

COUNCIL WORK SESSION

Tuesday, August 25, 2020 at 4:30 p.m.
City Hall – Council Chambers

AGENDA

1. Council Meeting Follow-up
2. Junior Council (Elissa Ruckle)
3. COVID-19 Reimbursement Application
4. Public Comment Periods for Ordinances
5. Council Ethics Discussion
6. LAD Billing Process
7. Animal Care and Control Ordinance
8. National Electrical Code
9. Agenda Review
10. Legislative Review
11. Council Around the Table

Mayor Freel called the work session to order at 4:30 p.m. with the following Councilmembers present: Hopkins, Cathey, Huber, Bates, Pacheco, Powell, Johnson and Mayor Freel. Vice Mayor Lutz was absent.

City Manager Napier discussed the possible formation of a Casper Youth Council, with limited costs to the City. He then introduced Elissa Ruckle and Kenzie Martini to further discuss the proposed Casper Youth Council. Ms. Martini discussed why this Youth Council would be beneficial to both youth community members and the City. They stated they have reached out to the Youth Empowerment Council and Casper Youth for Change to include their members as well. Councilmember Pacheco asked that this would not impede on funding for the Youth Empowerment Council. Ms. Ruckle discussed that the Youth Council would have its own operating budget that would be funded by IMPACT Wyoming. Councilmember Bates discussed that Lifesteps Campus would be available for meeting space for the Youth Council. City Manager Napier stated that the process for this formation would be similar to the formation of the Disability Advisory Council, and that the formation would need to be formally approved by resolution at a regular Council meeting and the Mayor would need to appoint a liaison. Council gave their thumbs up to move forward with formal consideration of the Youth Council at the next City Council meeting.

Next, City Manager Napier discussed possibilities for federal Coronavirus Aid, Relief, and Economic Security Act (CARES) COVID-19 reimbursement for the City. He explained that applications for this reimbursement are submitted to the State Loan and Investment Board (SLIB) and reviewed by the Attorney General for the State of Wyoming. The reimbursement is limited to direct expenses for COVID-19 response and does not allow for reimbursement of lost revenue. City Manager Napier then introduced Tim Cortez, Parks and Recreation Director and the person responsible for overseeing the City's COVID-19 reimbursement, to elaborate on the reimbursement application. Mr. Cortez explained the reimbursement costs that are being requested

and stated that the amount was at about \$400K as of June 30, but that number has changed as expenses are added. He stated that the grant application requires a resolution from Council and the proposed resolution allows up to \$10M in reimbursement over the next three SLIB application periods. The resolution would allow for City Manager Napier to keep applying for funding for the City. Council gave their thumbs up to move forward with a resolution for the application(s) for reimbursement and allow City Manager Napier to continue to apply for this funding.

Mr. Cortez also discussed the possibility of the Wyoming Governor's proposed direct distribution allocation of CARES monies to municipalities. The distribution would be based on population size, sales tax generated, and the number of COVID-19 cases. Casper would get an estimated \$6.7M if the formula was approved. Council gave their thumbs up for staff to prepare a resolution to support the Governor's direct distribution formula.

Next, City Manager Napier began the discussion on public comment periods for each reading of ordinances. He explained that this was a policy put into place recently and the policy used to be to allow for public hearing for the first reading of the ordinances only, and the public could speak only if a Councilmember pulled an item off consent and then citizens could sign up to speak on that item. He stated that recently Council has had questions on the efficacy of public comment at each reading, so staff would like direction on how Council would like to move forward on this policy. He also asked if Council preferred having the general communications from persons present at the beginning of the meeting, or if they would like to move it to the end of the meeting, which is where it used to be on the agenda.

Councilmembers then discussed these policies. Councilmembers Pacheco, Cathey, and Hopkins discussed concerns over the inefficiency of having the same people repeat their public comment over each reading. Mayor Freel and Councilmembers Huber and Johnson stated that they believed there should be public comment at each reading to allow for comments on amendments passed during each separate reading. Councilmember Powell stated that sometimes people do not know an issue is being discussed until after the official public hearing, and therefore, Council should allow for public comment after that hearing. Council discussed emphasizing no duplication of speakers during public comment. The majority of Councilmembers gave their thumbs up to leave the public comment for each ordinance reading and to have the communications from persons present remain at the beginning of the meeting agenda. They asked that something be added to the script to ask that people who wish to comment on specific ordinances wait until those public comment periods as opposed to speaking on those issues during the general communications from persons present.

