

Agenda

**Casper City Council Work Session
City Hall, Council Meeting Room
Tuesday, January 23, 2018, 4:30 p.m.**



Work Session Meeting Agenda Items		Recommendation	Allotted Time	Beginning Time
Recommendations = Information Only, Move Forward for Approval, Direction Reqeusted				
1.	Minor in Possession Ordinance (Judge Nicole Collier)	Direction Requested	40 min	4:30
2.	Snow Removal and Ordinance Change (Will Chambers)	Move Forward for Approval	20 min	5:10
3.	Council Sponsored Resolutions & Ordinances (Carter Napier)	Direction Requested	20 min	5:30
4.	Boards and Commissions Assignments (Ray Pacheco)	Direction Requested	20 min	5:50
6.	Legislative Update		20 min	6:10
7.	Council Around the Table		45 min	6:30
Approximate Ending Time				7:15



January 12, 2018

TO: Honorable Mayor, and Members of the Casper City Council
FROM: Nichole Collier, Municipal Court Judge
SUBJECT: Minor in Possession Sentences in Municipal Court

Meeting Type & Date

Work Session, January 23, 2018

Recommendation

That Council amend the Minor in Possession Ordinance (5.08.370) sentence to include up to six (6) months in jail and up to a \$750 fine.

Summary

Currently, a Minor in Possession under City Ordinance 5.08.370 is a fine-only offense. We are asking the Council to give the City Attorney and the Court more options at sentencing. We are only talking about 18-20 year old defendants, as we see very few juveniles due to the single point of entry team (SPE). The single point of entry team, through the District Attorney's office, receives all tickets involving children under the age of 18 and sends them to the appropriate court. More detail can be given at the meeting about that process. When asking for this change, we are not concerned about the first offenders – we are concerned about the second and subsequent offenders. We would like the ability for the City Attorney to request and the Court to order probation; however, we cannot order probation unless such violation is a jailable offense. This is a requirement recently outlined by the Wyoming Supreme Court. Probation would allow the Court to order ASIs and counseling, other pertinent counseling, community service, etc. Jail may be an option in some cases.

Also, for your consideration, by attaching jail to these offenses, the defendant is eligible for both a jury trial and court appointed counsel.

Financial Considerations

All projected costs are covered by the Municipal Court Budget.

Oversight/Project Responsibility

Municipal Court Judges

Attachments

None.

Municipal Court
Minor in Possession
Ordinance

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. Is a licensee under this title; or
4. When serving alcoholic or malt beverages pursuant to his or her employment if the person is at least eighteen years of age.

What do we want?

- For 18-20 years olds, the Court would like the option to place some of these defendants, if found guilty, on probation. We cannot do this unless it is a jailable offense.
- We are asking to change the ordinance to allow up to 6 months in jail and up to the maximum fine of \$750.
- Pursuant to City Ordinance 1.28.010(E), the current sentence is a mandatory \$150 for a first offense; \$350 for a second offense and \$600 for a third.

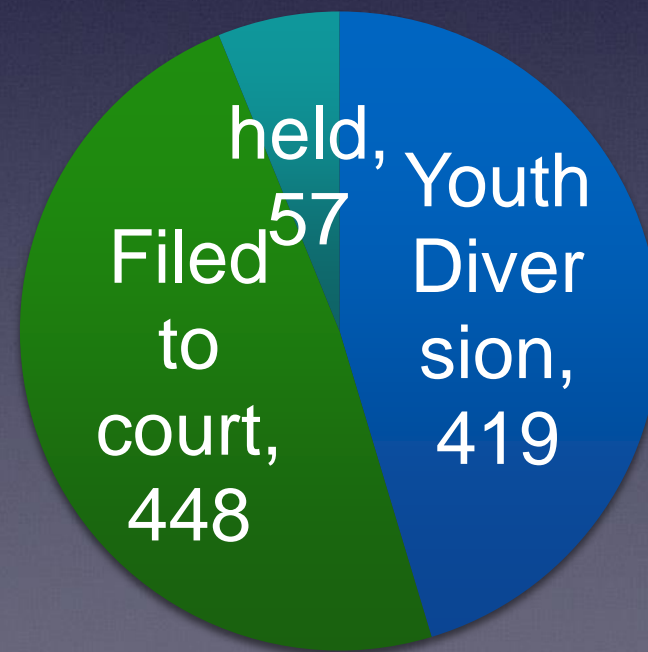
Why only 18-20 year olds

- Because of the Single Point of Entry team (SPE), we do not see many juveniles (kids under the age of 18 in our court)
- The SPE was started in Natrona County in 2009 and exists in every county in Wyoming.

