

## WORK SESSION AGENDA

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**Casper City Council**  
**City Hall, Council Meeting Room**  
**Tuesday, February 26, 2019, 4:30 p.m.**



<b>Work Session Meeting Agenda Items</b>		<b>Recommendation</b>	<b>Allotted Time</b>	<b>Beginning Time</b>
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Council Meeting Follow-up		10 min	4:30
2.	Plains RFP (Liz Becher) <ul style="list-style-type: none"><li>• Ash Street Properties Update</li></ul>	Direction Requested	60 min	4:40
3.	Municipal Court Revision (Judge Lund)	Information Only	15 min	5:40
4.	Repayment Options for Existing Sales Tax Overpayment (Tom Pitlick)	Information Only	5 min	5:55
5.	Alcoholic Beverages Overconsumption Resolution (Councilman Huber)	Move Forward for Approval	10 min	6:00
6.	Malt Beverage Server Research (John Henley)	Direction Requested	5 min	6:10
7.	Agenda Setting		20 min	6:15
8.	Legislative Review		10 min	6:35
9.	Council Around the Table		10 min	6:45
Approximate Ending				6:55

February 21, 2019

MEMO TO: J. Carter Napier, City Manager *JCN*  
FROM: Liz Becher, Community Development Director *LB*  
SUBJECT: Responses to Request for Proposal (RFP) to sell the Former Plains Furniture Properties

**Meeting Type & Date:** Council Work Session, February 26, 2019.

**Action Type:** Council Direction requested.

**Recommendation:** That Council review the responses to the RFP to sell the various properties in the former Plains Furniture block and direct staff on the next steps.

**Summary:** Two (2) responses were received for the RFP to sell the various properties. The RFP was first issued in September 2018, and two (2) addendums were issued. The properties, which were purchased by the City in January 2016, are located on South David Street, between West Yellowstone Highway and West Midwest Avenue, and the former livery stable located in the same block on South Ash Street in the Old Yellowstone District. Per direction from the prior City Council, the Casper Planning and Zoning Commission was asked to write a Resolution supporting the need for the historic preservation and redevelopment of the former Plains Furniture properties in alignment with the Generation Casper Comprehensive Land Use Plan. It is attached for Council's review.

**Financial Considerations:** None at this time.

**Oversight/Project Responsibility:** Community Development Department/Planning Division.

**Attachments:**

FLAG Development, Inc. Proposal Response  
Ashby Construction, Inc. Proposal Response  
Resolution from the Casper Planning and Zoning Commission

RESOLUTION OF SUPPORT FOR THE  
REDEVELOPMENT OF THE HISTORIC  
FORMER PLAINS FURNITURE PROPERTIES

WHEREAS, the City of Casper purchased the former Plains Furniture properties (“Nolan Chevrolet properties”) in January of 2016; and,

WHEREAS, the Casper City Council issued a Request for Proposals (RFP) on September 7, 2018, seeking development proposals from potential purchasers of the properties illustrating the economic development potential of the project, with the suggestion that the proposals incorporate mixed use, prioritize historic preservation of existing historic buildings, and fulfill a community need; and,

WHEREAS, the Casper City Council, through its Planning and Zoning Commission liaison, has asked the Planning and Zoning Commission for input and direction to assist the Council in determining what is the best proposal for the properties; and,

WHEREAS, in 2017 the City adopted the Generation Casper Comprehensive Land Use Plan after an extensive year-long public engagement process; and,

WHEREAS, the Planning and Zoning Commission serves in an advisory role to the City Council, and is tasked with implementing the Visions and Goals expressed by the citizens of the City of Casper, as presented in the adopted Generation Casper Plan; and,

WHEREAS, based on public input received during the Generation Casper planning process, which included nine (9) public meetings, six (6) steering committee meetings, six (6) questionnaires/surveys, twenty-five (25) “book a planner” talks/focus groups, eleven (11) newsletters sent to 750 contacts, and seventeen (17) community events; the Generation Casper Plan incorporated the citizens’ priority to support the preservation and adaptive reuse of existing historic structures; and,

WHEREAS, as a result of the extensive public input received, the Generation Casper Plan’s adopted Visions, Principles and Goals were designed to assist the City Council and the Planning and Zoning Commission with understanding the public’s aspirations for the future development of the community; and,

WHEREAS, the Generation Casper Plan supports the idea that historic preservation and economic development are not mutually exclusive, and that historic preservation is integrally related to economic development and cultural tourism, with other entrepreneurial endeavors; and,

WHEREAS, razing viable historic structures forever alters the unique character of the community, and destroys Casper’s collective identity as a special and unique place, and is not supported by any previously adopted plans; and,

WHEREAS, the Planning and Zoning Commission respectfully, but emphatically, provides the following guidance to the City Council with the intention of informing Council of the Casper citizens' documented aspirations for the development of the community, as obtained during the 2017 update of the Comprehensive Plan, and as formally adopted by the Council.

NOW, THEREFORE, BE IT RESOLVED THAT THE CASPER PLANNING AND ZONING COMMISSION HEREBY RECOMMENDS, TO THE CITY COUNCIL, that the following points guide the decision on the Nolan Chevrolet properties:

1. Principle VUC2 of Generation Casper explicitly states that the community has asked that the City work to strengthen the economic role of the Downtown and the Old Yellowstone District as a unifying element for Casper, through encouraging unique and diverse land uses. The Plan identifies eight (8) specific goals designed to implement the stated principle, including goal VUC2-7, which reads:

*“Historic Preservation:* Encourage a commitment to the adaptive reuse of vacant buildings to new uses, an investment in architecturally unique and culturally historic structures, and the creation of economic incentives to promote neighborhood preservation and revitalization. Work with local stakeholders on the historic preservation education and renovation of historic buildings.”

And goal VUC2-4, which reads:

*“Development Style:* Encourage compatible development that meets the current style of Downtown and the Old Yellowstone District while being vibrant and creative.”

And goal VUC2-5, which reads:

*“Creative Energy:* Capitalize on the emerging arts/cultural district in the urban center by fostering a culture of creativity and entrepreneurship with a variety of incubator space, art space, live/work units, and shared workspaces.”

2. Based on the above-listed principles and goals, it is clear that the community has expressed support for the protection of history and for maintaining the integrity of the community, especially in the downtown, as a legacy for future generations. Therefore, the Planning and Zoning Commission strongly recommends the adaptive reuse of existing buildings, as opposed to any proposal that would involve the razing of structures;
3. The uniqueness and history of the former Nolan Chevrolet buildings contribute to Casper's identity, which fosters community pride, enhances heritage tourism opportunities, connects us with our origins, and are a resource that no other community in the world can offer;
4. The architectural style of the Nolan Chevrolet buildings complement and enhance the architecture of the surrounding area, and is representative of the quality and type of

construction that occurred during the early 20<sup>th</sup> Century. If the existing historic structures were lost, the architectural quality and style could not easily be replicated or replaced;

5. The central guidance of the adopted Old Yellowstone District Plan, as reaffirmed by the Generation Casper Plan, is to prioritize and implement mixed land uses to create a synergy and energy that doesn't exist when a downtown is dominated by large, single land uses. The potential for multiple tenants/business is enhanced by the design of the Nolan Chevrolet structures, as well as the lot configurations;

6. Principle ECH3 of Generation Casper explicitly states that the community has asked that the City work to prioritize the development of pleasing community gateways that promote community pride and present a positive image for the community. The Plan identifies five (5) specific goals in order to implement the stated principle, including goal ECH3-2, which reads:

*“Historic Buildings: Identify and capitalize on the location, significance, and potential for reuse and/or renovation of historic resources.”*

7. Based on the principle/goal listed above, the public has explicitly said that maintaining historic structures provides cultural continuity to the downtown. Casper's history is its culture, and Council should support projects that will preserve and enhance the community's unique amenities and attractions over projects that could be found in practically any community, and would serve to dilute Casper's culture;

8. Although infill development is favored by all existing and adopted plans, encouraging infill does not mean displacing existing viable structures in order to accommodate new construction/development. There are a multitude of developable parcels in the Old Yellowstone District which can be developed without destroying viable historic buildings;

9. Principle RH5 of Generation Casper explicitly states that the community has asked that the City work to promote the beautification and character of Casper through improving the community's urban form in commercial and urban clusters. The Plan identifies two (2) specific goals in order to implement the stated principle, including goal RH5-2, which reads:

*“Urban Form: Require urban form that reflects the desired character of an area including allowing for a mix of uses, encouraging human scale, and using context sensitive or form-based site design.”*

10. The design of the proposals, and the effect on the surrounding uses, and the downtown/Old Yellowstone District should be carefully considered by Council. Redevelopment of the Nolan Chevrolet properties should focus primarily on encouraging a walkable experience, by appealing to the public at a pedestrian scale. Thoughtfully designed sites and land uses can alleviate parking as a land-wasting consideration by creating a strong sense of place

where people want to go, are willing to walk to, and which contributes to the overall downtown pedestrian experience;

11. Page 1.14 of the Generation Casper Plan acknowledges that economic development plays a central role in the Plan. Central to this recognition is that a sense of place plays a key role in economic development, which is reflected in the public's support for artistic enrichment and cultural opportunities, especially as a way to enhance the vibrancy of the downtown and its surrounding neighborhoods. As the City considers development in the downtown, the public has explicitly asked that a sense of place be fostered, as not just a nice thing to do, but as a central philosophy of our economic development strategy;
12. Fostering growth and nurturing existing small businesses in the community should be prioritized over development projects that will have fewer diversification benefits;
13. The availability of parking, or the demand on existing downtown parking resources, should be a consideration in determining the future of the Nolan Chevrolet structures and the ultimate land uses that the City Council wishes to encourage in this location.

PASSED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of December 2018.

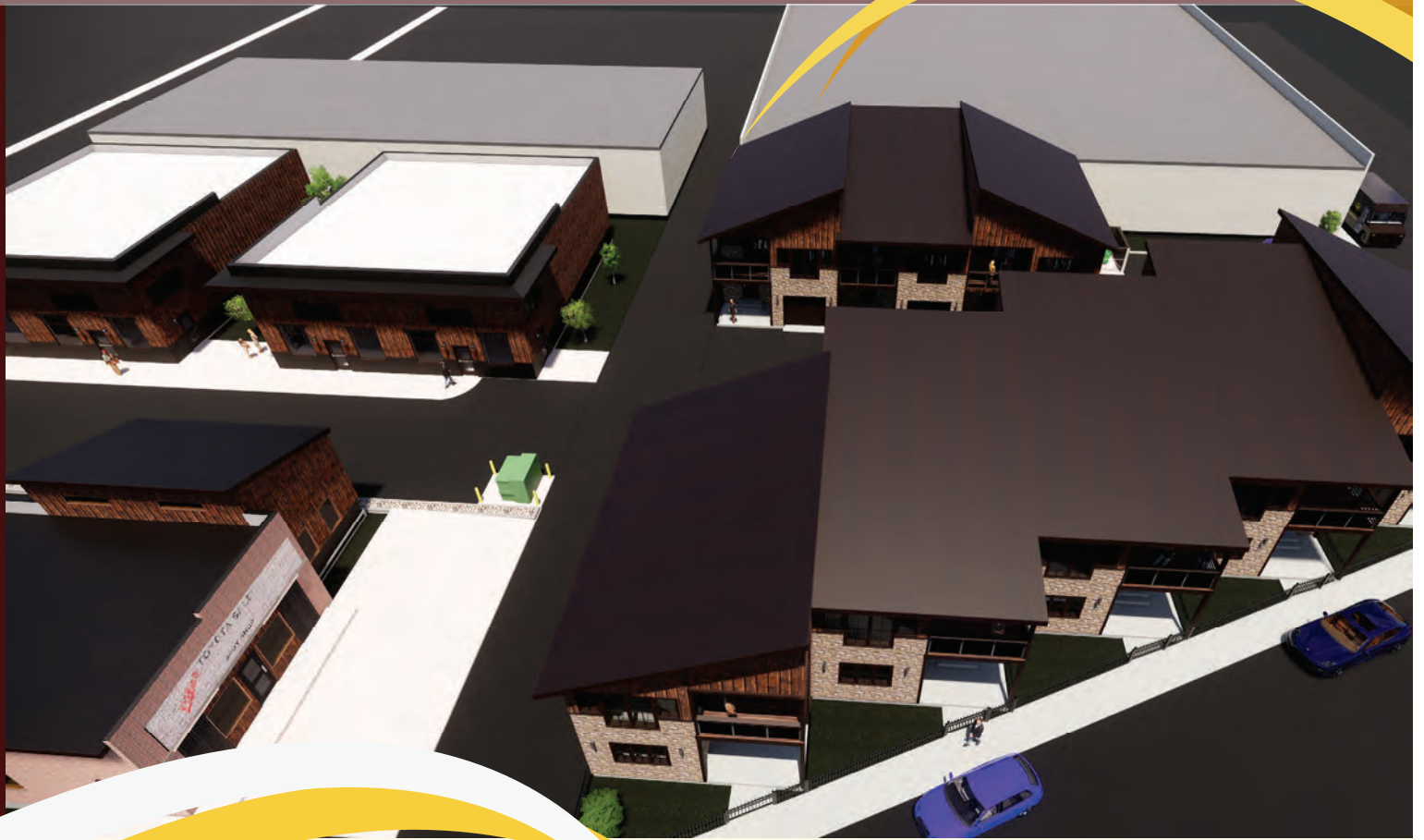
CITY OF CASPER, WYOMING  
A Municipal Corporation



Don Redder

Chairman, Planning and Zoning Commission

# FORMER LIVERY STABLE & PLAINS FURNITURE PARKING LOT PROPERTY PROPOSAL(S) ENCLOSED



Located in the  
Old Yellowstone District  
Casper, WY 82601

ASH STREET COMMONS LLC - PURCHASER

ASHBY CONSTRUCTION, INC. - BUILDER/CONTRACTOR

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## Purchase and Development Proposal

Ash Street Commons LLC hereby formally submits a Purchase and Development Proposal for the former Livery Stable Property and the Plains Furniture Parking Lot Property, which are located in the Old Yellowstone District in Casper, WY 82601, for the amounts of \$250,000.00 and \$278,000.00 respectively.

### Ash Street Commons, LLC and Ashby Construction, Inc., an overview

My name is David Kelley and my wife, Jennifer, and I are the owners of Ashby Construction, Inc., located at 274 W. Midwest Avenue in Casper, which has been in business now for 14 years. Ashby Construction, Inc. has formed an LLC in the name of Ash Street Commons LLC, which will be the Purchaser of the property upon acceptance. Ashby Construction, Inc. will be the General Contractor for the project.

I am a licensed General Contractor, and I started doing drywall after school and on weekends when I was 15. After High School, I studied Construction Management at the University of Nebraska-Lincoln. From there I went on to Mid-Plains Community College, where I received my Associates Degree in Building Construction. I have personally worked in almost every stage of new construction as I was going to school. After College, I worked as a Superintendent with a prominent, local Residential Construction Company in Colorado for the next 8 years.

My wife Jennifer, who is the Office Manager, Bookkeeper, and Interior Design Consultant, also attended the University of Nebraska-Lincoln and worked for that same construction company in Colorado, handling multiple office duties, contracts and customer services as well as interning for the Interior Designer on staff.

After deciding to branch out on our own, we formed Ashby Construction, Inc., an S-Corporation, in September 2004 and have since grown our business into a multi-million dollar corporation. We are primarily a new residential construction company and have built over 300 homes. We have also done many residential and commercial remodeling projects, the most prominent being the old Bi-Rite Building on South Durbin Street. We have since purchased the former Milo's Body Shop building on Midwest and have remodeled that shell into Ashby Construction's new offices and showroom. We are currently finalizing plans with the City to build the Ash Street Commons project, which will be located on the Corner of Ash Street and Midwest Avenue, right across the street from the Gas Light Social.

## Statement of Project Requirements

We have thoroughly read through the RFP documents, as well as the Form Based Codes that are associated with this project. We feel we are thoroughly aware of all of the parameters encompassing this request. We feel our project fits perfectly within these parameters and meets all of the goals set forth by the City of Casper.

## Scope of Work

- Challenges and Opportunities

We feel the opportunities for this project are beneficial, not only to our company, but for the City of Casper as well. Infrastructure for this project has been partially accomplished already with the remodeling of our new office building. New power has been brought down the alley that would service part of this project and was a challenge to get done. Being able to coordinate with the City's reconstruction of Midwest Avenue will make this project easier by getting the remaining infrastructure completed and in place for the townhomes we are proposing.

The opportunity for the City is equally exciting. To not only be able to make money on the sale of the property and create revenue from building permits, tap fees and tax bases from the new businesses and residences, but also to be able to continue to promote the revitalization of the entire Yellowstone District. The ability to bring townhome living to the downtown area, which has been a desire of the City for some time now, would also be a wonderful addition to the OYD. Also, the ability for us to be able to build out a substantial portion of this block, will allow for a continuity that wouldn't otherwise be able to be accomplished.

- Project Goals

The overall goal for this project is to build something that is innovative, yet draws from the same feel as the existing buildings in this district. We want people to come and see our projects and feel that same "Wow Factor" that you get when looking at the other projects in the area. We want to build a unique and creative structure, yet still have that historic feel that incorporates the vibe that already exists in the District, with the Gaslight Social, The Office, Urban Bottle, Racca's and the David Street Station- we want to draw from and enhance that feeling.

Our vision for the entire project is multifaceted. The ability for us to build out this entire area at one time is amazing. The vision for this project is best seen through the attached plans and video. To be able to see how all of this will be utilized is a powerful picture. The architectural style and overall look for this project will be very similar to the pictures we are presenting. Obviously we will be working closely with the City and the OYD to make sure we are following all of the guidelines in the form based code. After being involved with the OYD on the remodel of our office and the process of getting the Ash Street Commons going, we are very familiar with the look of what is required in the OYD.

