

WORK SESSION AGENDA



**Casper City Council
City Hall, Council Chambers
Tuesday, May 26, 2020, 4:30 p.m.**

This meeting will not be open to the public, per the order issued by Governor Gordon and the Natrona County Public Health Officer.

Work Sessions are always available for citizens to watch live on the City’s website (casperwy.gov) via YouTube and on cable channel 192. There is no public comment at work sessions, but citizens are welcome to email City Council with any questions or concerns at councilcomments@casperwy.gov before the work session.

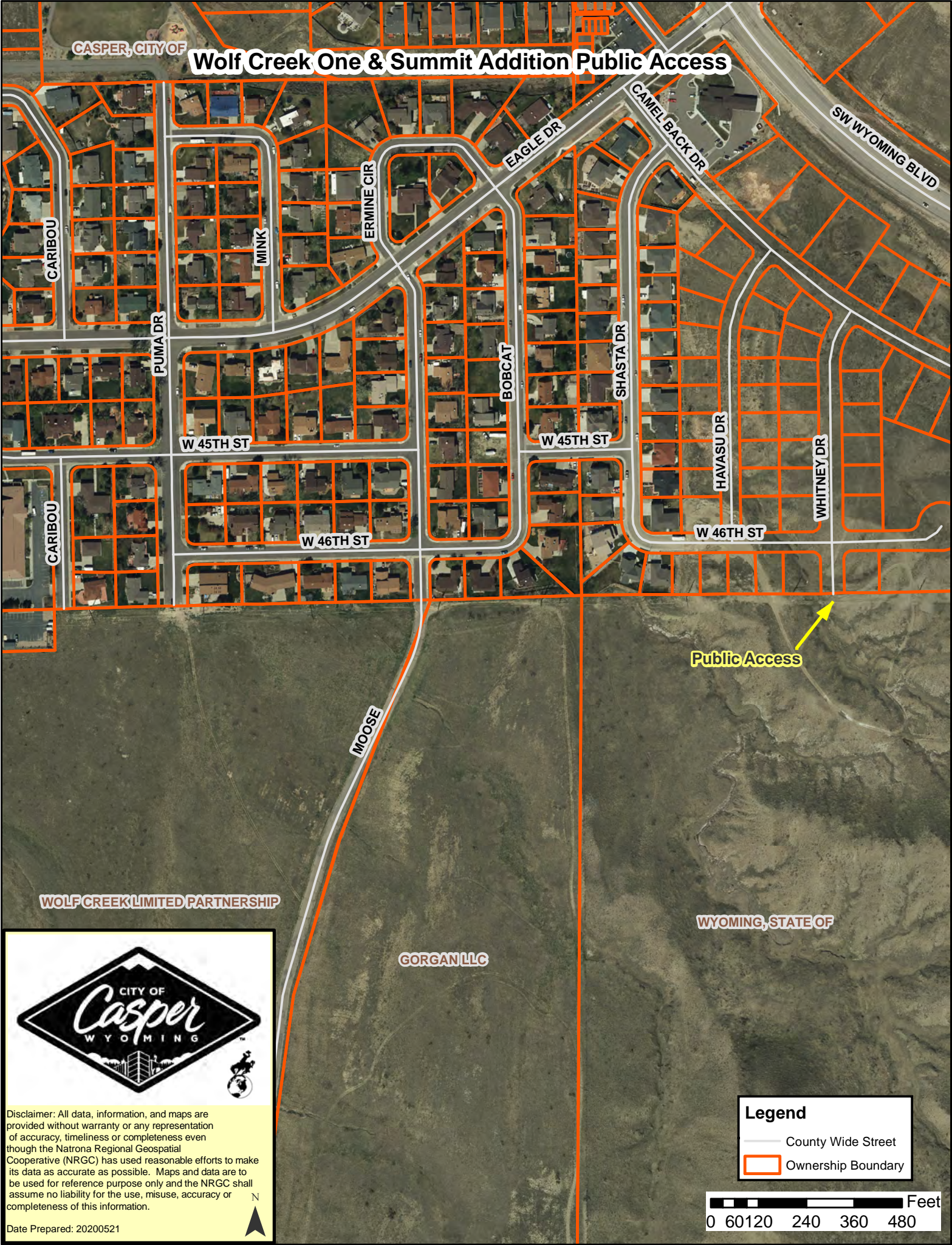
Work Session Meeting Agenda		Recommendation	Allotted Time	Beginning Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Meeting Follow-up: Whitney Road		10 min	4:30
2.	Meeting Follow-up: Reserved Parking Spot		10 min	4:40
3.	Meeting Follow-up: Liquor Code Amendments		20 min	4:50
4.	Additional Meeting Follow-up Items		10 min	5:10
5.	Class & Comp Final Report	Direction Requested	30 min	5:20
6.	Recycling Options Follow-up	Direction Requested	20 min	5:50
7.	Capital Budget Follow-up	Direction Requested	30 min	6:40
8.	Partner Agency Funding Follow-up	Direction Requested	30 min	7:10
9.	Budget Session Follow-up	Direction Requested	30 min	7:40
10.	Reopening of City Facilities	Direction Requested	30 min	8:10
11.	Council Around the Table		10 min	8:40
Approximate End Time:				8:50

We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

CASPER, CITY OF

Wolf Creek One & Summit Addition Public Access



WOLF CREEK LIMITED PARTNERSHIP

GORGAN LLC

WYOMING, STATE OF



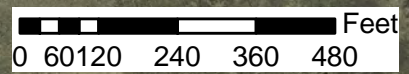
Disclaimer: All data, information, and maps are provided without warranty or any representation of accuracy, timeliness or completeness even though the Natrona Regional Geospatial Cooperative (NRGC) has used reasonable efforts to make its data as accurate as possible. Maps and data are to be used for reference purpose only and the NRGC shall assume no liability for the use, misuse, accuracy or completeness of this information.

Date Prepared: 20200521



Legend

- County Wide Street
- ▭ Ownership Boundary



May 21, 2020

MEMO TO: City Council

FROM: J. Carter Napier, City Manager *JCN*
John Henley, City Attorney *JH*
Fleur Tremel, Assistant to the City Manager/City Clerk
Carla Mills-Laatsch, Licensing Specialist

SUBJECT: Approving Amendments to the Liquor License Code Sections 5.08.010, 5.08.050, 5.08.080, 5.08.100, 5.08.105, 5.08.130, 5.08.140, 5.08.150, 5.08.280, 5.08.340, 5.08.480, 5.08.530 and 5.08.535.

Meeting Type & Date

Work Session
May 26, 2020

Action type

Preparation for Third Reading

Recommendation

That Council, by ordinance, review and adopt, in third reading as appropriate, amendments to the Casper Municipal Code Sections within Chapter 5.08 addressing liquor licenses and open container permits.

Summary

Various amendments have been discussed by council but none have been adopted on first or second reading of the proposed Ordinance. The Open Container provision was the most discussed; the proposal resulting from Chief McPheeters' presentation at the May 12, 2020 work session amendment is attached. The other changes to the definition of "Operational" (proposed amendments 1-3 operational) are attached and the special malt beverages permit modification is attached.

Attached is the proposed amendment to section 5.08.480, of the ordinance which addresses open container provisions. Specifically, the attached proposed amendment incorporates the direction (hopefully) given at the work section of May 12, 2020.

The other major concern raised by the liquor dealers was the definition of "Operational." The license owners were concerned about the inability to modify their business plans, anything from shutting down for two slow months e.g. January and February, to modification of a business plan, perhaps from a restaurant-bar concept to just a four night a week "club" concept.

Again, attached are three options to modify the Ordinance's current language; No. 1 maintaining the existing code language e.g. no change; No. 2 broad language references the "sale over the course of the license term to the general public...", and No. 3 the current ordinance language, but with the

addition of a permitted opt out, with a public hearing and decision by council to permit or not, the request for an exception by resolution after the public hearing.

Finally, the ordinance needs some fees set – see page 16 Section 5.08.105 B.2. (highlighted in yellow in the work ordinance draft showing revisions and page 17 Section 5.08.130 D., addressing the proposed relaxing of requirements for a Special Malt Beverage Permit. The Comparative Fee Matrix is attached for points of reference.

Financial Considerations

Small loss of revenue with relaxed open container permits. We will only require one person to apply for a liquor permit and open container. Usually, as many as 4-6 would apply. Liquor permits are \$50 per permit. The City would receive additional revenue if renewal applications are late. Currently, there is not a charge if the application is late. The City would receive additional revenue for any new Special Malt Beverage permits issued, but would lose the fees that would be received from all the regular malt beverage that would have been pulled.

Oversight/Project Responsibility

John Henley, City Attorney (Ordinance Amendments)

Carla Mills-Laatsch, Licensing Specialist

Attachments

Proposed Ordinance to amend and adopt modifications to Code Sections 5.08.010, 5.08.050, 5.08.080, 5.08.100, 5.08.105, 5.08.130, 5.08.140, 5.08.150, 5.08.280, 5.08.480, 5.08.530 and 5.08.535 as amended.

Open Container Area Map. Option 3

Proposed Amendment consistent with direction of 5-12-2020 work session

Proposed amendment to allow non-profits to apply for a special malt beverage permit if they meet the basic requirements.

Comparative Fee Matrix.

Proposed amendments 1-3 “Operational.”

ORDINANCE NO. 9-20

AN ORDINANCE UPDATING AND AMENDING SECTIONS 5.08.010, 5.08.050, 5.08.080, 5.08.100, 5.08.105, 5.08.130, 5.08.140, 5.08.150, 5.08.280, 5.08.340, 5.08.480, 5.08.530, and 5.08.535 OF THE CASPER MUNICIPAL CODE

5.08.010 - Definitions. Page 2

5.08.050 – License application – Contents and fees., Page 5

5.08.080 - License application—Notice, hearing and appeals procedure. Page 7

5.08.100 Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees, Page 9

5.08.105 – Manufacturing and rectifying. Page 15

5.08.130 - Special malt beverage permit. Page 16

5.08.140 - Malt beverage and catering permits for public events. Page 17

5.08.150 - License holder restrictions. Page 20

5.08.280 – Repealed Page 21 (drugstores)

5.08.340 - Bar and grill liquor license issuance, council authority, criteria and restrictions. P.21

5.08.480 - Open container restrictions. Page 23

5.08.530 – Violation/Enforcement. Page 24

5.08.535 - Licensure Considerations and Administrative Fees Page 24

WHEREAS, the current Casper Municipal Code regarding alcohol beverages requires updating from time to time; and,

WHEREAS, authority is granted to cities and towns by W.S. 15-1-103(a) (iv), (xiii) and (xli) to adopt ordinances and regulations for the health, welfare, and safety of the city and to license and regulate business activities within the City for the health, safety, and welfare of its citizens; and,

WHEREAS, the governing bodies of cities and towns may perform all acts in relation to the property and concerns of the city or town necessary to the exercise of its corporate powers; and,

WHEREAS, the City Council of Casper, has recently authorized the renewal of numerous liquor licenses, notwithstanding that some of the licenses are in essence parked or not being used as intended; and,

WHEREAS, incorporated cities, towns and counties within Wyoming are the entities which are charged with licensing, regulating and prohibiting the retail sale of alcoholic and malt beverages within their jurisdictions (Wyo. Stat. §12-4-101(a)); and,

WHEREAS, pursuant to state law, liquor licenses are to be operational within one (1) year after license issuance or transfer and remain operational thereafter (Wyo. Stat. §12-4-103 (a)(iv)); and,

WHEREAS, "remains operational" means operational consecutively, in any license term year, for twelve (12) months unless the license was issued for a seasonal operation (Wyo. Stat. §12-4-103(a)(iv)); and,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following sections of Chapter 5.08 of the Casper Municipal Code are hereby updated and amended as follows:

5.08.010 - Definitions.