What are the options for the SPE Team?

- Youth Diversion
- Holding Tickets
- District Court
- Circuit Court
- Municipal Court

- From January 1 2017 - December 15, 2017
- 893 cases were reviewed by the SPE



Cases filed to court

Jan 1 2017 - Dec 15 2017

- If they are a felony offense or a CHINS case, they go to District Court. The SPE sent 2 cases to adult District Court and 87 to Juvenile District Court.
- If they are a misdemeanor, a second or more MIP or a drug offense, they go to Circuit Court. The SPE sent 416 cases to Circuit Court.
- All others go to Municipal Court. This was a total of 6 cases.

- Almost all crimes in Muni Court are fine only offenses. They are also charged as adults and have an adult record.
- The only juveniles the Municipal Court sees regularly are traffic offenses.

Why Does the City Need This Change

- Municipal Court had 173 cases of MIP starting January 2014 - January 2018. Roughly 55 cases per year.
- We currently have no tools to help the defendants or the community in these cases. We believe these tools can be used to change behavior.


- With the option of probation, we can order the defendants to obtain ASIs, complete counseling, attend other forms of treatment, complete community service, etc.
- Suspension of incarceration would give the Court some “teeth” behind the orders to enforce the terms of their probation.
- Jail might be appropriate in some cases.

Considerations

- Making this a jailable offense also requires due process:
- Eligible for jury trials
- Eligible for court appointed attorneys

January 2, 2018

MEMO TO: J. Carter Napier, City Manager 

FROM: Andrew Beamer, P.E., Public Services Director 
Shad Rodgers, Streets and Traffic Manager

SUBJECT: Snow Removal and Ordinance Change

Meeting Type & Date:

Council Work Session

January 23, 2018

Action Type:

Ordinance

Recommendation:

That Council adopt changes to the City of Casper Snow Removal Ordinance.

Summary:

The City Streets Division is in charge of clearing snow from the City's streets. When snow is seen in the forecast, city employees will be placed on a shift work schedule, with all equipment operators either reporting for duty from 4AM to 12PM, 12PM to 8PM, or 8PM to 4 AM. The core of the snow fighting fleet is comprised of thirteen tandem axle dump trucks equipped with salters and plows. As snow begins to fall, plows will be sent along predetermined routes. The routes are laid out along the primary access ways of the city, and each is categorized as either an "A" or "B" level route. "A" level routes are plowed first; "B" level routes are plowed second. If school is in session, then additional streets will be plowed to provide access to public schools.

The routes are set up to cover most of the arterial and collector streets of the city. The routes are designed to give each neighborhood access to an arterial or collector street. Most residential streets are never plowed, though exceptions are made if the snow is deep and impassable. Most snow routes are plowed into a windrow that runs down the center of the street. Plowing to the center tends to minimize ice buildup along the gutter line, and allows citizens to keep vehicles parked on the street throughout the plowing operation. Once plowing is complete, city crews will collect the snow and haul it to one of nine snow dump sites.

Salting is also done along the snow routes to prevent the buildup of ice. Salting usually begins after the snow has fallen, or if the roads are becoming icy and slick. The city uses a product primarily made of salt, but it is enhanced with magnesium chloride and calcium chloride to improve its melting properties, especially at very low temperatures.

Some private companies and residences have taken it upon themselves to place snow in city street right-of-ways, either from parking lots or from plowing streets that are not on the city's plow route. The added snow often creates hazardous conditions and causes drifting, further restricting streets.

Current city ordinance does not specifically prohibit this practice. Adoption of the proposed ordinance change would specifically prohibit the placement of snow from private property onto city right-of-way, as well as the unauthorized plowing of city streets.

Currently, Wyoming State Statute 35-10-401 prohibits the obstruction of roadways, but it does not specifically address snow, nor does it define what constitutes an obstruction. Because of that, it is unclear whether placing snow into the right-of-way in varying degrees would amount to “obstructing” the roadway. Further, with it being a state statute that has not been adopted by the City, any violation would have to be cited into Circuit Court.

Casper Municipal Code §12.24, “Obstruction,” while titled promisingly, actually deals with structures, fences, signs, etc. obstructing sidewalks and streets. It does not address obstructing a street with snow or other debris.

Financial Considerations:

Adoption of the ordinance will result in lower costs for city staff to clear and haul snow.