The Livery Stable will need to be torn down. Anyone that has been inside that building understands the level of disrepair and questionability of the structural integrity of that building. We understand the desire for the City to reuse and keep old buildings. We bought the old Milo's Body Shop building and converted it into our offices because we love old building, so we completely understand wanting to save pieces of history. However, we do not see an economically feasible way to go forward with that building and reuse it.

Our plan is to re-plat the livery stable land in order to accommodate 2 separate 2-unit commercial buildings that will be able to be purchased separately. These buildings will be commercial spaces only, each with its' own 10'x50' outdoor courtyard on the side of each unit. Our design will allow for approximately 1200 sq. ft. commercial spaces with the ability to combine two of the units into one larger 2400 sq. ft. unit if the necessary. These units will be ideal for boutique local shops to accentuate the David Street Station area.

In our design for this building, we will be leaving the North wall of the stable intact, as it attaches to the common wall of the old Ka-Larks building. Before tearing down the rest of the building, we will have an engineer design counterforts to stabilize that existing wall in order to not damage the common wall. There will be approximately 10' of space between our new buildings and the existing Ka-Larks building once the new ones have been completed, as shown on the plat map. The Exterior design for these units will tie in with the look we are already doing on the Ash Street Commons project, as well as our office remodel of the old Milo's Body Shop building. They will have cedar board and batt exteriors with Metal accents and large store front glass, as shown on the attached pictures.

Because the Plain Furniture Parking Lot is a blank slate, we are envisioning downtown living with 8 new townhomes, as can be seen on the plat map. These 8 unit will have 3 bedrooms, 2 bathrooms and an oversized one car garage each. They will have outdoor decks and patio areas that will all face the mountains to the South. We will re-plat this property in order to sell the townhomes individually. The finishes on the exteriors and interiors of the units will be top of the line and will also follow the OYD form based code.

We anticipate the purchase price of these units to be approximately \$300,000.00 each. The OYD allows the garage to count as a parking space, so as you can see on the plat, there is ample space for additional parking for the units as well as a possible commons area for the residents.

- Economic Impact

The economic impact for the City will be substantial. Not only are we adding up to 4 new commercial spaces for small businesses that are needed in this part of town, we are also proposing the building of 8 new attached townhomes. The City will be receiving the money for the land, there will be permit fees, water and sewer tap fees, as well as property taxes on 8 single family homes valued at \$300,000 each, and 2 commercial buildings valued at approximately \$800,000 each, which would be approximately \$35,000 per year in property taxes on all of the new development. There will be water, sewer and trash services needed for all of the buildings. Depending on what type of businesses that would move into the commercial spaces, there could be the added sales revenues from those entities as well.

- Financial Investment Information

Ash Street Commons LLC's initial financial investment will be the \$250,000.00 we are offering for the Livery Stable property and \$278,000.00 for the Plains Furniture Parking Lot property. Additionally, we plan on approximately \$50,000.00 in demolition costs to the Livery Stable property. As this entire project will be done in phases, the anticipated timeline to complete the project in entirety will be within the City's recommended guideline of 3 years. We are prepared, along with our investors and our bank, to invest a total of approximately \$3 Million for the overall project. With our investors and bank as our backing, we are more than able to obtain the funding necessary to complete the project in its entirety.

- Ashby Construction's Current Projects

We currently have six homes under construction, one commercial remodel going on now and three mixed-use projects getting underway in April. We utilize a web-based scheduling program that notifies all of our subcontractors of upcoming tasks and projects that are assigned to them., which we have used for about five years now and it has helped us to alleviate problems that are normally associated with project scheduling. As a result, it has created more time for us to efficiently and effectively manage the quality of our projects being built. All of the projects currently on the books will not interfere with our ability to do these proposed projects. We have no projects or associations that would be deemed a conflict of interest with this project.

## Key Personnel

- \* **David Kelley**, President, Ashby Construction, Inc. - Building Construction Technology-Associate of Applied Science Degree-Mid-Plains Community College, Licensed General Contractor, Estimating, Construction Management, Project Supervisor, Project Design, EPA Toxic Substances/Lead-Based Paint Certification #NAT-107144-1, VA Builder ID#9104
- \* **Jennifer, Kelley**, Vice President, Ashby Construction, Inc. - Office Management, Bookkeeping, Financials, Project Financing/Draw Submissions, Interior Design Consultant, Project Design
- \* **Shawn Gustafson** - ECS Engineering - Site Plans/Plat Maps
- \* **Dave Scriven** - DH Scriven Engineering - Soils Analysis/Foundation Designs
- \* **Amundsen and Associates**- Architect
- \* **Brettnee Tromble**, Vice President, Commercial Loans - First Interstate Bank - Financing
- \* **Jim Eickhoff**, 3E&G Lending, LLC - Investor

## Expertise & References

\* **Expertise** - We are primarily a Residential and Multi-Family New Construction Company, as we have built well over 300 homes and 30+ Multi-Family units in our 14 years of business. We have done countless remodels, from a single bathroom, to a Loft Apartment Renovation in the old Hilltop Bank Building on Wolcott, to completely remodeling an entire home. We have also done numerous Tenant Finishes in town, including the 307 Chiropractic office and the Girl Scouts of Montana and Wyoming Office. In 2015, we purchased land on Pontiac Street in Mills and developed 13 lots, designed for entry-level homes. Our venture into commercial remodeling has been successful as well. We had the opportunity to do the remodel for the former Bi-Rite Building at 428 S. Durbin Street for Dr. Michel Skaf, as well as all of the finish work for his medical office, Casper Cardiology, and the executive offices on the upper level. Much of our success has been our ability to surround ourselves with people and businesses that hold themselves to the same standards of quality as we do. From our Excavator to our Finish Trim Carpenter, all of our subcontractors know what is expected of them when building with us. Some of our subcontractors have been with us since the start of our business 13 years ago. I feel that having this base of people that work with us allows us to provide a better quality product than others in this field.

\* References -

- \* Jim Eickhoff - 3E&G Lending, LLC 307-258-0119
- \* Brettnee Tromble, Vice President-Commercial Loans, First Interstate Bank 307-235-4201
- \* Dave Maxner, President-Personal Loans, First Interstate Bank 307-235-4262
- \* Dr. Mikel Skaf, Casper Cardiology, co-owner of ARC (old Bi-Rite) Building 307-462-0922
- \* George Glover, President/Owner - Bloedorn Lumber-Casper 307-235-3545
- \* Stuart Atnip, President/Owner - American Title Agency 307-266-4672
- \* Austin Wisroth, owner of 307 Chiropractic 307-337-3303
- \* Levi Gundlach - Edward Jones Investments (& 3 time client) 307-232-8278
- \* Thomas Valdez - Chapman, Valdez & Lansing Law Firm 307-237-1983

## Attachments

\* Design Idea Pictures - These next 3 pages of photos are renderings of the entire project done by Amundsen & Associates showing the preliminary types of exterior finishes we are currently looking into. Once we are awarded the project, we will then finalize the plans and finishes with the OYD.

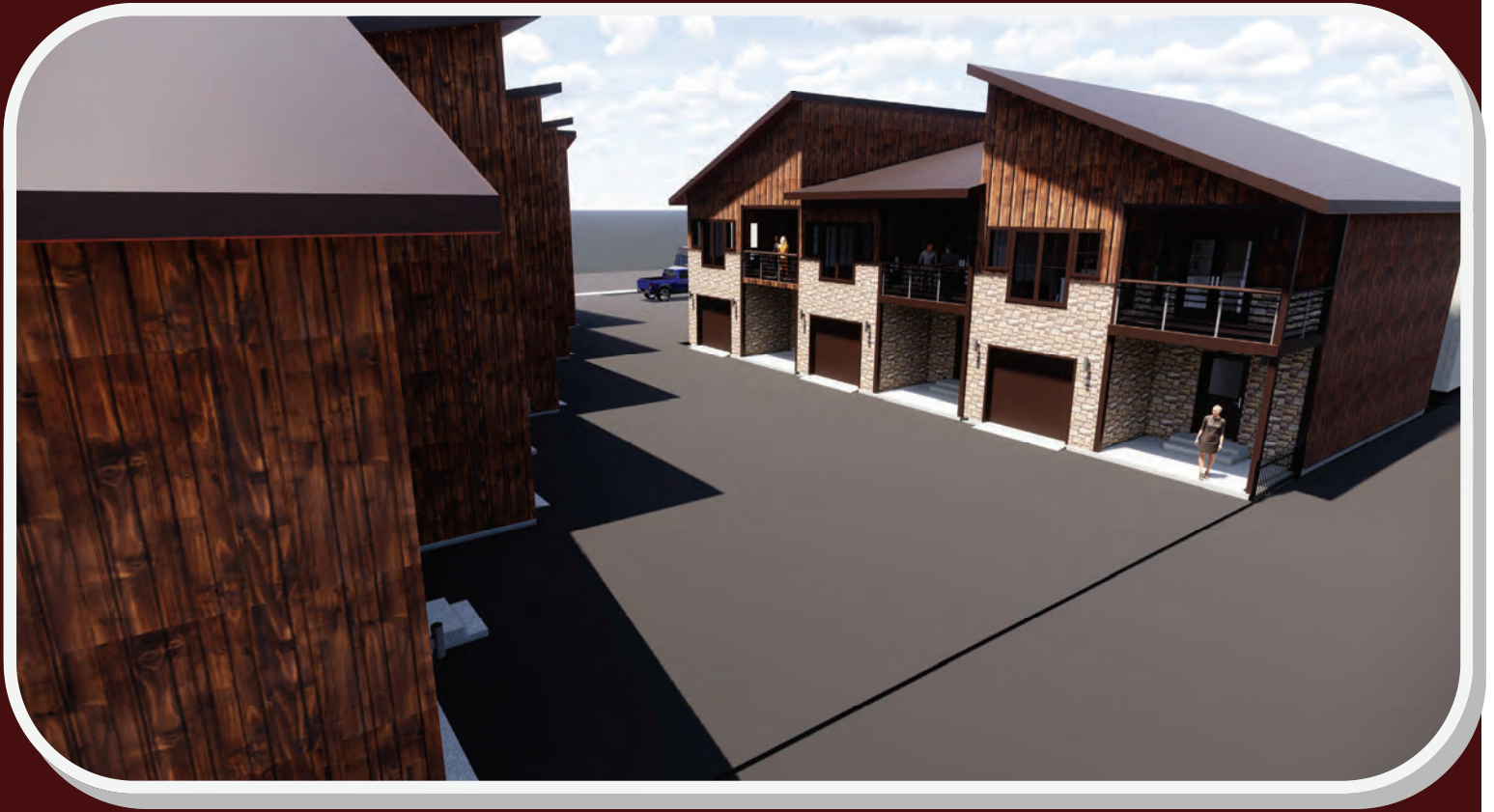
\* Letters of Reference

\* Sealed Confidential Financial Information per RFP requirements

Design Idea Photos



Design Idea Photos





# Design Idea Photos







Providing a Complete Line of Title & Closing Services

September 26, 2017

City of Casper  
200 N David Street  
Casper, WY 82601

To Whom It May Concern:

I am writing this letter of reference/recommendation on behalf of David Kelley and Ashby Construction, Inc.

My name is Stuart Atnip and I am the President of American Title Agency. My company provides title insurance and real estate closing services within the central Wyoming area. I became acquainted with David in 2008 when he moved to Casper to build homes. In my opinion, his construction company has become one of Casper's go to construction companies for quality construction at a reasonable price. As Ashby Construction Company's exclusive business partner for property acquisition and disposal, I have worked closely with David for many years. His role as President of Ashby Construction and General Construction Manager requires not only the management of millions of dollars in real property assets, but also requires constant supervision of employees and subcontractors alike. His work ethic and dedication to providing quality properties and service to customers has been proven many times over. He has always been upfront and honest in every dealing and I only wish that more of my customers were similar to David and his company.

Very truly yours,

Stuart D Atnip  
President



**Bloedorn Lumber Building Materials**

665 S. Walnut Street

Casper, WY 82601

307-234-3545

[gglover@bloedornlumber.com](mailto:gglover@bloedornlumber.com)

September 21, 2017

To whom it may concern:

Please accept this letters as recommendation of the construction firm, Ashby Construction Company. I have had the opportunity to work with David for the past seven years through numerous new construction and remodeling projects. He has proven to be a valued customer always demonstrating a professional and ethical caliber of business practices and quality. I personally recommended David to construct my relative's personal home with exceptional results. Although I personally have worked with David for seven years he has been a customer in excellent standing since the account was opened in 2007. Utilizing quality sub-contractors and materials has proved to be a definite strength for Ashby Construction.

If you need further information, please call.

Sincerely

George Glover

Manager

307-234-3545



**Purchase and Development of  
Former Plains Furniture Properties**

Casper, WY

**Presented By:**

FLAG Development LLC.

**Proposal Response**

February 14, 2019

Downtown Casper is the **true heart of this community**; alive with dining, shopping, entertainment, history, art, and culture. To complement this amazing downtown, City leadership and committed neighborhood stakeholders created the **Old Yellowstone District** — a redevelopment area adjacent to the downtown core — that will become a destination for the **live**, work and play audience”

-OYD Marketing Plan (pg. 2)

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**i. Statement of Project Requirements**

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**FLAG Development, LLC** understands the project requirements and terms presented in this RFP.

Key criteria include, but are not limited to:

- Bids are due by 4 pm on Thursday, February 14, 2019. Proposal shall be labeled “FORMER PLAINS FURNITURE PROPERTY PROPOSAL ENCLOSED”
- Electronic copy of proposal shall be submitted, as well as (3) three hard copies
- Contractor shall note the goals and requirements of City’s 2008 Master Plan, as well as newly adopted Comp. Land Use Plan 2017.
- Describe the economic impact to the city of Casper, including capital investment, job creation, avg. wage rate, and annual sales/property tax revenues.
- State amount and method of proposed compensation to City of Casper for subject property
- Describe funding mechanism for proposal.
- Include statement from lender to indicate ability to begin project within 90 days of award.
- Identify a community need that project will fill
- Include site plan and project elevations
- Include key personnel, responsibilities, qualifications, and references.
- If selected, contractor shall understand city will include in the closing documents requirements that the RFP shall be followed and there will be remedies should RFP not be followed.
- Statement of conflict of interest
- Confidential information shall be clearly marked “Confidential Information” and separate from other information in packet.
- Proposals received after the stated time will not be accepted.
- Acknowledgment of Addendum No. 1 issued on November 29, 2018
- Acknowledgement of Addendum No. 2 issued on January 24, 2019

ii. **Scope of Services**

**FLAG Development, LLC** is a limited liability company that was founded on November 2, 2018 in response to this Request for Proposal. The principal office of FLAG Development, LLC and members are located in Casper, WY and consist of Brandon Daigle and Kevin Hawley. Our team combines architectural, project management, job-site management, fundraising, and fiduciary management skills that will bring our downtown redevelopment project to life.

Our business model matches our personal and professional interests but is coupled with heavy research and market analysis to ensure our projects meet the need of our community. Our love of downtown redevelopment and community enhancement has our current focus on downtown mixed-use developments with a concentration on market-rate housing. Our first-hand experience of downtown has shown us that we have sufficient traditional office space and a large number of retail storefronts, but significantly lack market-rate housing. In concurrence with multiple city of Casper studies, we strongly believe that the next important step to creating a sustainable, thriving downtown is by **developing market-rate housing**.

Mr. Daigle and Mr. Hawley work together on initial vision and layout, often working through numerous development and pro forma scenarios before a project direction is agreed upon and pursued. Cooperative duties include market research, analysis, financial investigation, and pro-forma modeling. Mr. Daigle, with his professional experience, handles all architectural and design duties while Mr. Hawley, with his business background, performs an administrative and financial management role. Like any successful team, the roles are clearly defined, and the lines of communication are open. Both members share in a hands-on passion for redevelopment, including the construction management and build out phases of the project.

The partners consist of the *primary management team* involved in the project.

“The community has expressed how badly it wants additional retail, entertainment, and restaurant opportunities. In order to support these commercial visions, we must increase the density of people living downtown – rooftops before retail. We must set the stage for as much residential development as possible. To accomplish this, the City has developed a new regulatory structure to support mixed-use design throughout the Old Yellowstone District. Housing will be encouraged at various price points.” -OYD Marketing Plan (pg. 5)



**Site & Property Description:**

This 1+ acre property is located in the heart of downtown Casper, immediately between the established CBD and up and coming Old Yellowstone District. The property has been vacant since January 2016. The subject property within the development proposal has been appraised by Mountain West Valuations with the sum of the individual properties totaling just over \$1.4 million dollars.

Currently the property has the visual to any passerby of abandonment and severe blight on what is steadily becoming a more vibrant area of the OYD. The south lot is being utilized as overflow parking by neighbors and state office employees while the remaining parcels are currently vacant.

**Development Goals:**

The name of the proposed development for the site will be called **"The Nolan"**.