As used in this chapter:

1. "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes, which contains at least more than one-half of one percent of alcohol by volume. As used in this paragraph, "beverage" does not include liquid filled candies containing less than six and one quarter percent of alcohol by volume.
2. "Bar and grill liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.
3. "Barrel" is a unit of liquid measure equal to thirty-one U.S. gallons.
- 4. "Brewery" means a commercial enterprise at a single location producing more than fifty thousand barrels per year of malt beverage.**
- ~~4.5.~~ "Building" means a roofed and walled structure built or set in place for permanent use.
- ~~5.6.~~ "Club" means any of the following organizations:
 - a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;
 - b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subdivision, an American fraternal organization means an organization actively operating in not less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;
 - c. A hall or building association of a local unit specified in subdivisions a and b of this subsection, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

- d. A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;
 - e. A social club with more than one hundred bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings, and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the ~~division~~ commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the ~~commission~~ division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to this chapter, shall be in good standing by having paid at least one full year in dues;
 - f. Club does not mean college fraternities or labor unions.
- 6.7. "Conviction" shall mean a finding of guilty, the entry of a guilty or no contest plea, or the entry of a guilty or no contest plea as part of a deferred sentence in any court.
- 7.8. "Division" means the Wyoming Liquor Division.
- ~~"Drugstore" means space in a building maintained, advertised and held out to the public as a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.~~
- 8.9. "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions under their conduct includes conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity.
- 9.10. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition.
- 10.11. "Licensee" means a person holding a:
- a. Retail liquor license;
 - b. Limited retail liquor license;
 - c. Resort liquor license;
 - d. Malt beverage permit;
 - e. Restaurant liquor license;
 - f. Catering permit;
 - g. Special malt beverage permit; or

- h. Bar and grill liquor license;
- i. Manufacturer's license-granted by the Wyoming Liquor Division and a City issued satellite manufacturer's permit.

j. Microbrewery and/or winery permits.

- ~~11.12.~~ "Limited retail liquor license" means a license issued as hereinafter provided to a bona fide fraternal club.
- ~~12.13.~~ "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent of alcohol by volume.
- ~~13.14.~~ "Malt beverage permit" means the **authorization** ~~authority~~ under which the licensee is permitted to sell malt beverages only.
- ~~14.15.~~ "Manufacture" or "manufactures" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent alcohol by volume;
- ~~15.16.~~ "Microbrewery" is a commercial enterprise as defined by Wyoming Statute Section 12-1-101(a)(~~xix~~~~xx~~).
- ~~16.17.~~ ~~"Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three consecutive months during any calendar year. —~~ **"Operational", for nongovernmental owned properties, means offering for sale on an ongoing weekly basis for twelve (12) months per year during the license term year to the general public, alcohol and malt beverages as authorized, and as stated herein excluding periods of time where government issued community public health orders restrict the licensee's business operations.**
- ~~17.18.~~ "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.
- ~~18.19.~~ "Person" includes an individual person, partnership, corporation, limited liability company or association.
- ~~19.20.~~ "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.
- ~~20.21.~~ "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full-service restaurant. The service of only fry orders or such food and victuals as

sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.

~~21-22.~~ "Restaurant liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor and malt beverages for consumption on the premises owned or leased by the licensee, and is subject to the limitations hereinafter provided.

~~22-23.~~ "Retail liquor license" means the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption, but not for resale.

~~23-24.~~ "Room" means an enclosed and partitioned space within a building, large enough for a person. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

~~24-25.~~ "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivery, or dispensing and pouring for value, exchanging goods, services or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.

~~25-26.~~ "Special malt beverage permit" means the authority under which a licensee is permitted to sell malt beverages at public auditoriums, civic centers or events centers, meeting the qualifications hereinafter provided.

27. "Weekly basis" means at least eight hours per day five days per week for forty-six weeks for retail, and bar and grill licenses at a location not owned by the State of Wyoming, Natrona County or the City of Casper, and at least five hours per day five days per week for fifty weeks per year for a restaurant license, unless the license was issued as a seasonal license and excluding periods of time where government issued public health orders restrict community wide business operations.

~~26-28.~~ "Wholesaler" means any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale.

~~27-29.~~ "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming in quantities not to exceed ten thousand gallons per year.

(Ord. 33-06 §§ 1, 2, 2006; Ord. 24-96 § 1, 1996; Ord. 22-93 § 1, 1993; Ord. 8-88 § 1, 1988; Ord. 25-86 (part), 1986; prior code § 3-1)

(Ord. No. 34-15, § 1, 12-15-2015; Ord. No. 2-19, 3-5-2019)

5.08.050 – License application – Contents and fees.

Any person desiring a license or permit, including a satellite manufacturer's permit, under the provisions of this chapter, if alcoholic beverage sales thereunder are to take place within the city, shall apply to the city council for the same upon a form of application prepared by the attorney

general of the state and furnished to the city. It shall be sworn to by the applicant, filed timely in the office of the city clerk and be accompanied by the sum of fifteen dollars in the event that it is submitted as an application for annual renewal to become effective on the annual renewal date of April 1st, and in the sum of thirty-eighty dollars for an application submitted at any other time or for any other purpose. The set amount is intended to defray the expense including of publishing notice of such application as required by law. Such application shall contain the following the information:

A. The location and description of the licensed building in which the applicant will sell under the license, if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plan of the licensed building and premises to be licensed;

B. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;

C. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic or malt beverages within ten years prior to the filing of the application;

D. If the applicant is a corporation:

1. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation, and

2. Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection C of this section;

E. A statement indicating the financial condition and financial stability of a new applicant;

F. The site and the zoning of the site where the applicant will sell under the license;

G. If the applicant is a limited liability company:

1. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company, and

2. If any officer, manager or member with ten percent or more ownership has been convicted of a violation of law as provided under subsection C of this section;

H. No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one of the officers, managers, or if there are no officers or managers, at least one of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.

(Ord. No. 9-17, § 2, 6-20-2017; Ord. 40-07 § 1, 2007; Ord. 24-96 § 4, 1996; Ord. 26-89, 1989; Ord. 2-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-10)

(Ord. No. 2-19, 3-5-2019)

5.08.080 - License application—Notice, hearing and appeals procedure.

A. When an application for a license, special malt beverage permit, satellite manufacturer's permit, or renewal, or a transfer of location or ownership thereof has been filed with the city clerk, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale, and publish the notice in a newspaper of local circulation once a week for two consecutive weeks. The notice shall state that a named applicant has applied for a license, special malt beverage permit, renewal, expansion or transfer thereof, and that protests against the issuance, renewal, expansion or transfer of the license or special malt beverage permit will be heard at a designated meeting of the city council. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the _____ day of _____, ~~19-20~~,
(name of applicant) filed an application for a _____ license (permit), in the office of the
Clerk of the City of Casper for the following building (insert address) and protests, if any there
be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of
_____ .m. on the _____ day of _____, ~~19-20~~
_____, in the (meeting place of the governing body).

Dated _____

Signed
City Clerk

B. Any license or other permit authorized under this chapter shall not be issued, renewed, expanded or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty days preceding the expiration date of the license or special malt beverage permit. A license or special malt beverage permit shall not be issued, renewed, expanded or transferred if the city council finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises is adversely and seriously affected;
2. The purpose of this chapter shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit;
3. The number, type and location of existing licenses or special malt beverage permits meet the needs of the vicinity under consideration;
4. The desires of the residents of the city will not be met or satisfied by the issuance, renewal or transfer of the license or special malt beverage permit; or
5. Any other reasonable restrictions or standards which may be imposed by the city council shall not be carried out by the issuance, renewal, expansion or transfer of the license or permit.

C. When any application is filed with the city council, the city clerk shall immediately forward a copy of the application to the division. The city council shall not approve or deny an application until the division has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the division within ten working days after receipt of the application. Upon approval or denial of an application, the city council shall promptly notify the division.

D. An applicant for a renewal license or special malt beverage permit may appeal to the district court from an adverse decision by the city council. No applicant for a new license or permit shall have a right of appeal from the decision of the city council denying an application.

E. Upon an appeal, the person applying for a license and claiming renewal preference shall be named as plaintiff, with the city council named as defendant. During the pendency of an appeal, a renewal license denied by the city council shall not be granted to any other applicant. Upon notice of appeal the city clerk shall transmit to the clerk of the district court a certified

copy of the application, of each protest, if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the city clerk. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

F. The date the renewal application is due to the city clerk's office for renewal is the second Monday in December of each calendar year. ~~will be set by the city clerk.~~ Renewal applications received after this date will be assessed a late fee or the license will be deemed as abandoned: a late fee of two hundred and fifty dollars shall be assessed for applications received one to five days late; a late fee of five hundred dollars shall be assessed for applications received six to ten days late; greater than ten days the license shall be deemed as abandoned and the clerk shall not accept a renewal application eleven (11) days after the renewal application. Late fees must be paid before the city clerk will accept a renewal application. ~~Late fee will be One Hundred Dollars and must be paid before the City Clerk will accept the renewal application. Late applications more than 3 weeks late may not be renewed.~~

(Ord. No. 9-17, § 3, 6-20-2017; Ord. 24-96 §§ 6, 1996; Ord. 25-86 (part), 1986: prior code § 3-15)

(Ord. No. 2-19, 3-5-2019)

5.08.100 Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees

~~A. Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), the city council may issue:~~

~~1(a). A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;~~

~~1(b). A satellite manufacturer's permit authorizes the permittee to sell the permittee's product at the satellite location consistent with the manufacturer's license.~~

~~2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.~~

~~3. Satellite winery permits, authorizing a winery permit holder to sell its manufactured wine at the number of satellite locations as specified by W.S. 12-4-412(d), as it may, from time to time be amended, from its licensed manufacturing site under the original permit. Satellite winery permits will be issued on application to the city clerk for each location following approval of the city council after a public hearing for consideration of the permit application. Satellite winery permits shall be subject to the applicable terms and conditions of this chapter.~~

~~4.— Every applicant for a satellite winery permit shall file with the city clerk, at the time of application for the initial permit, and any subsequent permit or renewal thereof, an affidavit in a form approved by the city clerk attesting that the applicant does not have more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.~~

~~5.— No satellite winery permit shall be eligible for renewal in the event the applicant thereof has more than the number of satellite locations within the state as specified by W.S. 12-4-412(d), as it may, from time to time be amended.~~

~~B.— The city council:~~

~~1.— May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;~~

~~2.— May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;~~

~~3.— May approve the dual holding of a microbrewery permit or winery permit and one of the following:~~

~~a.— A retail liquor license;~~

~~b.— Subject to subsection C of this section, a restaurant license;~~

~~e.— A resort license;~~

~~d.— A microbrewery permit;~~

~~e.— A winery permit; or~~

~~f.— A bar and grill liquor license. Provided, however, the provisions of this chapter shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license, except the dual holder:~~

~~i.— May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption.~~

~~ii.— May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit.~~

~~iii.— Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report.~~

~~4.— May allow the microbrewery to sell on-site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;~~

~~a.— All microbrewery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.~~

~~5.— May allow the winery to sell its manufactured wine on-site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight ounces per sale;~~

~~a.— All winery products for off-premises personal consumption shall be packaged in a sealed container prior to leaving the premises. Such seal shall be of such a nature as to indicate whether the container has been opened subsequent to the most recent purchase of a beverage in that container.~~

~~6.— Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;~~

~~7.— May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and~~

~~8.— Shall assess a fee of not less than three hundred dollars nor more than five hundred dollars payable annually in advance for each microbrewery or winery permit; shall assess a fee of one hundred dollars annually for up to three satellite winery permits issued within the city to the same applicant. When dual ownership of a microbrewery or winery permit and a liquor license exists, no additional fee shall be assessed other than the retail, restaurant or resort license fee.~~

~~C.— Restaurant license restrictions of this chapter shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subsection (B)(3)(b) of this section, except the dual holder:~~

~~1.— May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to subsections (B)(4) and (5) of this section;~~

~~2.— May upon cessation of full-service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and~~

~~3. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under this chapter.~~

A. Subject to restrictions imposed under Casper City Code Section 5.08.150 excluding Section 5.08.150(A)(4), the City may issue:

1. A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;

2. A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

B. A Casper microbrewery permit or a winery permit:

1. Allows the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;

2. May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division;

3. Is approved for the dual holding of a microbrewery permit or winery permit and one (1) of the following:

a. A retail liquor license as provided in W.S. 12-4-101 through 12-4-201;

b. Subject to subsection C of this section, a restaurant license as authorized in this chapter.

c. A resort license as provided in this chapter;

d. A microbrewery permit as provided under paragraph (A)(1) of this section;

e. A winery permit as provided under paragraph (A)(2) of this section;
or

f. Subject to subsection E of this section, a bar and grill liquor license as provided in this chapter.

4. Allows the microbrewery to sell on site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale;

5. Allows the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight ounces per sale;

6. The number of microbreweries or the number of wineries are limited to no more than those allowed in W.S. 12-4-201(d) for each permit;

7. May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and

8. Shall be assessed a fee of subject to the renewal each year payable annually in advance for each microbrewery or winery permit. When dual ownership of a microbrewery or winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant or resort license fee.

C. W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (B)(3)(b) of this section, except the dual holder:

1. Reserved

2. May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (B)(4) and (5) of this section;

3. May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

4. Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under W.S. 12-4-408(c).

D. In addition to subsection B of this section, a winery permit under this section will include the availability to apply for an issued satellite winery permit which may allow the permittee to sell wine manufactured at the site identified on the manufacturer's license at up to three satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application

to the appropriate licensing authority. The application will require a public hearing and the payment of an additional permit fee of one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours established by this chapter and the licensed building provisions of W.S. 12-5-201.

E. The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license pursuant to subparagraph (B)(3)(f) of this section, except the dual holder:

1. May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (B)(4) and (5) of this section;

2. May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

3. Shall not include sales of malt beverages or wines authorized under the malt beverage or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

F. Notwithstanding paragraph (B)(5) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship no more than a total of eighteen (18) liters of its manufactured wine directly to any one household in this state in any twelve (12) month period.

G. Notwithstanding paragraph (B)(5) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

H. Any winery permit holder pursuant to this section shall:

1. Reserved.

2. Reserved.

3. Ship its manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

4. Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

5. Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

6. Reserved.

7. Maintain records for at least three years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.

1. In addition to the one additional license or permit authorized under paragraph (B)(3) of this section, the holder of a microbrewery or winery permit under this section may also hold a malt beverage permit under Casper City Code Section 5.08.140(C).

(Ord. No. 9-17, § 1, 6-20-2017; Ord. No. 11-14, § 1, 6-3-2014; Ord. 33-06 § 3, 2006; Ord. 24-96 § 2, 1996; Ord. 22-93 § 3, 1993)

(Ord. No. 2-19, 3-5-2019)

5.08.105 – Manufacturing and rectifying.

A. A holder of a manufacturer's license who is a federally licensed distiller or rectifier may dispense free of charge at the site identified on the manufacturer's license samples in quantities not to exceed one and one-half ounces of their product manufactured at the site identified on the manufacturer's license and no more than three ounces of samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions provided in W.S. 12-5-201.

B.

1. The local licensing authority may issue to the holder of a manufacturer's license granted under subsection A of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell product manufactured at the site identified on the manufacturer's license at not more than one satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority ~~may require a~~ **shall require a** public hearing and the payment of an additional permit fee ~~of not to exceed~~ one hundred dollars. The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours ~~set pursuant to W.S. 12-5-101~~

established in this chapter and the licensed building provisions pursuant to W.S. 12-5-201.

1.2. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises permit shall be issued for one twenty-four hour period, subject to the schedule of operating hours set in this chapter. No holder of a manufacturer's license shall receive more than twelve off-premises permits in any one calendar year. An off-premises permit may be issued on application to the appropriate licensing authority. The local licensing authority may require payment of an additional permit fee of not less than _____ nor more than _____ per twenty-four hour period.

C. For purposes of this section:

1. "Distiller" includes any person who:

a. Produces distilled spirits from any source or substance;

b. Brews or makes mash, wort or wash fit for distillation or for the production of distilled spirits, other than the making or using of mash, wort or wash in the authorized production of wine or beer, or the production of vinegar by fermentation;

c. By any process separates alcoholic spirits from any fermented substance; or

d. Making or keeping mash, wort or wash, has a still in operation at the site identified on the manufacturer's license.

2. "In operation" for this section means is currently being operated or has been operated in the preceding twelve (12) months with all necessary permits;

3. "Manufacture" or "manufactured" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent (.5%) alcohol by volume;

4. "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

(Ord. No. 2-19, 3-5-2019)

5.08.130 - Special malt beverage permit.

- A. Public auditoriums, civic centers and events centers meeting the qualifications of subsection B of this section may be licensed by the city council under a special malt beverage permit.
- B. To qualify for a special malt beverage permit an applicant must meet the following requirements:
 - 1. The applicant must be a responsible person or organization;
 - 2. The public auditorium, civic center or events center shall be ~~an enclosed building~~ owned by the city, ~~or the county,~~ the state, or the DDA ~~containing meeting rooms, kitchen facilities and at least one auditorium~~ which has an attendance ~~seating~~ capacity for no less than ~~five thousand~~ four hundred persons and is used for public gatherings;
 - 3. The person or organization applying for the permit, if not the owner of the public auditorium, civic center, or events center, must hold a written agreement with the owner of the public auditorium, civic center or events center, giving said applicant the right to sell concessions within the building or location for a period of no less than the license year (April 1st to March 31st for which the application is made.) ~~for the period for which the license will be effective.~~
- C. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises or location described on the permit, nor shall any malt beverage be sold for consumption off the premises or outside the location authorized by the permit. It shall be an ~~the duty and~~ obligation and a responsibility of the holder of the permit to see that no sales are made to any person under the age of twenty-one years and there be no violations of this chapter.
- D. The permits authorized by this section shall be issued after a hearing on the application, and the license fee shall be ~~one thousand five hundred dollars,~~ _____ payable annually in advance.
- E. The permit shall be subject to such rules and regulations as are may be established by the city council. for the following:
 - ~~1. The hours and days of operation of the licensed building.~~

(Ord. No. 9-17, § 4, 6-20-2017; Ord. 8-88 § 3, 1988; Ord. 25-86 (part), 1986: prior code § 3-22)

(Ord. No. 2-19, 3-5-2019)

5.08.140 - Malt beverage and catering permits for public events.

A.1. A malt beverage permit, authorizing the sale of malt beverages only, may be issued by the city manager or his or her designee to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages ~~on~~at the ~~location~~premises described on the permit, nor shall any malt beverage be sold or consumed ~~off~~-outside the ~~premises~~-location authorized by the permit. Privately owned or leased ~~premises~~-locations shall be subject to the restrictions set forth in subsections G and H.

2. 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 \$150.00, and shall be paid by t~~The person and the organization which requested and were issued the malt beverage ~~permit~~permit **are jointly and severally liable for any fine imposed by the court for a violation of Chapter 5.08 of the Casper Municipal Code.**

B. A catering permit authorizing the sale of alcoholic liquor and malt beverages may be issued by the city manager or his or her designee to any person holding a retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners, or at other similar gatherings not ~~capable of being~~ held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic liquor or malt beverage ~~off~~-outside the ~~premises~~ location described in the permit, ~~except as to a special area or district as authorized by resolution adopted by the City Council pursuant to Casper Code Section 5.08.480 4.~~

C. The permits authorized by this section shall be issued for one twenty-four-hour period, subject to the schedule of operating hours provided by this chapter. No person or organization shall receive more than a total of twelve malt beverage and thirty-six catering permits for sales at the same ~~premises~~-location in any one year. ~~The holder of a Casper microbrewery permit issued under this Chapter may hold a malt beverage permit for the purpose of selling the permittee's own brewed malt beverages. In no event shall more than twenty-four malt beverage permits be issued for any given premises in any one year.~~

D. The malt beverage permit and the catering permit shall be issued on application to the city manager or his or her designee without public notice or hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.

E. The fee for the malt beverage permit and the catering permit shall be fifty dollars per twenty-four-hour period, payable to the city.

- F. Applications shall be submitted on a form approved by the city manager or his or her designee.
- G. Applications for malt beverage permits ~~shall~~may be denied due to any of the following conditions:
1. Conviction of the following individuals and entities for one or more of the following offenses related to a similar event or location within the preceding five years prior to the date of the application as follows:
 - a. Applicant or applicant's entity principals, employees, agents, or representatives while travelling to or from the event or at the event:
 - i. Driving while under the influence,
 - ii. Public intoxication,
 - iii. Disturbing the peace/noise offense,
 - iv. Serving after hours at location,
 - v. Controlled substances offenses,
 - vi. Serving to a minor,
 - vii. Selling alcohol without a license,
 - viii. Violation of any provision of Chapter 5.08 of the Casper Municipal Code.
 2. Convictions of any patron, guest, attendee, employee, owner, applicant, or principal resulting from four or more of any of the following offenses occurring at, or stemming from, an event location for which a permit is being applied for, within three hundred sixty-five days prior to the date of the application as follows:
 - a. Minor in possession,
 - b. Disturbing the peace/noise offense,
 - c. Selling alcohol without a license,
 - d. Furnishing alcohol to minor,
 - e. Driving while under the influence,
 - f. Controlled substances offense.
 3. Applicant's business entity is not in good standing with the State of Wyoming Secretary of State.
 4. Applicant lack of valid Wyoming sales tax permit.
 5. Applicant nonresident of Wyoming.
 6. Applicant not obtaining other required permits, including, but not limited to, open container, street closure, and food service permits.

Any denial by the city manager or his designee may be appealed to the city council by the applicant filing a written notice of appeal with the city manager within ten days of the denial.

The appeal will be considered within thirty days of the written notice of appeal being filed. Council's decision is final.

Upon denial, or final denial of any malt beverage permit for any of the reasons listed in this section, applicant may apply for future malt beverage permits after the expiration of three hundred sixty-five days from the date of any such denial.

The provisions of this section shall become applicable for any license applied for or any conviction of the listed offenses occurring after the effective date of this ordinance.

H. Any permit issued under this section may be revoked at any time on the discretion of the city manager, or his or her designee, or the chief of police, or his or her designee, if the event poses a risk to public safety or welfare. Upon revocation, all sales and consumption of alcohol shall cease.

(Ord. 11-05 § 1, 2005; Ord. 30-04 §§ 1 (part), 2, 2004; Ord. 33-02 § 1, 2002; Ord. 17-02 § 1, 2002; Ord. 2-91, 1991; Ord. 69-87 § 1, 1987; Ord. 25-86 (part), 1986: prior code § 3-28)

(Ord. No. 33-11, §§ 1—3, 12-20-2011; Ord. No. 2-19, 3-5-2019)

5.08.150 - License holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any party who does not own the licensed building or hold a written lease for a period for which the license will be effective, containing an agreement by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 2 of this subsection;
 2. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one year after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational ~~or open~~ for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;
 3. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 2 of this subsection;
 4. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture from the sale of alcoholic beverages manufactured by the Casper licensed manufacturer or the sale of malt beverages under a microbrewery license issued pursuant to this Chapter or an

off- premises permit pursuant to Section 5.08.105 B1 and B2, and except as provided in Section 5.08.100 I.

5. A person under twenty-one years of age;
 6. A college fraternity or organization created by one or more college fraternities;
 7. A chamber of commerce;
 8. A corporation or a limited liability company which has not qualified to do business in Wyoming;
 9. An individual who is not a resident; or
 10. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.
 11. Except as provided in subsection 12 of this section, a license or permit authorized by this chapter shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least two hundred fifty dollars of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars of alcoholic beverages from the commission, excluding malt beverage purchases;
 12. Subsection 11 of this section shall not apply to:
 - a. Any licensee or permittee having a planned but not physically functional building pursuant to subsection 4 of this section;
 - b. Holders of special permits issued under Sections 5.08.130 and 5.08.140 of this code.
- B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as **hereinafter** provided in this Chapter.

(Ord. No. 9-17, § 5, 6-20-2017; Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986; prior code § 3-12) (Ord. No. 2-19, 3-5-2019)

5.08.280 - Sales by drugstores. Repealed

~~All sales of alcoholic liquor or malt beverages by drugstores holding a retail liquor license under the provisions of this chapter shall be made only in the container received by the druggist in the original package. No such container or original package shall be opened upon the premises where the same is sold, or in any room or building in connection with the drugstore. Any such sale shall be made by a licensed pharmacist or by an adult clerk. The drugstore shall be limited in its sales to the amount provided in this chapter that may be sold by holders of other retail licenses.~~

(Ord. 25-86 (part), 1986: prior code § 3-20) (Ord. No. 2-19, 3-5-2019)

5.08.340 - Bar and grill liquor license issuance, council authority, criteria and restrictions.

A. Subject to availability, restaurants, as defined by subsection 19 of Section 5.08.010 of this chapter, may be licensed by the city council under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state of Wyoming upon application. Criteria that may be considered by the city council in determining to whom any such license may be issued may include, but is not limited to the following:

1. The location of the proposed business is in an area:
 - a. In need of redevelopment;
 - b. Officially designated as an urban renewal area; or
 - c. That has been identified as being under served by food and beverage services.
2. The issuance of the license will contribute to economic development goals or purposes of the city.
3. Whether the applicant will be investing in the construction of a new structure or will otherwise be materially and substantially updating a current building.
4. If the applicant's business is a new business, the number of new jobs reasonably estimated to be created, or if an existing business, the number of new or additional jobs that will reasonably be created by use of the bar and grill liquor license.

B. Bar and grill licenses shall be subject to the provisions of Sections 5.08.310 and 5.08.330 (D) of this chapter to the same extent that those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under Section 5.08.330 (F) of this chapter.

B.C. A "Bar and Grill" licensee must have a physical bar with at least eight (8) adult customer alcohol serving places, as well as a serving station for ordered alcoholic drinks or pick-up alcoholic drinks; the bar must have at least one (1) dedicated service representative (bartender), and a choice of at least six major distilled spirits (e.g. vodka, bourbon, tequila, etc.) available for retail sale.

C.D. Every person holding a bar and grill liquor license authorized by the provisions of this chapter shall pay annually, in advance, a license fee for such license the sum of ten thousand five hundred dollars for the first license year; and, three thousand dollars for each year thereafter that such license is granted, in addition to any other fees due from such

person otherwise holding a microbrewery or winery permit. The license fee shall be paid to the clerk of the city before the license is issued.

~~D.E.~~ Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder.

5.08.480 - Open container restrictions.

A. It is unlawful:

1. For any person to sell or dispense alcoholic liquor or malt beverages in open containers from the licensed facilities used to serve customers for off-premises consumption, commonly referred to as a "drive-up window";
2. To operate a motor vehicle in which alcoholic liquor or malt beverages are present in an open container, unless the opened container is in the trunk, an outside compartment, or an inside compartment of a vehicle without a trunk; provided, the inside compartment is not accessible to the driver or any other person in such vehicle, i.e., the cargo area behind the rear most seat in a passenger van or station wagon when no passenger occupies the rear most seat;
3. To possess or consume alcoholic liquor or malt beverages from an open container in a motor vehicle;
4. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the city unless a license or permit authorizing same has been issued by the city manager or his or her designee. The City Council too, may by resolution create special areas or districts, in which the possession of open containers is permitted between the Friday preceding Memorial Day and Labor Day of each calendar year; however, the periods of time as well as the boundaries of special areas or districts may be established and/or modified by resolution adopted by the City Council. Additional restrictions on beverage distribution, tracking, and event control may also be established by resolution of the City Council. ~~However, n~~Nothing in this chapter shall be interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;
5. For any person or lessee of an unlicensed restaurant to permit any person to possess or consume alcoholic liquor or malt beverages from an open container within the restaurant.
6. Notwithstanding this section, a resealed bottle of wine may be transported as provided in the Restaurant License section.

B. Definitions.

1. "Certain structures" means any ~~city owned, operated or leased offices, public safety or maintenance facility and any building~~ or structure ~~used primarily for public entertainment, i.e., theaters, amusement centers, restaurants and the like,~~ excluding ~~those however, structures~~ duly licensed to sell or dispense alcoholic liquor or malt beverages.

2. "Open container" means any glass, cup, bottle, can or other receptacle or vessel used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
3. "Open space" means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the city limits shall not be considered open space.

(Ord. 11-05 § 4, 2005; Ord. 30-04 § 1 (part), 2004; Ord. 25-99 § 1, 1999; Ord. 25-86 (part), 1986: prior code § 3-8)

(Ord. 25-86 (part), 1986: prior code § 3-5) (Ord. No. 2-19, 3-5-2019)

5.08.530 – Violation/Enforcement.

Violations of this chapter may be enforced in the Municipal Court of the City of Casper as misdemeanor offenses punishable by up to a Seven Hundred Fifty Dollar fine for each offense unless otherwise specified in the section from which a violation is alleged and, in the manner authorized and described in Wyoming State Statutes 12-1-101 et. seq. as they may be amended from time to time. Appeals of any of these actions may be taken as allowed and in the manner specified by applicable state statutes. Any law enforcement agency issuing a citation or other charging document for a violation of this chapter shall notify the City Clerk of said charge within five business days of its issuance.

(Ord. No. 2-19, 3-5-2019)

5.08.535 - Licensure Considerations and Administrative Fees

Violations of the Casper Municipal Code and/or Wyoming State Statutes may also be factors in the consideration of suspensions, revocations, nonrenewals or conditional renewals of licenses and permits.

In recognition of the fact that license holders who repeatedly violate the provisions of this Code create an undue burden of the City in administering liquor licenses, in addition to any other penalties or remedies, licensees shall be subject to administrative fees of One Thousand Dollars (\$1000.00) for the third violation of this Chapter within any consecutive twenty-four month period, and Five Thousand Dollars (\$5000.00) for a ~~fifth~~ fourth or subsequent violation within a consecutive twenty-four month period. Any violation relating to the license holder or licensed premises shall apply to this subsection, regardless of whether separate individual employees or agents of the licensee committed the individual violations. The violations need not be of the same section or subsection of this chapter to be counted in this total.

A notice to pay said fee shall be issued by the City Clerk to the licensee upon notification by the court of licensee's convictions for the relevant offenses. The time frame for accumulation of the violations shall be the date of violations, not the dates of conviction. If such fee is not paid, or an appeal hearing before Council requested in writing to the City Clerk and accompanied by a bond in the amount of the fee at issue within ten (10) days of the notice being given by the Clerk, the license shall be suspended until such time as the fee is paid to the City

Clerk. If an appeal hearing is requested, it shall be in Council's sole discretion, after hearing all the relevant facts in the matter, whether to suspend part or all of the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedure Act shall not apply to such hearing. (Ord. No. 2-19, 3-5-2019)

PASSED on 1st reading the ____ day of _____, 2020

PASSED on 2nd reading the ____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor

• OPTION 3

INCLUDES MOST
RESTAURANTS AND
RETAILERS.

INCLUDES PARKING
AREA FOR POTENTIAL
FOOD TRUCK
PARTICIPATION

AVOIDS PROBLEM
AREAS SUCH AS ALLEYS
AND PARKING
STRUCTURES



Proposed Amendment(s) (work session amendment(s)) to “open container.”

I move to amend 5.08.480:

Current sub-paragraph A. 4. shall be amended as follows:

4. a. To possess or dispense alcoholic liquor or malt beverages in an open container in any open space and certain structures in the City unless a license or permit authorizing the same has been issued by the City Manager or his or her designee or pursuant to a City Council designated exception to the open container prohibitions as referenced in paragraph B. of this section. Nothing in this Chapter shall be interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles;
- b. The phrase "certain structures," in this section means any office, or structure excluding those duly licensed to sell or dispense alcoholic liquor or malt beverages.
- c. The phrase "open container" in this Chapter means any glass, cup, bottle, can or other receptacle or vessel used for drinking, other than the beverage's original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
- d. The phrase "open space" in this section means any street, alley, public way, sidewalk, public or private parking lot set aside for business use, and any other unenclosed public property. However, any golf course within the City limits shall not be considered open space.

Current paragraph “B. Definitions”, shall be deleted.

A new paragraph B. shall be created:

- B. City Council designated exceptions to the open container prohibition.
 1. The City Council has designated the following exceptions to the open container prohibition in this section and mandated certain operational requirements:
 - a. A special downtown area is designated (see subparagraph b.), in which the possession of open containers may be permitted between the Friday preceding Memorial Day and Labor Day of each calendar year; the days specified for this exception are:
 - i. Each Friday and Saturday between the hours of 6:00 p.m. and midnight;

- ii. Each Friday, Saturday, Sunday and Monday, between the hours of 6:00 p.m. and midnight, on those weekends and Sundays prior to Memorial Day, Labor Day and when the 4th of July falls on a Monday/or the 4th of July falls on a Saturday or Sunday, but which the following Monday, is a legal holiday pursuant to Wyoming Statute.
 - iii. For designated recurring special event days, the City Manager or his or her designee shall set the hours for these events. City Council may, by resolution, create one other recurring special event weekday per week, hours 6:00 p.m. to midnight, and create singular special event days the terms of which shall be specified within the resolution.
- b. The special downtown area designated for City Council designated exceptions to the open container prohibition is shown in the “Appendix to Chapter 5.08” of the Casper Municipal Code, however the boundaries of the special area may be modified by resolution adopted by the City Council.
- c. Retail liquor licensees, microbrewery licensees (for purposes of distributing its own malt beverages), winery licensees’, satellite tasting rooms (for the purpose of distributing their own product) and manufacturers/distillers of alcoholic beverages (for the purpose of distributing their own product) and which licenses are located in the special designated downtown area, are exempt from the purchase of an additional permit or license in order to participate in the open container events stated herein. Restaurant and Bar and Grill liquor licensees, may participate in the open container exception events within the special designated downtown area, designated in this section, but must obtain a malt beverage permit or a catering permit and be in compliance with those permits’ requirements and limitations.
- d. Operational Requirements for Open Container Events

Adherence to the following requirements are required for participation by alcohol vendors and consumers when open containers are permitted as designated in this section:

- i. Wristbands and Handstamps:
 - (a) Wristbands (non-transferable) and/or handstamps as may be determined by the City Manager or his/her designee; shall be awarded only to a person 21 years of age or more and must be worn and visible to purchase, possess, or consume liquor within the special designated downtown area. It is anticipated that there will be distinctions between wristbands and/or handstamps according to the day of the week. The licensee must purchase the wristbands or handstamps as may be required for the days of the week that the licensee wishes to participate.
 - (b) Containers:

- (a) The only containers for alcoholic beverages in the special downtown area's public spaces, for those days specified in this section, are clear plastic cups.
- (b) The cups shall have an identifying mark, name or logo, as required by the City Manager or his/her designee.
- (c) Beer and malt beverages (including malt beverage alternatives) shall be served in 12 oz. cups; Servings of wine, no more than a 5 oz. serving, and mixed drinks, whose mixed contents may contain no more than 1.5 oz. of distilled spirit(s), shall be served in an 8 oz. cup.
- (d) No outside alcoholic beverage, wine or malt liquor may be brought into or consumed within the open container area; a violation of this provision is a violation of the City of Casper Open Container Prohibition and potentially other state or local statutes or codes.
- (e) Nothing in this section shall be interpreted as authorizing the possession of open containers of alcoholic liquor or malt beverages in or on motor vehicles.
- (f) Additional requirements and restrictions on beverage distribution, tracking, and event control may also be established by resolution of the City Council.