Next, City Attorney Henley discussed the Council Ethics policy. He described some proposed changes to the policy that reflect issues that arose during the Grogan Development discussion recently. Council has also inquired about what conflicts of interest are and when conflicts need to be declared. He then discussed the proposed policy and explained that in order to avoid conflicts of interest or appearance of conflict of interest, Councilmembers should declare the conflict and abstain from discussions and voting on an item if they think there is a possibility of being involved with the item now or in the future. The proposed ordinance also outlines procedures for giving

Council the opportunity to raise concerns of conflicts and discuss and vote on if a conflict of interest exists, in order to prevent a Councilmember from voting and influencing a vote for something they should be conflicted out of. He stated that this should not occur in an executive session and needs to be in the forum of a public meeting. He also stated that Councilmembers do need to provide an explanation for why there is conflict of interest and why they are conflicted out of discussion and voting on issues. He explained that Councilmembers can abstain from voting if they choose, and this does not always have to be due to a conflict of interest. City Attorney Henley also discussed issues that have been raised regarding Councilmembers who serve as representatives of the City on joint powers boards. He stated that the fidelity of a Councilmember is to the City, and it is appropriate for Councilmembers to act on the behalf of who appointed them to represent Council and the City. Council gave their thumbs up to move the proposed amendments to the Code of Ethics forward for formal consideration at a future Council meeting.

Next, City Manager Napier discussed the Local Assessment District (LAD) billing process. He explained that staff has been researching statutory limitations and obligations on how to follow up on collecting these debts. The proposed policies would require more frequent contact, verification of addresses from the County Assessor's Office, and property ownership and tax monitoring. Staff will also work to try not to lose priority in the lien process. Council gave their thumbs up to support these processes and policies.

Next, City Attorney Henley reviewed possible amendments for the Animal Care and Control Ordinance. Councilmember Bates discussed several possible amendments, including that individuals can provide TNR without having to take the animals to Metro Animal Shelter. Council discussed requiring the TNR programs authorized to perform this be approved by Metro. Councilmember Bates discussed another amendment that would remove feral cats and dogs from the feeding ban. Council discussed the pros and cons of a feeding ban, and Chief McPheeters stated that he and his staff still support this feeding ban. Councilmember Bates discussed another possible amendment to allow people to own ducks in City limits, but after Council discussion said he would remove this from proposed amendments at the third reading to allow for more discussion on the issue at a later date. He also discussed two other amendments regarding tethering and non-spillable water.

Next, City Manager Napier discussed a follow-up item regarding the National Electrical Code. Councilmember Cathey stated that he had his questions answered by staff and was fine with it moving forward to third reading at the next regular Council meeting.

Next, Council reviewed the agendas for upcoming regular Council meetings and work sessions. Council discussed postponing the public hearing and first reading of the massage therapy ordinance. Councilmember Cathey stated that the State is working on regulations for this, and proposed waiting for those regulations to move forward before working on any type of City ordinance on the issue. Mayor Freel stated that he does not want the issue dropped entirely, but there are issues that need to be addressed. Council gave their thumbs up to move the postponement of the public hearing/first reading of the massage therapy ordinance for formal consideration at

next week's regular meeting and to add the item to the next work session agenda to allow for further discussion on the item.

Next, City Manager Napier reviewed recent legislative issues, including CARES funding and discussion on Midwest Ave funding, which he said should be decided on in October.

Next, Council went around the table to discuss their respective board and committee meetings and share ideas and concerns related to public matters of interest. Councilmember Powell asked how the first weekend of the open container policy went, and Chief McPheeters stated that there were only two minor incidents and it went well overall. Councilmember Bates corrected information regarding his reelection that he said was misconstrued in the media.

The meeting was adjourned at 8:26 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor