.00 \$75.00	\$300.00 \$75.00	\$300.00 \$75.00

August 14, 2017

MEMO TO: J. Carter Napier, City Manager  
FROM: Liz Becher, Community Development Director   
SUBJECT: Property Bids for Potential Sale of City-Owned Properties

Meeting Type & Date:  
Council Work Session, September 12, 2017.

Action Type:  
Direction from Council.

Recommendation:  
Staff is seeking Council's direction on which of the City-owned property bids that they would like to pursue.

Summary:  
The following is a summary of the bids that were received for the three (3) City-owned properties at the Special Council Meeting on August 8, 2017. Staff has reviewed all of the bids and qualified them with the Terms and Conditions in the Public Notice/Request for Bids, and the outcomes are included in the summary below. High bids, meeting all terms and conditions, are in bold.

**777 Bernadine Street**  
*Appraised Value - \$145,000*

- Measurement Investments, LLC (Tony Cercy, Sole Member/Manager) - **\$80,000**. Bid meets all terms and conditions.

*High bid last time \$70,000, but did not meet bidding terms and conditions. Highest bid meeting all terms and conditions was \$60,000.*

**334 Lark Street**  
*Appraised Value - \$30,000*

- No bids received.

*High bid last time \$5,000. Previous bid met all terms and conditions.*

**Wolf Creek Cemetery**  
*Appraised Value \$345,000*

- Endeavor Enterprises, LLC - \$379,500. *A Resolution of Directors Authorizing Purchase of Corporate Property* was provided, which authorized Kevin James Miller to purchase property on behalf of Endeavor Enterprises. The form was signed, but there is no “printed name” shown on the form, the signatures are illegible. In addition, the bid included a contingency that there is City water available to the property, adequate to supply up to 30 single-family households. Under the terms and conditions of the legal notice, #1 stated that all properties will be sold “as-is, where-is,” and that the City of Casper makes no warranties or guarantees whatsoever. Bid does not meet terms and conditions.
- Measurement Investments, LLC (Tony Cercy, Sole Member/Manager) - **\$286,000**. Bid meets all terms and conditions.
- JH/SW Investments, LLC – (Steven Wilson) - \$253,050. A page was provided labeled “Article V. Books and Records.” The page was provided without context. It does not state the name of the LLC, or the names of the members of the LLC, or who may sign on behalf of the company (by name). Bid does not meet terms and conditions.

*Only one bid was received last time for \$379,500, which did not meet terms and conditions (Endeavor Enterprises, LLC). The bid was rejected because 1) the same contingency was included on water availability, 2) a copy of a driver’s license was not included, and 3) A Resolution of Directors Authorizing Purchase of Corporate Property was provided, which authorized Kevin James Miller to purchase property on behalf of Endeavor Enterprises. The form was signed, but there was no “printed name” shown on the form, the signatures were illegible.*

**Communication:**

As required by State Statute, public notice was published in the Casper Star-Tribune three (3) times, advertising the Request for Bids. The Request for Bids was also advertised on the City’s website (casperwy.gov) and on the City’s Facebook page. In addition, multiple press releases were created and distributed to the media.