Appendix to Chapter 5.08

Option for Amendment

5.08.130 Special Malt Beverage Permit.

B.

2. The public auditorium, civic center or events center shall be owned by the city, county, state or the DDA or by a 501(C)(3) non-profit organization domiciled in the City of Casper and shall have an attendance capacity of no less than four hundred persons and is used for public gatherings.

Fee Schedule	Cheyenne	Teton County	Laramie	Casper
Bar and Grill License Initial	\$10,500	\$3,000	\$5,000	\$10,500
Bar and Grill Liquor License transfer fee	\$1,500	\$3,000	\$3,000	\$3,000
Catering permit - per day	\$50	\$100	\$100	\$100
Limited liquor License (club)	\$625	\$100	\$500	\$50
Malt Beverage Permit per day	\$500	\$100	\$50	\$50
Microbrewery Permit annual	\$1,500	\$500	\$500	\$500
Resort Liquor License Annual	\$1,050	\$3,000	\$3,000	\$1,500
Restaurant liquor License annual	\$500	\$500	\$1,750	\$1,500
Winery permit - annual	\$100	\$100	\$500	\$500
Satellite Winery permit - annual			\$100	\$100
open container permit			\$50	no charge
retail license	\$1,500	\$1,500	\$1,500	\$1,500
Late fee for alc. Catering and malt bev permits			\$50	
Application fee			\$50	\$15-\$30 proposed

Proposed Amendment **No. 1** to “Operational.” (current code language)

I move to modify paragraph 17. “Operational” under 5.08.010 – Definitions in the proposed Ordinance.

- 17. “Operational”, means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three consecutive months during any calendar year.**

I move to delete paragraph 27. “Weekly basis” under 5.08.010 – Definitions in the proposed Ordinance.

- ~~**27. Weekly basis” means at least eight hours per day five days per week for forty-six weeks for retail, and bar and grill licenses at a location not owned by the State of Wyoming, Natrona County or the City of Casper, and at least five hours per day five days per week for fifty weeks per year for a restaurant license, unless the license was issued as a seasonal license and excluding periods of time where government issued community public health orders restrict community wide business operations.**~~

Proposed Amendment **No. 2** “Operational.” – Broad language “Sale over the course of the license term”

I move to modify paragraph 17. “Operational” under 5.08.010 – Definitions in the proposed Ordinance.

17. “Operational”, for nongovernmental owned properties, means offering for sale over the course of the license term year to the general public, alcohol and malt beverages as authorized, and as stated herein excluding periods of time where government issued community public health orders restrict the licensee’s business operations.

I move to delete paragraph 27. “Weekly basis” under 5.08.010 – Definitions in the proposed Ordinance.

~~**27. “Weekly basis” means at least eight hours per day five days per week for forty-six weeks for retail, and bar and grill licenses at a location not owned by the State of Wyoming, Natrona County or the City of Casper, and at least five hours per day five days per week for fifty weeks per year for a restaurant license, unless the license was issued as a seasonal license and excluding periods of time where government issued community public health orders restrict community wide business operations.**~~

Proposed Amendment **No. 3** to “Operational.” (The current proposed language but with the addition of a permitted exemption issued by council resolution, after a possible hearing.)

I move to modify paragraph 17. “Operational” under 5.08.010 – Definitions in the proposed Ordinance.

- 17. “Operational”, for nongovernmental owned properties, means offering for sale on an ongoing weekly basis for twelve (12) months per year during the license term year to the general public, alcohol and malt beverages as authorized, and as stated herein excluding periods of time where government issued community public health orders restrict the licensee’s business operations. An exception to the “Operational” and/or “weekly basis” requirements herein may be granted by the governing body. The application for an exception shall be submitted to the City Clerk along with a fee of eighty-five dollars; the request for certain exceptions shall be heard at the earliest convenience of council giving the clerk time to arrange for publishing of the request, which shall be conducted as a public hearing, but decision and approval and disapproval shall be by resolution of the governing body.**

May 22, 2020

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Tracey L. Belser, Support Services Director *TLB*
SUBJECT: Final Report and Implementation of the Graves Compensation and Classification Study

Meeting Type & Date

Council Budget Work Session, May 26, 2020

Action Type

Direction Requested

Summary

On April 14, 2020, Graves Consulting presented findings and recommendations from their comprehensive compensation and classification study they completed for the City of Casper. Since that time the City's Executive team has been reviewing the data to determine how to implement the recommendations suggested by Graves Consulting (Graves).

Highlights from the final report include:

1. Graves recommends a completely revised pay structure for general employees that is an open range instead of a step-based system. This would provide the City greater flexibility to provide pay increases based on market data.
2. Graves recommends a revised pay structure for the Police pay scale. Their recommendation is similar to the current structure with a step-based system. Graves suggests this since it is typical with public safety. The suggested pay scale added additional steps beyond our current pay scale.
3. Graves recommends an increase in vacation accrual for employees during their first four years of employment. This would mean employees would accrue twelve (12) days each year instead of ten (10) days each year.
4. Graves recommends increasing the employer contribution to the law enforcement pension, as budget allows, in order to be more competitive with that benefit.
5. Graves recommends consolidating ten (10) previous Administrative positions into six (6) administrative titles and pay grades.
6. Graves reviewed the status of the City's supervisory level positions and compared it to external market data for exempt and non-exempt status. Graves did a high-level review

and recommends that the City's Human Resources department review a couple of Exempt positions that stood out to them.

7. Graves recommends increasing the tool allowance as a small, but meaningful perk for retention and recruitment of Fleet Mechanics.
8. Graves recommends different titles and job descriptions for each of the Assistants to the City Manager to more appropriately match the expected duties and responsibilities.
9. Graves recommends that the City add experience "equivalencies" to the majority of the job descriptions as an alternative to education requirements.
10. Graves recommends that, when hiring offers are being made, the hiring supervisor collaborates with Human Resources for internal equity consideration.
11. Graves recommends some additional positions for progression and retention purposes. For example, creating a second or third level (I, II, III) for certain areas of concern.

In summary, Graves believes that the City's pay structure has been well maintained over time and that the City is competitive with the benefits it provides to employees. Overall, City employees are being paid at, or above market. There are only a few positions, that were determined to be below the proposed minimum market range that is suggested with the new classification plans proposed by Graves.

We suggest the following plan for your consideration to implement the recommendations from the Graves compensation and classification study:

Phase I – July 1, 2020

1. Paid time off - Increase vacation accrual to twelve (12) days each year instead of ten (10) days each year during employees first four years.
2. The Fleet tool allowance is incorporated into the proposed FY21 Fleet services operational budget in the amount of \$2,100.00. This will not increase the overall budget for Fleet with reduction with other operational items.

Phase II – July 1, 2021

1. Implement the new classification structure that is an open range system with no steps for general positions. There is a minimum, mid-point, and maximum in the open range system. The wages set for each range is set from market data. The City could slide current employees into the range they belong with no increase in pay, except for 11 full - time employees in positions that were determined to be below the proposed minimum market range, which would total approximately \$10,096.00.

There are 73 non full-time employees in positions that were determined to be below the proposed minimum market range, which would total approximately \$62,513.00 (high

estimate based on an average of 300 hours worked per year per employee in the Parks and Recreation Department).

2. Implement the new Graves Proposed Option 2: City of Casper Pay Schedule Police. This is a step system, which is recommended by Graves to keep as an industry standard. However, it is worth noting that there is a concern with affordability to fully fund each step every fiscal year. To bring 13 employees in positions that were determined to be below the proposed minimum market range, the initial cost would be approximately \$53,658.00 for the first year.
3. Increase employer contribution to Law Enforcement pension by 1%. This would cost the City approximately \$84,500.00 for the first year.
4. Implement any new job titles, any changes with FLSA non-exempt/exemption position status, revised job descriptions for education requirements, etc. It is not likely that this would have significant costs.

Phase III – January 1, 2022

1. Reassess budget availability to evaluate pay increases for positions in areas of compression or where pay increases may be warranted due to the job market.

Human Resources will schedule a WebEx meeting with Graves, and City employees, after City Council provides direction on implementation. The meeting will be recorded for the convenience of those who are unable to participate.

Human Resources will need to develop guidelines with criteria for a new system implementation. The new classification program is based on market data and should be re-evaluated for market increases every two years.

Financial Considerations

Phase I: Estimated total of \$2,100.00 in FY21.

Phase II: Estimated total of \$210,767.00 beginning in FY22.

Phase III: Unknown at this time due to a need for further evaluation in the future.

Oversight/Project Responsibility

Tracey Belser, Support Services

Attachments

Graves Consulting Final Report and attachments

April 30, 2020

Tracey Belser
Support Services Director
City of Casper
200 N David
Casper, WY 82601

Dear Tracey,

Thank you for the opportunity to work with the City on the Comprehensive Compensation and Classification Study. The scope of this project included a thorough review of the current pay structure and all positions within the City, as well as redefining the market and a custom compensation survey deployed to 18 participating organizations within that market. The end result is comprehensive redesign of the pay structure and classification listing as well as recommendations for implementation and ongoing maintenance that we believe will serve the City well for years to come.

This report will cover that full scope of work and will include an overview of our process and methodology, as well as our findings and recommendations.

We consider this report to be in final form.

Sincerely,

Laurie Graves

Laurie Graves
President and Principal Consultant
Graves Consulting, LLC

Background

Graves Consulting responded to an RFP that the City issued in September 2019. After multiple rounds of interviews and questions, we were awarded the project and signed a contract in November 2019. Work commenced in mid-December 2019 with project kick off meetings with HR and with the entire City Leadership team.

Overall Scope of Work

This Compensation and Classification Study included a comprehensive review of the City's current pay structure, a review of all job descriptions including supplemental Position Description Questionnaires from more than 100 current employees, a custom compensation survey that included 42 benchmark positions deployed to a defined market of 23 identified organizations, data for over 100 positions pulled from Employers Council and months of collaborative effort between Graves Consulting staff and members of the City's leadership team to create the findings and recommendations outlined below.

Market

A foundational element for this project was the definition of an appropriate external market with which the City would compare itself. Graves Consulting facilitated a discussion with the City's leadership team during our first onsite visit for this purpose. The following Definition of Market statement was created:

In general, the City wishes to compare its wages and benefits to other public and private employers in the Casper area and with comparable municipalities in the Northern Rocky Mountain Region. We understand that, based on location, the City doesn't directly compete with most of these employers. The intent is to create a defined market area that is large enough to provide statistically valid compensation data for the City's positions.

More specifically, the identified employers are:

Wyoming Municipalities	Other Wyoming Employers	Outside Municipalities
Cheyenne	Casper College	Fort Collins, CO
Gillette	Natrona County	Grand Junction, CO
Jackson	Natrona County School District	Greeley, CO
Laramie	State of Wyoming	Longmont, CO
Rock Springs	Wyoming Medical Center	Loveland, CO
Sheridan		Idaho Falls, ID
		Pocatello, ID
		Billings, MT
		Bozeman, MT
		Missoula, MT
		Rapid City, SD
		Logan, UT

For Fire-EMS positions, data from the Fire Protection Districts in Northern Colorado will also be included. Wages from employers outside of central Wyoming will be geographically adjusted to the Casper cost of living using data from Economic Research Institute.

Graves Consulting then conducted a custom wage survey to collect compensation and benefits information on a total of 42 benchmark positions representing most departments within the City that was sent to each of the above organizations. Additionally, data for as many City positions as possible was extracted from the existing Employers Council survey for the jurisdictions that participate, primarily Sheridan, Cheyenne and the municipalities in Northern Colorado.

Of the 23 organizations from which data was requested, 15 participated in the custom survey. Additionally, we were able to obtain data from 4 additional organizations within the City’s defined market through the Employers Council survey. We believe this provided a very solid foundation on which to base our recommendations.

Positions Included in Custom Survey:

Building Inspector	Fire Batallion Chief	Plumbing Inspector
Building Inspector Supervisor	Fire Captain	Police Chief
City Attorney	Fire Chief	Police Lieutenant
City Manager	Fire Engineer	Police Officer
Community Development Director	Fire Fighter	Police Officer - Master
CRR Officer I	Kennel Worker	Police Officer - Senior
CRR Officer II	Laborer	Police Sergeant
Customer Service Representative	Lifeguard II	Property Evidence Tech I
Deputy City Attorney	Metro Animal Services Manager	Public Safety TeleCommunicator II
Electrical Inspector	Municipal Court Judge	Public Services Director
Equipment Operator II	Network Administrator	Recreation Coordinator
Executive Assistant	Parks & Rec Worker II	Risk Manager
Executive Legal Assistant	Parks & Recreation Director	Support Services Director
Financial Services Director	Plant Mechanic I	Systems Analyst

Job Matching

Job matching is the other foundational element of a comprehensive Compensation study, in addition to Market Definition. Ensuring that we understand the City’s positions well enough to choose accurate benchmarks is critical. Graves Consulting collected information on the City’s positions in several ways including, Job Description review, meetings with each Department Head, meetings with multiple employee groups throughout the City including all administrative positions and through Position Description Questionnaires (PDQs). These PDQs were completed by 105 employees from many departments in the City and provided insight into the span and scope of several positions.

In comparing jobs, we match as many City positions to the surveys as possible. Between the benchmark positions in the custom survey and the data available from EC, we were able to match 153 of the City’s 192 positions. The remaining 39 positions were “slotted” based on internal equity.

For available matches, we extract actual wages being paid for that job in the City's defined market. For some positions, the survey pay ranges are reviewed as well.

We use standard "best practices" when matching jobs and extracting data from pay surveys. For example:

- It is common to blend job matches when a City position matches with more than one survey job. We may combine survey positions to reflect the most accurate job match(es) available.
- We review the survey data sample size and do not include some matches with a limited sample size of data or where we believe an anomaly exists.
- We adjust some job matches as appropriate. For example, we may believe that a City position is a good match with a job, but we know that the City's position has higher requirements or licensures than the survey job. We may add a percentage to the survey result to reflect the complexity of the City's position. We also trend a result downward if we feel the City's position is at a slightly lower level than the survey position.

Pay Structures and Classification

General Government – Current State and Recommended

Currently, the City has a step-based pay structure that is divided into 5 pay bands, A-E. Each band has multiple pay grades that are 2.5% apart at the midpoint and are each 22% wide (distance from Minimum of the range to Maximum of the range) and incorporate 5 steps, each representing a 5% increase. There is a total of 53 pay grades across all of the bands. This structure includes all General Government positions within the City as well as the non-sworn police positions.

In addition to the City's concern about the market competitiveness of their pay ranges, it is our understanding that in excess of 50% of City employees are at the maximum of their pay ranges and many have been for several years. This is creating both pay compression issues and employee retention concerns that need to be addressed in this redesign.

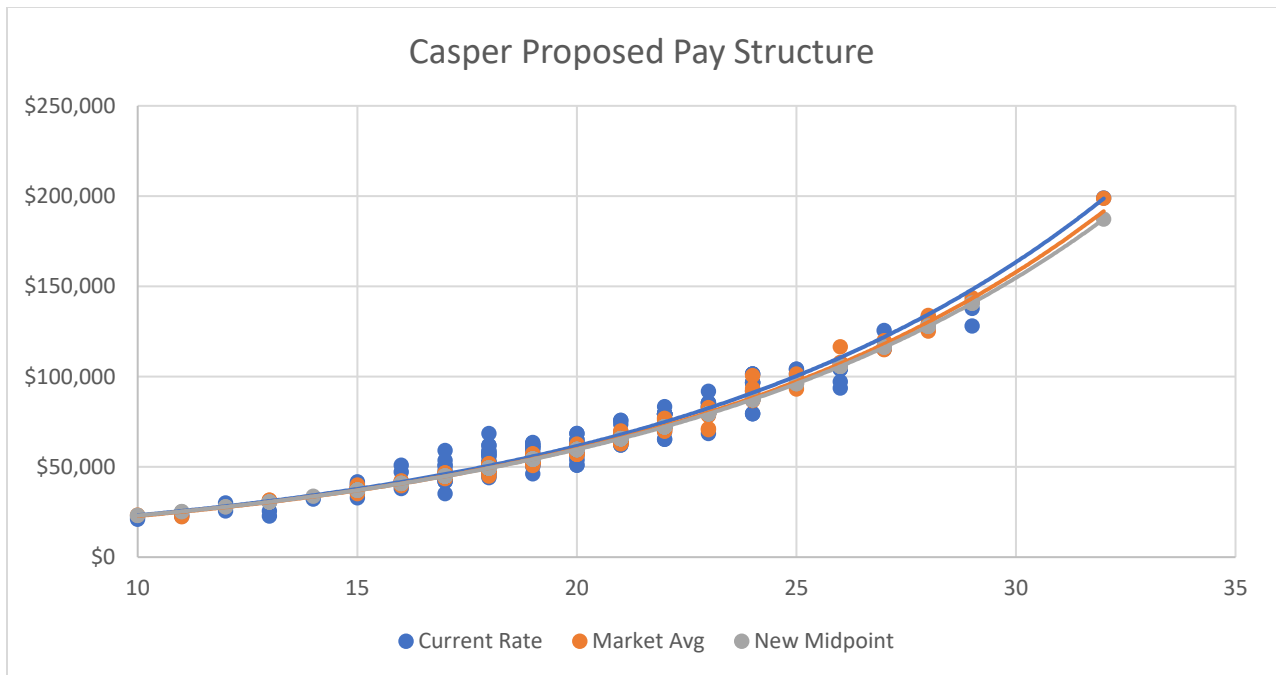
Graves Consulting is proposing a completely revised pay structure for General Government employees that is open range versus step-based. This means that while each grade still has a Minimum, Midpoint and Maximum, there are no predefined steps built in. This provides the City much greater flexibility to provide pay increases based on what's happening in the external market as well as available budget. Additionally, this new pay structure does not include bands, has fewer grades and wider ranges as well as larger distance between midpoints. We believe all of these changes this will allow the City more ability to address wage compression, move employees through the pay ranges at a more reasonable pace and make it easier for the City to move positions from one grade to another as market moves. Below is our proposed pay structure for General Government employees:

City of Casper - Proposed Pay Structure						
Grade	Min	Mid	Max		Range Spread	Midpoint Distance
10	\$19,574	\$23,000	\$26,426		35%	
11	\$21,532	\$25,300	\$29,068		35%	10%
12	\$23,685	\$27,830	\$31,975		35%	10%
13	\$26,054	\$30,613	\$35,172		35%	10%
14	\$28,659	\$33,674	\$38,690		35%	10%
15	\$31,525	\$37,042	\$42,559		35%	10%
16	\$34,677	\$40,746	\$46,814		35%	10%
17	\$38,145	\$44,820	\$51,496		35%	10%
18	\$41,960	\$49,303	\$56,645		35%	10%
19	\$46,156	\$54,233	\$62,310		35%	10%
20	\$50,771	\$59,656	\$68,541		35%	10%
21	\$55,848	\$65,622	\$75,395		35%	10%
22	\$60,153	\$72,184	\$84,214		40%	10%
23	\$66,169	\$79,402	\$92,636		40%	10%
24	\$72,785	\$87,342	\$101,900		40%	10%
25	\$80,064	\$96,077	\$112,089		40%	10%
26	\$88,070	\$105,684	\$123,298		40%	10%
27	\$96,877	\$116,253	\$135,628		40%	10%
28	\$106,565	\$127,878	\$149,191		40%	10%
29	\$117,222	\$140,666	\$164,110		40%	10%
30	\$128,944	\$154,732	\$180,521		40%	10%
31	\$141,838	\$170,206	\$198,573		40%	10%
32	\$156,022	\$187,226	\$218,431		40%	10%
33	\$171,624	\$205,949	\$240,274		40%	10%

Graves Consulting has prepared a new Classification Listing for all General Government employees for the City of Casper which indicates our proposed placement of all positions in the above pay structure.

See attached ***City of Casper – General Government Classification Listing - Proposed***

The following chart shows that with our proposed pay structure, the City’s positions are well aligned to market. The trendlines are all very aligned, with Current Rates being slightly farther above midpoints for the Management positions in the higher pay grades. This is what we normally expect to see, as many of these employees have longer tenure and years of experience in their roles.



Police Sworn Positions – Current State and Recommended

Currently, the Police pay structure for sworn positions is set up similar to the General Government scale. It includes four pay bands, B-E, each with 5 steps and each 22% wide. In addition to the base pay reflected on this scale, there are a small amount of education-based additions to the hourly rates.

Similar to the General Government scales, there are some compression concerns as currently 25 of 60 officers are at step 5 and 9 more are at step 4. We are recommending that a step system be retained for Police. It has always been common to have Public Safety organizations on a step system and this has become more prevalent as the shortage of Police applicants has become extreme.

Attached is a proposed Police pay scale with two options for the City to consider. The overall structure on both is similar to the current structure but addresses compression and upward movement for the Officers.

The first option leaves the Police Officer and Senior Police Officer ranges at 22% wide with 5 steps but increases the rates for each step to better align to market. Then it adds one additional step to Master Police Officer and Sergeant and widens those ranges to 24%.

The second option, which is our recommended option, would combine Police Officer and Senior Police Officer into one wider range (28%) with 7 steps. Steps 1-4 remain at 5% but step 5 reduces to 4% and steps 6 and 7 are at 3%.

Additionally, under the current classification structure, a Police Officer is not eligible to become a Senior Police Officer. The Senior level is reserved for lateral candidates entering the Casper Police Department. Our recommended second option outlined above, combines the two and eliminates this limitation for internally trained Officers. We support this change as it would be more in line with other departments and their promotional opportunities.

Fire Positions – Current State and Recommended

The Fire pay structure is very similar to the Police structure with grades that are 22% wide and comprised of 5 steps. We understand that Fire employees work a 48/96 schedule that includes 5 hours of guaranteed overtime per pay period, work a total of 2920 hours per year and receive additional incentive pay based on education and certifications that averages just over 5%. Currently, the department has 53 employees currently at step 5.

As with Police, we support retaining the Fire Department on a step system similar to their current structure. Also similar to Police, we recommend increasing the number of steps while decreasing the percentage between the steps to something less than five percent. Our only additional comment is that it is unusual to have positions at the Battalion Chief level be non-exempt. We would normally see these positions being Exempt level positions and not on a step system (more on the open range system model that we are proposing for the General Government employees). To support this, the 2019 Employers Council survey states that 88% of Battalion Chief positions are Exempt.

Benefit Comparison and Recommendations

Health Plans:

The City offers a very good variety of health plan choices, more than most in your defined market.

Employee cost for the health plans is very competitive as well. For comparison purposes, we looked specifically at the Standard PPO plans the City offers since that is the most prevalent. The amount the City charges employees for this coverage is less than most.

Our only suggestion would be to consider offering your lowest cost plan (the High Deductible PPO) with no cost sharing for employee only coverage. Three organizations in your market do that. The City already pays 96% of the cost so this would be a slight cost increase for the City but would be an additional benefit for current employees and a nice recruiting tool.

Paid time off:

Almost all (12 of 13) the organizations in your defined market have separate Vacation and Sick plans, rather than combined PTO plans, similar to the City.

The City is competitive in most of the vacation accrual levels except the first one, up to four years of service. In your market, one respondent offers less time (40 hours), three offer the same amount (80 hours) and nine offer more (ranging from 96 to 140, with the average being right at 100 hours).