The new development will utilize a mixed-use approach in order to achieve the following OYD Goals:

- 1) **Goal ECH3-2 (Endless Character) Historic Buildings** will be achieved by demolishing the pre-engineered metal building addition located on top of the original motor pool that will now be converted into an outdoor courtyard for the new residents and tenants of the development. By exposing the original motor pool, the South wall of the Municipal Garage building we be also be revealed to further display the original architecture of the neighboring building. Additionally, by removing the metal building in front of the Historic North Building that formerly functioned as the Nolan Chevrolet Service Shop building, **our design will be able to restore that façade back to its original design and character.**
- 2) **Goal VUC2-7 (Vibrant Urban Center) Historic Preservation** will be fulfilled by adaptively reusing vacant buildings that were formerly automotive and retail buildings for new residential and flexible office uses.
- 3) **Goal VU1-2 (Vibrant Urban Center) Neighborhood Services** will be enhanced by seamlessly incorporating the new architectural style with that of the existing and historic building facades. The original facades of the South and Middle buildings have been damaged beyond economically feasible repair. Because of the previous damage to the parapets and brickwork, these facades will be demolished in order to give way to new elevations will be reconstructed at a residential scale and utilize a combination steel, wood and two brick styles that both match and accent the original brick facades of the North Service Shop building, the Municipal Garage Building, and the Firehouse. The newly constructed residential units that will be located on the South Parking Lot will match the architectural style and character of the new and old facades along Midwest and David Streets.

**Development Program:**

The proposed building program will include the following components:

- A. Up to **(11) eleven market-rate loft townhouses** within the existing Plains Furniture property referred to in the RFP as the South Building and a portion of the Middle Building. Each unit will be approximately 1,300 square feet, include a mezzanine with a second bedroom, office or flex space, as well as a private patio.



- B. On the north lot, we will remove the pre-engineered metal building and block wall addition in order to open up an open-air courtyard that includes landscaped areas, pavers, fire pits, plantings, trees, furniture and accent lighting. Private patios that are attached to each of the loft townhomes **will be constructed of 75-year old posts and beams that have been recently reclaimed** during the demolition of the buildings that were located on the site of the future State Office Building.
- C. **The original historic Nolan Service Building will be rehabilitated** by utilizing historic tax credits and renovated to become 8,200 square feet of flexible Class A office space.



- D. The South parking be converted to **(7) seven three-story market-rate rowhouses**. Each unit will be approximately 1,760 square feet and include 3 bedrooms and 2 bathrooms with oversized 1-car private garages. Additional features include private rooftop decks, work/office room, a common green space for residents, and views of Casper Mountain.



- E. The western property, referred to in this RFP as **the Livery Stable, will be demolished and reconstructed as a private parking lot** for the residents and tenants of The Nolan development with 36 parking stalls.
- F. The common areas for all of the parcels will be serviced by a member-managed Home-owners associations (HOA) with residents and office tenants actively serving on the board of directors.

**Project Challenges:**

Revitalization Challenges:

Challenges to revitalization in a downtown or infill area are varied and numerous. To effectively “ready the environment for private investment”, the following challenges must be overcome:

- Difficulty in assembling land
- Comparatively high land costs
- Limited examples of creatively-financed projects
- Parking costs
- Perceived greater risk in serving perceived narrow markets
- Construction staging opportunities limited

-West Central & South Poplar Corridor Plan 2007 Update (pg. 40)

**This study from 2007 remains true in 2019 for the following reasons:**

- 1) High land acquisition & development costs compared “green sites” on edges of town
- 2) Infrastructure/Utilities
- 3) Parking
- 4) Hazardous Materials & Asbestos Abatement
- 5) Unknowns with 100-year-old property
- 6) No Access to Historic Tax Credits
  - a. Out of Register 10% no longer available
- 7) City no longer has CDBG Funds for blight, demolition, and improvement
- 8) No comparable or precedence – unproven market.

**“Private investment alone will not fill the financial “gap,” rather, *it will move elsewhere.*”**

-West Central & South Poplar Corridor Plan 2007 Update (pg. 39)

**Site Plan:**

See Confidential Information section of the proposal response for overall site plan and floor plans.

**Project Goals:**

The primary goal of this Project is to provide the City of Casper, Downtown Casper, the Old Yellowstone District, and our community with an additional multi-million-dollar catalytic project that spurs further growth and investment in the downtown core. It is clear from all of the studies over the last two decades that the *first* and most essential component of any downtown development plan must be housing.

**Other Current Projects:**

The Cowboy Condos project in Laramie will require a portion of time from Brandon but will not affect the execution of this project.

iii. **Economic Impact & Development**

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The total projected capital investment for the project is estimated to be \$8,400,000.

**Short-Term Economic Impact**

- a. 75+ Construction Jobs
- b. \$135,000+ Sales Tax will be spent on construction materials
- c. \$600,000 direct spending on Architectural and Engineering Design Fees

**Long-Term Economic Impact**

- a. 19 new OYD & Downtown property owners
- b. Potential creation of 40 jobs in the OYD
  - a. Up to 5 primary jobs will be created with average annual salaries of \$40,000-65,000
  - b. Up to 35 secondary jobs will be created with average annual salaries of \$40,000-75,000
- c. \$483,600 estimated increase in Gross Sales Tax receipts in OYD & Downtown
- d. \$25,000+ in annual Property Taxes

In 2016, the last year of commercial service that Plains Furniture was in operation these same properties resulted in \$8,658.17 of property tax revenue per the Natrona County Assessor. This investment results in an increase of **189%** in property tax receipts.

In addition to helping spur new growth, this project helps to **Strengthen and Retain Existing Businesses in the Old Yellowstone District and Downtown core.**

**iv. Personnel and Prior Experience**

Brandon Daigle, AIA, a Natrona County High School graduate with a Bachelor's in Architectural Studies from Arizona State University and a Masters of Architecture from University of Colorado at Denver, captains the design-build arm of FLAG Development. Mr. Daigle works for River Valley Builders (RVB), a design-build firm that serves residential and light commercial clients in Casper and Laramie. Prior to working at RVB, Brandon was the Principal of MOA Wyoming, a commercial architecture firm specializing commercial office spaces, public sector work, and education facilities across the Rocky Mountain Region. Brandon is an independent and motivated architect that pushes the threshold of design while also lending his talents back to the community as an active and engaged contributor on many boards and volunteer initiatives. Brandon is a member of the American Institute of Architects Wyoming Chapter, was a previous board member of the Amoco Reuse Agreement Joint Powers Board (ARAJPB), Montessori School of Casper, and Rotaract (CYPN), as well as a former Adjunct Professor at Casper College. Mr. Daigle has over 18 years of experience in his profession and believes it to be less of a job and more of a way of life. He leverages his talents, ambition, and vision to help build a better Wyoming and stronger Casper, by positively impacting the built environment of our community for current and future generations.

**Other significant project experience includes:****Dean Morgan Middle School Renovations**

4-year, 21-phased project that included 170,000 sf of educational space with a \$18M Valuation

**NERD YMCA of Natrona County**

38,000 sf of recreation space with gymnasium space, fitness & wellness studios, and child care

**Racca's & Urban Bottle Renovation (Former Pacific Fruit & Produce Co. Warehouse)**

Architectural design services for renovations to an existing warehouse building in the OYD

*Brandon will be responsible for architectural and interior design, project management, and contract management for the project.*



Kevin Hawley, LEED AP BD+C, graduated with a bachelor's degree in Business Administration from Central Michigan University and has 17 years' experience in real estate development and construction management. Mr. Hawley is the Executive Director of the Casper DDA and was instrumental in the visioning and implementation of David Street Station. Over the course of five years, he remained steadfast in his duties of fundraising, marketing and communications, design management, and construction and financial oversight, of what to date, has become a nearly \$11 million-dollar project.

Prior to the DDA, Mr. Hawley was a Construction Specialist for Wyoming Community Development Authority, overseeing millions of dollars' worth of private and Federally funded developments across the entire state of Wyoming. Over the course of nearly two decades, he has gained priceless project experience, ranging from residential construction – new to rehabilitation – to large commercial developments of shopping centers, schools, hospitals, and big box stores. His first-hand experience and comfort in all aspects of development, from conception to execution, has proven invaluable to the successful completion of projects on time and within budget.

In addition to his personal and professional experience, he holds professional development and leadership credentials from Dale Carnegie and Peregrine Leadership Institute, and has educational certificates from the Department of Housing and Urban Development and the US EPA. He is an incredibly active and a contributing member of this community, volunteering for many non-profits, sitting on multiple boards, and utilizing his time and talents to help build a better Wyoming and stronger Casper. Although not an artist in the conventional sense of the word, the creativity used to help transform a project from nothing into something is what is most enjoyable and rewarding to Mr. Hawley.

*Kevin will be responsible for project administration, financial management, and on-site project coordination for the project.*

v. **Specific Qualifications**

1. **David Street Station – Casper, WY**

**2013-2018**

Although in a different capacity, our collaboration was founded through our roles working with the Casper DDA while building and managing the design, construction, and implementation of David Street Station. It was through that experience that our skills and personalities meshed, the vision for a different future was dreamt, and FLAG was born.





**2. Grant Street Grocery – Casper, WY**

**2016-2017**

Historic preservation is an important responsibility of the architectural profession. During the redesign and renovation of the historic Grant Street Grocery located in Casper, Mr. Daigle was the lead architect, project manager, and site superintendent. During the project, his residence was just three doors down from the project, enabling him to actively coordinate the design and construction schedules first hand. From start of design to the completion of construction, the entire project took just 10 months to complete.



**3. Montessori School of Casper – Casper, WY**

**2011-2013**

Renovations in the Old Yellowstone District are not a new endeavor for members of FLAG. While working for MOA Architecture and sitting on the Montessori School of Casper Board, Mr. Daigle volunteered conceptual design services to help the school start a fundraising campaign. After a successful fundraising campaign, Brandon and his staff designed the conversion of an old plumbing warehouse and former automotive repair shop into a new three-classroom school for pre-k and Kindergarten classes along with an outdoor playground in the middle of an industrial area in the OYD.



**4. Branding Iron Renovation – Casper, WY**

**2017-2018**

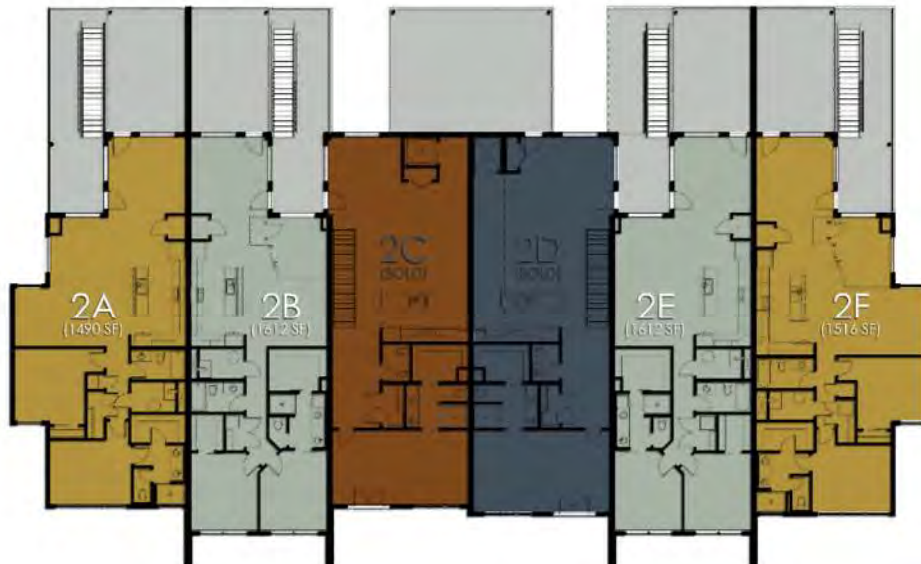
The revitalization of downtown has been spurred by new and old investors alike. One such renovation that Mr. Daigle was the lead architect and project manager on was the reincarnation of an old downtown establishment formerly known as Botticelli's. Renovations included an entirely new building erected from within the confines of an existing building that shored up structurally unstable floors and the roof. Additionally, new mechanical, plumbing, and electrical services were installed in conjunction with a completely new interior renovation to the ground and basement floors. Provisions for future lofts and an elevator were incorporated into the project as well.



**5. Cowboy Condos – Laramie, WY**

**2016-2020**

An ability to study and react to market trends is an important trait of any development company. Mr. Daigle and his employer River Valley Builders are currently preparing to start construction of a new mixed-use development in Laramie, WY. The project has been through the design, bidding, presale phases, and will soon begin the permitting phase prior to construction starting later this year. This project incorporates 7,000 sf of ground floor retail space, six private garages, and ten private condominiums located at University Plaza just east of War Memorial Stadium.



 SECOND FLOOR PLAN

**vi. Conflicts of Interest**

Some may consider that our personal response to the RFP is a conflict of interest because of our employment and volunteer capacities with the Downtown Development Authority (DDA). Our position would be to the contrary for the following reasons:

- 1) The DDA and its members/employees have spent no time or financial resources on the research, development, or design included in this response.
- 2) FLAG received no special privileges or showing in regards to this property and RFP that were not afforded to any other interested party.

Additionally,

- 1) Over a year ago, members of the DDA spent time, money, and energy to bring forward a proposal on this specific site that was not supported by the Casper City Council.
- 2) During that process, Mr. Daigle was specifically asked by a councilman to bring forward other well thought out and funded ideas for this property that could positively impact the community.
- 3) The DDA asked city leadership if they would allow this property to be owned and/or developed by the DDA on behalf of the City. The answer was no.
- 4) The DDA currently lacks any capital nor has the financial means to execute the acquisition of the land without consent from City Council.

**Casper Implementation Framework:**

“Just as no one project will revitalize the Study Area, no single action will advance the larger vision. Rather, revitalization and repositioning of this area will be dependent on a series of actions designed to capitalize on market opportunities and overcome barriers - effectively “readying the environment for investment.”

**-West Central & South Poplar Corridor Plan 2007 Update (pg. 40)**

vii. Professional and Financial References

**Professional References:**

See Confidential Information section of the proposal response for professional references.

**Financial References:**



First Interstate Bank  
104 South Wolcott  
P.O. Box 40  
Casper, WY 82602-0040  
307-235-4201  
[www.firstinterstatebank.com](http://www.firstinterstatebank.com)

February 11, 2019

RE Flag Development, LLC

To Whom It May Concern:

The owners of Flag Development, LLC are valued customers of First Interstate Bank. They have maintained their accounts as agreed and we consider them to be excellent customers. Our bank holds the owners in high regard and believe them to be responsible in their business and personal dealings.

It is my hope that this letter will serve as satisfactory evidence that Flag Development, LLC could reasonably attain a loan for \$4,500,000 for the development of a multi-use project in downtown Casper.

This information is provided to you in strict confidence and we trust that you will treat it accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brettnee Tromble'.

Brettnee Tromble  
Commercial Relationship Manager  
307-235-4278  
[brettnee.tromble@fib.com](mailto:brettnee.tromble@fib.com)

viii. Amount of Bid

“The Nolan” development will include **ALL of the parcels** listed in the RFP. The proposed amount of the bid for all of the parcels listed in the RFP and Addendums No. 1 & 2 are as follows:

<b>North Building</b>	<b>\$115,000</b>
<b>Middle Building</b>	<b>\$150,000</b>
<b>South Building</b>	<b>\$150,000</b>
<b>South Parking Lot</b>	<b>\$280,000</b>
<b>Livery Stable</b>	<b>\$305,000</b>
<hr/>	
<b>Total Bid Amount</b>	<b>\$1,000,000</b>

**Summary of the Offer**

With the proper private/public partnership, this catalytic project can be accomplished and help transform the landscape of our downtown for decades to come. The city of Casper’s study states that projects of this nature should expect to provide public participation up to 20% of the total development costs coupled with 80% participation provided by the private sector. This proposal requests approximately 10% investment by the city of Casper which results on a 1:10 ratio of public versus private investment. For additional terms and explanation of the offer, please refer to the Confidential Information section of the proposal.

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**ix. Closing Statement & Timeline**

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**LIVE, WORK & PLAY:** it's in all of the marketing materials for downtown Casper and the Old Yellowstone District. Market rate housing fulfills a community *need* because it is something that we currently do not have.

In downtown, it is obvious that we have the **WORK** component covered. In the last 18 months, we have seen our entertainment and **PLAY** sector explode. The have boxes are clearly checked but there is a giant **need box next to LIVE** that is in desperate need of attention. This proposal resoundingly checks that box as a HAVE, strengthens other HAVES from the past, stimulates more private sector growth and investment, and sets the stage for further private development and housing options to the west of this site.

During conceptual design sessions for this project, it was easy to dream up attractive and exciting retail ideas and options. Unfortunately, it quickly became obvious that utilizing this space for additional retail would only hurt the core, not positively advance it. Downtown currently has a variety of first floor retail vacancies ready and available for lease or purchase. Downtown has recently seen how existing Second Street retail is relocating to this area, creating somewhat of a vacuum on our established Main Street. What we need to do is strengthen, not saturate and dilute, our existing storefronts and small businesses. As stated in extensive city studies, the way to strengthen any downtown, big or small, and help foster sustainability and further economic investment is to make way for a variety of housing options.

FLAG Development is not ignorant to the fact that this may be seen as a controversial proposal in our community and before our civic leaders. Change is difficult. It is often easier to dismiss something as not being able to work in Casper, our market, or our community. David Street Station was difficult but look at what it has brought to our community now. Sometimes partnerships, investment, and change can be good...can be inspiring....and can lead to many other positive things.

This is an extremely large private financial investment even after incentives – **dollar for dollar it exceeds the construction of the economic engine that is David Street Station**. It's hard to think of a private project in the last 35 years in downtown that matches this investment. However, catalytic projects take bold visionaries, leaders, and most importantly execution. Our partnership has the proven leadership, skillset, financial management expertise, and track record to complete this project. We do what we say we are going to do and we finish what we start.

In the words of a previous city study, **"Private investment alone will not fill the financial "gap," rather, it will move elsewhere."** FLAG Development, LLC is ready, willing and able to be part of continuing the positive transformation and economic revitalization of our downtown but we cannot do it alone. With the partnership and participation of the city of Casper, FLAG intends to break ground on June 1, 2019 with the South Parking Lot and then work our way north with a completion date before the end of the 2021 calendar year based on market demand. We appreciate the opportunity to participate in this RFP process and look forward to the ability to discuss more of the details of this project with you in the future.



February 21, 2019

MEMO TO: J. Carter Napier, City Manager *JCN*  
FROM: Liz Becher, Community Development Director *lb*  
SUBJECT: Update on Ash Street properties

**Meeting Type & Date:** Council Work Session, February 26, 2019.

**Action Type:** Information Only.

**Recommendation:** Information Only.

**Summary:**

Two of the former Plains Furniture block properties along Ash Street sold a year ago. The redevelopment of the former Milo's Auto Body building and the former Ka-Lark's gymnastics studio have been progressing steadily. The Executive Team toured the properties in early February with the owners.

**Former Milo's Auto Body building**

This building was purchased by Ashby Construction, Inc. (David and Jennifer Kelley) to be remodeled into an office and showroom for the construction company. Design plans were approved by the Old Yellowstone District Architecture Review Committee (OYDARC) in February 2018 and permits were subsequently pulled. The remodel of the exterior of the building continued into the fall, and the inside remodel was just completed. A temporary certificate of occupancy (CO) was issued Tuesday, February 19th, and the business will open next week. The final CO will be issued in June when the landscaping and site work are finalized. With the construction office completed, work is now starting on Phase 2 of the site, which consists of three (3) live-work spaces called Ash Street Commons. The design plans were approved by the OYDARC in December 2018. They are estimated for completion this fall.

**Former Ka-Lark's gymnastics studio**

This building was purchased by 1890 Holdings, LLC (John Huff and Scott Cotton) to remodel into a commercial design and screen-printing business and associated retail store. Design plans were approved by the Old Yellowstone District Architecture Review Committee (OYDARC) in February 2018 and permits were subsequently pulled. The demolition and clean-up of the interior of the building was the first focus. Paint was removed from the walls to reveal the 1920's original brick, and the dropped ceiling was removed to reveal a beautiful barrel roof in excellent condition. The original windows were revealed and repaired. Non-structural walls were removed to create an open floor plan. Bathrooms are being installed. New HVAC is being installed along with a fire sprinkler system. New egress doors and an overhead door have been ordered. In early October 2018, Big Horn Design of Sheridan purchased the 1890 screen-printing operation. Mr.

Huff was left with the building and has continued to renovate the interior; he will begin the exterior remodel this spring. At this time, with the open floor plan, the reuse plans have changed to an entertainment venue which will be catered from Mr. Huff's Yellowstone Garage Bar and Grill. The venue will support weddings, reunions, office events, and David Street Station festivities. It is anticipated to be open in September, 2019.

**Financial Considerations:** None.

**Oversight/Project Responsibility:** Community Development Department/Planning Division.

**Attachments:** None.

February 13, 2019

MEMO TO: Casper City Council  
FROM: Judge Cally E. Lund c  
SUBJECT: Financial Update and Goals for Municipal Court

Meeting Type and Date  
Council Work Session  
February 26, 2019

Action Type  
None.

Recommendation:  
None. Informational Only.

Summary:

Since the hiring of Judge Lund in June 2018, one of the major areas of reform has been in the Municipal Court financials. We have been working diligently with finance to find a better tracking system for the money that comes in and out of the court in addition to reconciling the current accounts that are maintained by the court. Below is an update of the current status:

First, court costs are set by the Rules for Fees and Costs of Municipal Courts at \$10.00, as well as record checks at \$10.00. There are other fees that are being collected by the court including witness fees, juror fees, and court appointed attorney fees. Previously, there was no specific policy as to the collection of these fees. There is a policy in place now that all court fees will be collected, and court appointed attorney fees will be assessed to the Defendants as long as they are financially able, being repaid to the City of Casper. In addition, we are working toward making receipting for all of these items completely digital contained in the casefile to provide more accurate tracking. In addition, receipting and accounting for the petty cash in the court will also follow these procedures.

While working with finance in the transition to Tyler, we have requested three revenue line items for the Municipal Court including Fines, Parking Tickets, and Court Costs so that we can accurately track each of the monies that comes into these specific line items, and as far as the court costs, juror fees, witness fees, and record checks we can then account more accurately for their expenditures and recovery of those amounts.

Second, a policy has been implemented since the reconciliation of the Victims Compensation account that the monies received in that account are now reconciled monthly and then sent to the State of Wyoming as these monies are held in Trust for the State and are paid for in addition to fines on certain offenses. This account is completely reconciled.

The major focus at this time is to reconcile the past operating system (OMNI) with the current system (JustWare) and the financials tied to OMNI. Several accounts are potentially tied in with these accounts. The Restitution Account is monies that are retrieved from the defendant to make the victim of a crime whole. The Court follows the Wyoming Rules of Criminal Procedure and State Statute to determine the appropriateness of restitution. The Bond account is monies that people have posted to get a defendant out of jail. There is approximately \$3,000-\$4,000 in this account that will need to be examined as it was misappropriated during the transition from OMNI to JustWare.

The overall balance in OMNI and GEMS to date that has not been reconciled is \$295,656.69. This amount comes from the transition from OMNI to JustWare and we are in process of reconciling that. We have been working with Finance, specifically Pete, to establish a plan of how to get that account reconciled. The first step that we are going to take is transferring any old name records that have current balances into JustWare and then we will follow procedure to pursue those funds. Clerical errors will need to be corrected, and then anything that is left which is deemed to be uncollectable will need to be written off both through finance and an order by the court to clear the case. The goal to completely reconcile these accounts and be prepared to close OMNI is July 1, 2019, at which point OMNI will become obsolete.

Also, the Municipal Court took back over parking tickets on January 1, 2019, and we will complete and examination of those financials to come in line with the overall goal of all accounts being reconciled by July 1, 2019.

To date, we are auditing case files in JustWare to determine the likelihood of collection of funds and following up on warrants. As of this week, we have started determining eligibility for driver's license suspensions through the State of Wyoming as being part of the Non Resident Violator Compact. This allows the court to request suspension of a defendant's driver's license for unpaid fines after providing proper notice to the defendant and allowing them sufficient time to either notify the court of an inability to pay or pay in full. This is only applicable to cases that are less than six months old, and have specific qualifications on type of violation. Any case that is greater than six months old will be specifically evaluated to determine the likelihood of collection, and potentially will need to be written off again by finance and also by order of the Court.

Some of the factors that we look at when examining the potential for collectability are:

1. Whether the person is going to the State Penitentiary. Typically, we look to waive fines and costs for anyone that is going to the State Penitentiary for greater than 3 years, as they typically serve one half of their bottom number.
2. Since the court has limited jurisdiction, what the individuals contacts with Casper were. If there is no foreseeable ability for them coming back to Casper or having the appropriate violation for driver's license suspension they must be considered for write off.
3. Ability to pay.
4. Death, resident of a long term care facility, etc.

Overall, the goal is to narrow the time frame by which we have open cases, and vigorously pursue Defendant compliance within the first year.

As this is the first update, there is still a lot in the works as far as coming to a final resolution but we will keep our Council liaison updated, and provide a continued monthly update to Council.

Financial Considerations

None at this time, but ongoing information will be provided at a later date.

Oversight/Project Responsibility

Cally E. Lund, Municipal Judge  
Deidra Rowe, Municipal Analyst

Attachments

None

February 21, 2019

MEMO TO: J. Carter Napier, City Manager *JCN*  
FROM: Tom Pitlick, Financial Services Director  
SUBJECT: Sales Tax Overpayment

Meeting Type & Date  
Council Work Session  
February 26, 2019

Recommendation

That Council authorize the use of available 1% #15 sales tax dollars to liquidate the outstanding balance due the State of Wyoming for improperly remitted local option sales tax collections and, that Council support the continued repayment of the general sales tax portion through the extended terms currently in effect.

Summary

On June 28, 2018, the City of Casper was advised that a sales tax distribution error had occurred. Through an audit conducted by the Wyoming Department of Audit, it was discovered that a large vendor in Sweetwater County had erred in reporting use taxes. The audit, covering the period from 10/1/13 through 12/31/2015, revealed that the vendor had submitted returns to the State under the jurisdiction of Natrona County rather than Sweetwater County. As a result, Natrona County and its municipalities received funds that should have been paid to Sweetwater County. The total amount of overpayment to the City of Casper was calculated to be \$1,701,142.25. Of this amount, \$927,753.72 is attributable to the state sales tax and \$773,388.53 to the local option tax (1%). The City was given the option of paying the amount back over a period not to exceed five years with no assessment of interest. This option was chosen by the City, and we are currently making quarterly payments of \$85,057.16.