Oversight/Project Responsibility:

Shad Rodgers, Streets and Traffic Manager

Attachments:

WY 35-10-401

Proposed ordinance

Council Committee Assignments

Governmental Affairs

Goal: To build strong relationships with each governmental entity to enhance communication and collaboration.

Objectives: Meet with each entity quarterly. Develop an open line of communication when political concerns arise

Natrona County Council of Governments	Council Legislative Committee (WAM)	City/County Hall of Justice/Detention Facility Joint Powers Board	Municipal Court Coordination Committee	Public Safety Communications Center
3 rd Wednesday 7:00 am Eggington's	TBD	TBD	TBD	
1. Ray Pacheco 2. Charlie Powell	1. Charlie Powell 2. Jesse Morgan	1. Kenyne Humphrey 2. Chris Walsh	1. Dallas Laird 2. Shawn Johnson	1. Kenyne Humphrey

Budgetary and Financial Items

Goal: To monitor and provide support and guidance to the city manager pertaining to the city's financial status and budget development and implementation.

Objectives:

Council Finance Committee	Economic Development JPB
TBD	2nd Thursday, 10:30am Feb, May, Aug, Nov CAEDA Conference Room
1. Bob Hopkins 2. Jesse Morgan	3. Shawn Johnson 4. Kenyne Humphrey
	1. Bob Hopkins 2. Dallas Laird

Social Services and Recreation

Goal:

Objectives:

Leisure Services Advisory Board	C.A.T.C.	Central Wyoming Senior Services	Casper Housing Authority	Community Action Partnership	Youth Empowerment
2nd Thursday 4:30pm Events Center	4th Monday 2:00pm Senior Center	2nd Wednesday 2:00pm City Hall	3rd Thursday 10:30am City Hall	4 th Wednesday 5:15pm	Every Thursday 7:00 p.m. 535 W. Yellowstone
1. Amanda Huckabay 2. Charlie Powell	1. Kenyne Humphrey	1. Kenyne Humphrey	1. Need Rep	1. Need Rep	1. Ray Pacheco

Press and Community Outreach

Goal:

Objectives:

K2 Morning Radio Show	College National Finals Rodeo Committee	Travel & Tourism Council
1 st & 3 rd Fridays of each month	1st Monday 5:00pm Parkway Plaza	4th Tuesday 11:30am 139 W 2nd, Suite 1B
1. Ray Pacheco 2. Charlie Powell	1. Chris Walsh	1. Shawn Johnson

City Services

Goal:

Objectives:

Central Wyoming Regional Water System JPB	Council Solid Waste Committee	Contractors' Licensing and Appeals Board	Casper Utilities' Advisory Board
3rd Tuesday 11:30am 1500 SW Wyoming Blvd	TBD	3rd Thursday 4:00pm City Hall	4th Wednesday 7:00am City Hall
1. Chris Walsh 2. Shawn Johnson	3. Charlie Powell 4. Need Rep	1. Dallas Laird	1. Dallas Laird

Land Use and Economic Development

Goal: To provide direction to interested parties about the future direction of the city and the City Council.

Objectives: Attend land use/economic development meetings in order to share the vision and direction of the City Council.

MPO Policy Committee	Planning & Zoning Commission	OYD Advisory Committee	OYD Architectural Review Committee	Platte River Restoration Advisory Committee
Quarterly	3rd Thursday 6:00pm City Hall	3rd Monday 4:00pm	Each Friday 9:00 am	1st Wednesday 5:30pm City Hall
1. Bob Hopkins	1. Bob Hopkins	1. Bob Hopkins	1. Bob Hopkins	1. Dallas Laird

Downtown Development Authority	Amoco Reuse Agreement JPB	Casper Area Chamber of Commerce
2nd Wednesday 11:30 a.m. 159 N. Wolcott	2nd Wednesday 6:00pm City Hall	3rd Tuesday 4:00 p.m. Chamber
1. Charlie Powell	1. Bob Hopkins	1. Amanda Huckabay

Boards & Commissions are responsible for filling openings on their boards. They must advertise the opening, interview, and then receive City Council approval. The board/commission will need to submit the following documentation for approval at a regular Council meeting.

A memo that includes the following information:

- Total number of applicants.
- How many applicants were interviewed.
- Why this applicant was selected.
- Include information about the term - is this a full or a partial term, is this their first term or are they being reappointed.
- Include the beginning and ending dates of this term.

Attach the following documents to the memo:

- Name of publication and copy of advertisement that announced opening and requested applications, as well as the dates advertised.
- Copy of all resumes submitted for board opening.