Our recommendation is to consider increasing vacation accruals for employees with less than 5 years of service to at least 96 hours.

Retirement plans:

The City is very competitive for General Government employees. Your Employee contribution to the DC plan of 9.00% is higher than all 10 respondents. They range from 2.25% to 8.75%, with the average being 6.37%.

Your Employer contribution of 9.12% is higher than 7 respondents, lower than 3. The average is 10% but that is brought up significantly by Natrona County which contributes 15.37%. Almost everyone participates in Social Security, like the City. We do not have any recommended changes in this area.

When looking at Police retirement benefits, the picture is a little different. The Employee contribution of 8.60% is well aligned to market but the Employer contribution amount of 8.60% is lower than average. Of 10 responses, 2 are lower, 2 are the same and 6 are higher. The average Employer contribution across all respondents is 11%. Additionally, 8 of the 10 respondents do not include Police in Social Security, similar to the City.

We understand that the City contributes the minimum as required on all the pension plans with the Wyoming Retirement System. However, the employer can contribute more than is required as the minimum to the Wyoming Retirement System. Our recommendation is for the City to look at increasing the Employer contribution to Police over time to become more competitive. The respondents in your market range from 8% to 14.41%, with an average of 11%.

For Fire, we only had 7 respondents and the City looks well positioned regarding retirement benefits for both Employee and Employer contributions. We are not recommending any changes here.

Additional Findings and Recommendations

There are several areas of specific note that came up during this project that we feel are important to include in our report. We have captured them in this section, in no particular order.

Administrative Position Consolidation

In our discussions with employees and through our review of the current classification listing, we identified the opportunity to consolidate and align to market several Administrative positions, as well as remove some positions from the Administrative series that are more subject matter specific. As a result, we have consolidated 10 previous Administrative positions into 6 titles and pay grades. Additionally, we removed Administrative Services Rep from the Admin series and combined it with Customer Service Rep. We also removed Administrative Technician from the Admin Series and renamed it Financial Services Clerk.

Supervisor Position FLSA Review

We reviewed the FLSA status of the City's Supervisor level positions and compared it to external market data. Based on this high-level review, we recommend the City examine any positions where there may be question of the current exempt classifications. A couple of positions that stood out in the market data to us that we'd specifically recommend further review to determine if they qualify as Exempt. They are:

- Plant Maintenance Supervisor

- Police Records Supervisor

Tool Allowances for Fleet Maintenance

Another opportunity we identified in our discussions was regarding Fleet Mechanics and the tool allowance they receive. There is limited benchmark data available on this and the small amount we have says the City's current allowance of \$500 is about average. However, Fleet and Vehicle Mechanics have been getting increasingly difficult to hire and retain and we are beginning to see organizations increase this limit as it's relatively inexpensive (particularly in small departments) but is very meaningful to that group of employees.

Assistant to the City Manager

Currently, there are two incumbents in this position with distinctly different job duties. While we do believe they should remain in the same pay grade, we recommend creating unique position titles and job descriptions for each that accurately reflect their duties.

Education Requirements

Within the scope of this project, Graves Consulting was asked to review and evaluate the education and experience requirements for the City's positions. The primary way in which this was accomplished was through our external job matching. When selecting external benchmarks, we reviewed the existing job descriptions and aligned this to the benchmarks based on education and experience, among other factors. However, we would also recommend that the City add "equivalencies" to most of their job descriptions, allowing for candidates to satisfy the minimum requirements through either formal education or a combination of education and experience.

This can be done by establishing a structured equivalency process where years of experience are substituted for educational requirements based a set ratio (ie, 2 years of experience for every 1 year of formal education required). Our preferred approach, however, is a broader statement in all job descriptions that states that minimum requirements may be met through a combination of education and experience. This allows the City the greatest flexibility and therefore the largest group of possible candidates for all positions. The only exceptions to this would be for positions that must have strict education requirements for licensing or certification (ie, attorneys, engineers, etc...).

Maintaining Internal Equity

With the addition of several levels and progressions of positions in the new pay structure as well as the open range design, we feel it's important once this structure is implemented that it be closely monitored for pay equity concerns. Specifically, we are recommending that all offers being made to new hires (or internal transfers) be made collaboratively with the HR Department so that an equity analysis can be run. This is a process where HR reviews the current pay rate for all incumbents in the position being hired, as well as all incumbents in that job progression (ie, level I, II, III or Lead), to ensure the new hire rate is not creating pay compression with existing employees. If that is the case, the City can either choose to alter the starting rate for the new hire or provided equity pay adjustments for the

current incumbent(s). We believe this is a very important practice to maintain equity and deal with compression before it becomes widespread and therefore more difficult and costly to fix.

Addition/Alignment of Job Levels

As we mentioned above, there are several positions where we have added positions for progression and retention purposes, aligned positions based on internal equity and combined positions that had different titles but very similar duties and responsibilities. They are as follows:

- Utility Worker and Meter Service Worker – We aligned each level of these positions in the same pay grades and added a Meter Service Worker III
- Fleet Mechanic III – Added this level for progression and retention
- Combined Parks & Rec Worker I and Recreation Worker – duties were the same but required age minimums vary between Parks and Recreation
- Traffic Tech II – Added this level for progression and retention

Implementation

Graves Consulting recommends implementing the proposed pay structure in a phased approach. The first phase would be simply moving all positions into the new pay grades and not making any pay adjustments. Phase Two could then be making pay adjustments for those employees whose pay rate falls below the minimum of their new range. Depending on budgets, Phases One and Two may be combined or be separate.

The next phase would be to run a compa-ratio calculation for all employees. This is simply a numeric representation of where an employee's pay rate falls within their range. A compa-ratio of 1 means that an employee is being paid exactly at midpoint. Numbers less than 1 indicate employees below midpoint and greater than 1 indicate pay rates above midpoint. As we've mentioned before, the City has many employees who have long tenure and experience in their roles and reasonably should be above midpoint in their pay range. Each incumbent should be individually analyzed to determine if their compa-ratio is appropriate for their tenure. Those that are determined to be lower than appropriate should be identified and a higher pro-rata portion of the City's pay increase budget should be focused on those positions each year.

This approach would require that the City be willing to award different pay increase percentages based on this assessment. We recommend a robust communication plan for employees to help them understand this process.

Ongoing Maintenance and Movement Through Pay Ranges

Moving from a step-based structure to an open range plan means the City will need to develop a different process for determining how and when employees will receive pay increases. Similar to a step-based plan, there are normally two ways an employee can receive an increase. First, is when an employee receives a pay increase that moves them further up in their pay range. These increases are normally based on either annual across the board increase percentages or vary based on performance. Second, is when the pay structure is increased to keep pace with market. If the ranges increase, many organizations keep employees in the same relative position in the pay grade which results in a pay increase.

Timing for each type of increase is also something to consider. Would the City prefer to make both increases at once, on a common date, separate the timing but do each on a set date, or make market adjustments on a common date and movement through range increases on anniversary dates? There is not a right or wrong way, just budgeting and administrative issues to consider.

Graves Consulting does not have an opinion or recommendation on timing of the increases. We see this as entirely a matter of preference for the City. However, we do recommend that a process be developed regarding timing and expectation of annual increases that can be shared with all employees.

We would recommend adjusting the overall pay structure by a set percentage annually to stay current to market. Additionally, we would recommend that this percentage be based on a combination of what the Employer's Council Compensation Study says and what the City can afford. EC asks all participants each year how much they anticipate increasing their pay scales and how much they anticipate increasing actual employee pay and publishes the results. We believe this information would be a good guideline for the City.

As an example, if the survey data says pay structures are increasing by 1.5% and pay is increasing by 3%. Assuming this is within budget, the City would increase all pay structures by 1.5% and keep employees in the same relative position in their pay grade. Then the City would increase all employees who are not at range max by an additional 1.5%. This would keep the City's pay structure current and keep employees moving up in their pay ranges, albeit rather slowly. We believe it's administratively easier to do this at the same time so that the City only has to administer pay increases once per year, but that's an internal decision.

One additional recommendation is to create an agreed upon approach to how pay increases will be handled for Police and Fire, on step-based plans, when budgets don't allow for fully funding market based pay increases for employees on the open range General Government scale. Step-plans have pre-built pay increases but they are rarely a guarantee of annual pay increases.

Graves Consulting believes that the City can internally manage the ongoing maintenance of the pay structures based on our guidance above. We would recommend having an external assessment (which could be more limited in scope than this Study) every three years or so. This will ensure that the pay structure increases that have been made are keeping the City tied to its defined market and would also assist in identifying positions that have moved more quickly and may need to be upgraded.

One last item we would like to mention for future consideration is the potential to break the City's General Government Pay Scale into Pay Families in the future. This is a common approach for municipalities similar in size. These pay families would include groupings of City positions such as Management, Professional, Labor/Trades, Technical, Administration, Police, Fire, etc. We are not recommending this exact breakdown, merely offering examples. Each pay family would have its own pay structure, but all would be set up similarly. The benefit of multiple pay families is that market sometimes moves differently for different types of positions and this would allow the City to make pay structure increases in varying amounts based on these pay families. For example, Management or Professional positions may not increase as quickly as Labor/Trades or Technical positions.

We believe this to be an appropriate future state for the City's pay structure but are not recommending it at this time because moving from the current step-based plan with pay bands to the proposed open range system is enough change for now.

Summary

We believe the City's pay structure has been well maintained over time and that good internal processes for pay administration and maintenance exist. The HR team was able to quickly provide us with all requested information in a very organized fashion, provide all analysis that we needed and help facilitate discussions with several internal groups as necessary to complete this Study. From what we have observed, the City has sophisticated internal processes and systems that will allow for a smooth implementation and ongoing internal maintenance of the pay structure.

The changes to the structure that we are recommending are primarily for the purpose of addressing the concerns that were mentioned at the start of this project. Specifically, ensuring competitiveness to market, addressing pay compression and providing flexibility for the City. Additionally, we believe our recommendations will allow the City to have a simpler design that is more easily communicated to employees.

Under separate cover are three attachments:

- Proposed General Government Classification Listing
- Proposed Police Pay Structure (for sworn, non-exempt positions)
- Proposed Fire Pay Structure (pending Union negotiations)

We are available to discuss this report in further detail with you, Carter or any other members of the leadership team, City Council, or employees as you find appropriate.