The audit period spans local option tax collections for both 1% #14 and 1% #15. 1% #14 tax receipts have either been spent or obligated. 1% #15, however, has an unobligated balance of approximately \$2.8 million. This is the result of actual local option sales tax receipts exceeding the estimated receipts for the four year funding cycle and includes amounts attributable to the reporting error. Since there are adequate unobligated 1% #15 funds to fully cover the local option portion of the outstanding debt, Council now has the ability to fully liquidate the local option tax component of the overpayment should they so choose. While presenting no financial incentive, having this portion of the debt removed from future considerations would be advantageous in that it would eliminate the need to account for this extended liability as 1% funds are being allocated throughout the budget process. It is recommended that the general sales tax portion of the

overpayment continue to be addressed through the five year repayment plan given the current financial pressures on the General Fund.


Financial Considerations

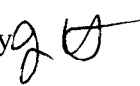
The remaining portion of the 1% overpayment is \$696,049.67. Liquidating this obligation would not affect the overall financial position of the Fund as the full amount is already recorded as a liability.

Oversight/Project Responsibility

Tom Pitlick, Financial Services Director

February 21, 2019

MEMO TO: Casper City Council  
J. Carter Napier, City Manager 

FROM: John Henley, City Attorney 

SUBJECT: Over serving of alcohol

Meeting Type & Date  
Work Session  
February 26, 2019

Action Type  
Resolution

Recommendation  
That Council approve for consideration the Resolution regarding over serving of alcohol.

Summary  
The attached Resolution was discussed in a recent work session which Councilman Huber proposed. The addition of number 3 has been added by Mayor Powell. The Resolution is being submitted for review and consideration.

Financial Consideration  
None

Oversight/Responsibility  
John Henley, City Attorney

Attachments  
Proposed Resolution



RESOLUTION 19-

The Casper City Council is concerned that over consumption of alcohol is a serious problem in our community. It results in dangerous motor vehicle operation; it contributes directly to multiple dangerous health conditions for many of our citizens; it is a factor in many incidents of child and spousal abuse, as well as many other issues negatively affecting our community.

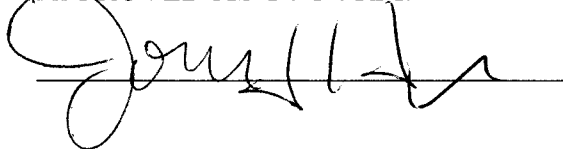
While many of the above-referenced matters involve alcohol consumption in places other than licensed establishments, there is also no doubt that a number of such incidents involve alcohol consumption in licensed establishments.

Being acutely aware of the above-referenced matters, the Casper City Council resolves and goes on record in the strongest terms possible encouraging all licensed alcohol establishments to comply with the following standards:

1. Within 90 days of becoming employed, all servers shall be certified under the "Tips" program;
2. Agents and employees of such establishments shall not be present on the premises while in an intoxicated state.
3. Council will be monitoring trends closely and may want to readdress over serving, if the positive effects of training and other voluntary efforts are not realized.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED AS TO FORM:




ATTEST:


CITY OF CASPER, WYOMING,  
A Municipal Corporation

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Fleur D. Tremel  
City Clerk

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Charles Powell  
Mayor

February 22, 2019

MEMO TO: Casper City Council and J. Carter Napier, City Manager 

FROM: John Henley, City Attorney 

SUBJECT: Survey of other Wyoming communities' requirements for TIPS training – Malt Beverage Permits

Meeting Type & Date

Work Session  
February 26, 2019

Action type

Information request response – option for proposed amendment

Recommendation

That Council determine whether TIPS type of training shall be required for servers providing malt beverages pursuant to a malt beverage permit.

Summary

Results of Inquiry:

Five Wyoming municipalities were contacted/researched to determine if they required training for servers who were dispensing malt beverages, pursuant to a malt beverage permit.

Laramie and Cheyenne, to a lesser degree, have such a requirement within their regulatory efforts, while Jackson, Sheridan, and Cody have no such requirements for malt beverage permits.

The requirement for training in the Laramie code provides:

“c. If an application is made for malt beverage or catering permit for special events, the permittee or persons who will be in control of the intoxicating liquor and all persons who will be selling, serving or managing the sale of the intoxicating liquor at the special event shall complete a server training class prior to the issuance of the malt beverage or catering permit for special events.”

The Cheyenne responsibility/liability of malt beverage permits provides in paragraph 4:

“The applicant must personally supervise and be responsible for all employees who sell or dispense the beverage and acknowledges that employees must be at least 21 years of age. If

requested by the City Clerk or Chief of Police, applicants may be asked to provide applicable training\*\* to employees who will be selling/dispensing under the permit.”

If the Council determines that they want to amend the Casper Alcohol Ordinance, it was suggested at the last meeting that this be included within the malt beverage and catering permit for public events - Section 5.08.140.

A proposed amendment, should Council choose to go in this direction, is: on page 14 line 477 paragraph "A" shall be designated as paragraph "A.1."

A new paragraph shall be designated "A. 2." and shall read:

Any person selling or dispensing a malt beverage pursuant to this subsection shall have completed successfully an alcohol server training program as approved by W. S. Section 12-2-402.

The penalty for a violation of this subsection shall be:-----, and shall be paid by the person and the organization who requested and were issued the malt beverage permit.

Financial Considerations

No financial considerations

Oversight/Project Responsibility

Casper Police Department

Attachments

Pages of the Laramie and Cheyenne requirements for serving beverages pursuant to a malt beverage permit

If the special event is anticipated to close city streets or alleys for a period of time in excess of four hours in a month or the closure of a sidewalk, public park or public building more than eight hours in a day or more than one day in a single seven-day-period, the applicant for the special event permit shall give notice to the residents of property along the affected street(s), alley(s), sidewalk(s), public park(s), or public building. Such notice may be in person, by ordinary U.S. mail or by publication in the local newspaper prior to the submission of the application. The notification shall advise the resident of the nature and time of the special event and the proposed street, alley, sidewalk, public park or public building closure, and the resident's right to object in writing to the city manager. Should twenty percent of the residents of properties along the affected street(s), alley, sidewalk(s), public park or public building object to the street, alley, sidewalk, park or public building closure for the special event, the city council shall review the objection prior to the requested date for the special event either at the next scheduled meeting of city council or special meeting to review the objection. The city council's decision shall be final and not subject to further appeal;

17. The following additional restrictions shall be required of applicants for a malt beverage or catering permit for special events and an open container permit:
  - a. If an application is made for a malt beverage or catering permit for special events, a physical description of the designated area for dispensing and the sale for consumption of the alcoholic beverage will be required,
  - b. If an application is made for an open container permit, a physical description of the designated area for consumption of the alcoholic beverage will be required,
  - c. If an application is made for malt beverage or catering permit for special events, the permittee or persons who will be in control of the intoxicating liquor and all persons who will be selling, serving or managing the sale of the intoxicating liquor at the special event shall complete a server training class prior to the issuance of the malt beverage or catering permit for special events,
  - d.

**RESPONSIBILITY / LIABILITY OF  
MALT BEVERAGE AND CATERING PERMITTEES**

1. Application fee for a malt beverage or catering permit must be paid by the applicant.
2. In receiving the permit, the applicant assumes all accompanying responsibility and may not transfer or delegate any authority to sell/dispense beverages to another person or organization.
3. The applicant is liable for strict adherence to state and local laws governing the permit. Proof of general and liquor liability insurance in amounts determined by the City Risk Manager\* (but not less than \$1,000,000.00 for liquor liability) is required for malt beverage permit applicants if the location for sales will be upon city-owned or public right-of-way property. All certificates of insurance must name the City of Cheyenne as an additional insured as well as certificate holder.  
\* The City Risk Manager may contact the applicant concerning the activity for which a permit is requested to assist in determining general and liquor liability coverage amounts.
4. The applicant must personally supervise and be responsible for all employees who sell or dispense the beverage and acknowledges that employees must be at least 21 years of age. If requested by the City Clerk or Chief of Police, applicants may be asked to provide applicable training\*\* to employees who will be selling/dispensing under the permit.
5. Malt beverages or alcoholic liquors purchased to be sold in conjunction with a permit must be ordered and purchased by the applicant/permittee. All sales taxes and other fees required by law is the responsibility of the applicant/permittee.
6. Approval of sales/dispensing areas and operations (including proposed consumption areas) are required per authority set out in Chapter 5.12.010 (A)(B)(C)(D) of Cheyenne City Code and State Statute.
7. Proceeds from the sale of malt beverages and/or alcoholic liquors must be credited to the applicant/permittee.
8. Applicant understands that under the permit they can not promote or advertise the sale of malt beverages and/or alcoholic liquors as a temporary bar or lounge environment.
9. Any violation of Federal, state or city laws will result in a permit being immediately revoked.
10. If operating under a catering permit, applicant must comply with applicable dispensing room requirements as set forth in City Code and State Statute.

\*\* For Training assistance, permittees may contact the Wyoming Liquor Division (Ph. 307-777-7231) or Cheyenne Police Department (Ph. 307-637-6521).