City of Casper - General Government Classification Listing - Proposed						
Grade	Job Title		Min	Mid	Max	Range Spread
10		Hourly	\$9.41	\$11.06	\$12.70	
	Camp Leader (A2)	Bi-Weekly	\$753	\$885	\$1,016	
	Lifeguard I (A2)	Monthly	\$1,631	\$1,917	\$2,202	
		Annual	\$19,574	\$23,000	\$26,426	35%
11		Hourly	\$10.35	\$12.16	\$13.98	
	Lifeguard II (A4)	Bi-Weekly	\$828	\$973	\$1,118	
	Swim Instructor (A3)	Monthly	\$1,794	\$2,108	\$2,422	
		Annual	\$21,532	\$25,300	\$29,068	35%
12		Hourly	\$11.39	\$13.38	\$15.37	
	Head Lifeguard (B3)	Bi-Weekly	\$911	\$1,070	\$1,230	
	Shift Leader - Aquatics (B2)	Monthly	\$1,974	\$2,319	\$2,665	
		Annual	\$23,685	\$27,830	\$31,975	35%
13		Hourly	\$12.53	\$14.72	\$16.91	
	Administrative Clerk I (A8-A9)*	Bi-Weekly	\$1,002	\$1,177	\$1,353	
	Custodial Maintenance Worker (A14)	Monthly	\$2,171	\$2,551	\$2,931	
	Parks & Rec Worker I (A1)*	Annual	\$26,054	\$30,613	\$35,172	35%
	Ski Patrolman (A18)					
14		Hourly	\$13.78	\$16.19	\$18.60	
	Administrative Clerk II (A13)*	Bi-Weekly	\$1,102	\$1,295	\$1,488	
		Monthly	\$2,388	\$2,806	\$3,224	
		Annual	\$28,659	\$33,674	\$38,690	35%
15		Hourly	\$15.16	\$17.81	\$20.46	
	Administrative Assistant I (A21)*	Bi-Weekly	\$1,213	\$1,425	\$1,637	
	Court Clerk I (A25)	Monthly	\$2,627	\$3,087	\$3,547	
	Customer Service Representative (A21)*	Annual	\$31,525	\$37,042	\$42,559	35%
	Kennel Worker (A17)					
	Municipal Worker I (A18)					
	Parks & Rec Worker II (A18)					
Recreation Instructor I (A17)						
Water Plant Operator I (B17)						
WWTP Operator I (B17)						
16		Hourly	\$16.67	\$19.59	\$22.51	
	Administrative Assistant II (B17)	Bi-Weekly	\$1,334	\$1,567	\$1,801	
	Building Maintenance Worker I (A29)	Monthly	\$2,890	\$3,396	\$3,901	
	Court Clerk II (B19)	Annual	\$34,677	\$40,746	\$46,814	35%
		Hourly	\$18.34	\$21.55	\$24.76	
	Animal Protection Officer I (B17)	Bi-Weekly	\$1,467	\$1,724	\$1,981	
	Assistant Recreation Coordinator (B6)	Monthly	\$3,179	\$3,735	\$4,291	
	Equipment Operator I (B17)	Annual	\$38,145	\$44,820	\$51,496	35%
	Meter Service Worker I (A29)					
	Municipal Worker II (B25)					

*Previously Admin Services Courier/Floater (A8) and Museum Education Worker (A9)

*Includes previous Recreation Worker (A1)

*Previously Balefill Clerk I

*Includes previous Balefill Clerk II (A21) and Ticket Seller Lead (B5)

*Includes previous Admin Services Rep

17	Parks & Rec Worker III (A25)						
	Permit Technician (B19)						
	Police Records Clerk (A25)						
	Public Safety TeleCommunicator I (B20)						
	Recreation Instructor II (B19)						
	Solid Waste Operator I (B21)						
	Utility Worker I (B15)						
18	Administrative Assistant III*	Parks & Rec Worker IV (B19)	Hourly	\$20.17	\$23.70	\$27.23	
	Financial Services Clerk (or Tech)*	Payroll Technician (B23)	Bi-Weekly	\$1,614	\$1,896	\$2,179	
	Animal Protection Officer II (B20)	Police Fleet Coord (B21)	Monthly	\$3,497	\$4,109	\$4,720	
	Building Maintenance Worker II (B25)	Police Records Clerk - Lead (B21)	Annual	\$41,960	\$49,303	\$56,645	35%
	Code Enforcement Inspector I (B23)	Property Evidence Tech I (B21)					
	Community Services Officer (B21)	Public Safety TeleCommunicator II (B24)					
	Court Baliff (B21)	Records Mgmt Tech I*					
	Equipment Operator II (B25)	Signal Technician (B23)					
	Human Resources Tech (B23)	Traffic Technician (B19)					
	IT Technician I (B22)	Utility Worker II (B25)					
	Mechanic I (A29)	Victim Services Technician (B19)					
	Meter Service Worker II (B25)	Water Plant Operator II (B21)					
	Municipal Court Coordinator (B21)	WWTP Operator II (B21)					
Municipal Worker III (B19)							
19			Hourly	\$22.19	\$26.07	\$29.96	
	Building Maintenance Worker III (B28)	Planner I (C3)	Bi-Weekly	\$1,775	\$2,086	\$2,397	
	Code Enforcement Inspector II (B29)	Plant Mechanic I (B19)	Monthly	\$3,846	\$4,519	\$5,193	
	Community Development Tech (B23)	Property Evidence Tech II (B23)	Annual	\$46,156	\$54,233	\$62,310	35%
	Community Relations Coord (B23)	Public Safety TeleCommunicator III (B26)					
	Cross Connection Control Inspector (B27)	Records Management Tech II*					
	Engineering Tech I (B23)	Recreation Coordinator (B21)					
	Equipment Operator III (B27)	Risk Management Support Tech (B19)					
	Executive Admin (B27)*	Solid Waste Operator II (B25)					
	IT Technician II (B28)	Utility Worker III (B27)					
	Laboratory Tech II (B28)	Water Plant Operator III (B27)					
	Mechanic II (B26)	WWTP Operator III (B27)					
	Meter Service Worker III (new)						
	MPO Technician (B23)						
Municipal Court Technician (B23)							
Operations/Maintenance Coord (B27)							
20			Hourly	\$24.41	\$28.68	\$32.95	
	Building Inspector (B31)	Solid Waste Operator III (B27)	Bi-Weekly	\$1,953	\$2,294	\$2,636	
	Criminal Intelligence Tech (B23)	Special Waste Technician (B27)	Monthly	\$4,231	\$4,971	\$5,712	
	Electrical Inspector (B31)	Utility GIS Technician (B23)	Annual	\$50,771	\$59,656	\$68,541	35%
	Engineering Tech II (B29)						
	GIS Technician (B23)						
	Golf Course Assistant Superintendent (C5)						
	Human Resources Specialist (C7)						
	Licensing Specialist (C7)						
	Mechanic III (new)						
	Museum Curator - Collections (B31)						
	Paralegal (B25)						
	Parks Crew Leader (B27)						
	Plant Mechanic II (B27)						
Plumbing Inspector (B31)							

*Previously Admin Support Technician (B19)
*Previously Admin Technician (B21)

*Only one level previously

*Only one level previously

*Includes Executive Assistant and Executive Legal Assistant

24	Parks Manager (D9)						
	Recreation Manager (D9)						
	Sanitary Sewer/Stormwater Manager (D11)						
	Streets & Traffic Manager (D9)						
	Water Distribution Manager (D11)						
	Water Treatment Plant Manager (D11)						
	WWTP Manager (D11)						
25			Hourly	\$38.49	\$46.19	\$53.89	
	Information Systems Manager (D12)		Bi-Weekly	\$3,079	\$3,695	\$4,311	
	Police Lieutenant (PC19)		Monthly	\$6,672	\$8,006	\$9,341	
	Public Utilities Manager (D12)		Annual	\$80,064	\$96,077	\$112,089	40%
	Risk Manager (D11)						
Solid Waste Manager (D11)							
26			Hourly	\$42.34	\$50.81	\$59.28	
	Assistant Financial Services Director (D12)		Bi-Weekly	\$3,387	\$4,065	\$4,742	
	Deputy City Attorney (D12)		Monthly	\$7,339	\$8,807	\$10,275	
	Deputy Fire Chief (FD10)		Annual	\$88,070	\$105,684	\$123,298	40%
	Municipal Court Judge (E3)						
27			Hourly	\$46.58	\$55.89	\$65.21	
	City Engineer (D12)		Bi-Weekly	\$3,726	\$4,471	\$5,216	
	Community Development Director (E1)		Monthly	\$8,073	\$9,688	\$11,302	
	Parks & Recreation Director (E1)		Annual	\$96,877	\$116,253	\$135,628	40%
	Police Captain (PD12)						
28			Hourly	\$51.23	\$61.48	\$71.73	
	Financial Services Director (E2)		Bi-Weekly	\$4,099	\$4,918	\$5,738	
	Fire Chief (FE1)		Monthly	\$8,880	\$10,657	\$12,433	
	Public Services Director (E2)		Annual	\$106,565	\$127,878	\$149,191	40%
	Support Services Director (E2)						
29			Hourly	\$56.36	\$67.63	\$78.90	
	City Attorney		Bi-Weekly	\$4,509	\$5,410	\$6,312	
	Police Chief		Monthly	\$9,769	\$11,722	\$13,676	
			Annual	\$117,222	\$140,666	\$164,110	40%
30			Hourly	\$61.99	\$74.39	\$86.79	
	vacant		Bi-Weekly	\$4,959	\$5,951	\$6,943	
			Monthly	\$10,745	\$12,894	\$15,043	
			Annual	\$128,944	\$154,732	\$180,521	40%
31			Hourly	\$68.19	\$81.83	\$95.47	
	vacant		Bi-Weekly	\$5,455	\$6,546	\$7,637	
			Monthly	\$11,820	\$14,184	\$16,548	
			Annual	\$141,838	\$170,206	\$198,573	40%
32			Hourly	\$75.01	\$90.01	\$105.01	
	City Manager		Bi-Weekly	\$6,001	\$7,201	\$8,401	
			Monthly	\$13,002	\$15,602	\$18,203	
			Annual	\$156,022	\$187,226	\$218,431	40%

33			Hourly	\$82.51	\$99.01	\$115.52	
	<i>vacant</i>		Bi-Weekly	\$6,601	\$7,921	\$9,241	
			Monthly	\$14,302	\$17,162	\$20,023	
			Annual	\$171,624	\$205,949	\$240,274	40%

Proposed City of Casper Pay Schedule - Fire

<u>Grade</u>	<u>Position</u>	<u>Steps</u>	<u>Hourly Rate</u>	<u>Annualized Rate</u>	<u>Spread</u>	<u>Midpoint</u>
FT1	Fire Trainee	1	\$ 17.00	\$ 50,932		
FT2	Fire Trainee (Days)	1	\$ 24.49	\$ 50,939		
F10	Fire Fighter	1	\$ 18.56	\$ 55,608	24%	\$62,314
		2	\$ 19.50	\$ 58,416	5.0%	
		3	\$ 20.47	\$ 61,316	5.0%	
		4	\$ 21.51	\$ 64,433	5.1%	
		5	\$ 22.37	\$ 67,011	4.0%	
		6	\$ 23.04	\$ 69,021	3.0%	
F11	Engineer	1	\$ 20.41	\$ 61,162	24%	\$68,496
		2	\$ 21.43	\$ 64,217	5.0%	
		3	\$ 22.51	\$ 67,426	5.0%	
		4	\$ 23.63	\$ 70,790	5.0%	
		5	\$ 24.57	\$ 73,622	4.0%	
		6	\$ 25.31	\$ 75,830	3.0%	
F12	Captain CRR I	1	\$ 23.49	\$ 70,389	24%	\$78,812
		2	\$ 24.67	\$ 73,907	5.0%	
		3	\$ 25.88	\$ 77,548	4.9%	
		4	\$ 27.18	\$ 81,436	5.0%	
		5	\$ 28.27	\$ 84,694	4.0%	
		6	\$ 29.12	\$ 87,235	3.0%	
F13	Batallion Chief CRR II	1	\$ 25.83	\$ 77,394	24%	\$86,711
		2	\$ 27.13	\$ 81,282	5.0%	
		3	\$ 28.48	\$ 85,325	5.0%	
		4	\$ 29.92	\$ 89,645	5.1%	
		5	\$ 31.12	\$ 93,231	4.0%	
		6	\$ 32.05	\$ 96,028	3.0%	

Option 1: City of Casper Pay Schedule - Police

<u>Grade</u>	<u>Position</u>	<u>Steps</u>	<u>Hourly Rate</u>	<u>Annualized Rate</u>	<u>Spread</u>	<u>Midpoint</u>	
P10	Police Officer	1	\$ 27.03	\$ 56,222	20%	\$61,976	
		2	\$ 28.38	\$ 59,030			5.0%
		3	\$ 29.81	\$ 62,005			5.0%
		4	\$ 31.31	\$ 65,125			5.0%
		5	\$ 32.56	\$ 67,730			4.0%
P11	Senior Police Officer	1	\$ 29.81	\$ 62,005	20%	\$68,339	
		2	\$ 31.31	\$ 65,125			5.0%
		3	\$ 32.88	\$ 68,390			5.0%
		4	\$ 34.52	\$ 71,802			5.0%
		5	\$ 35.90	\$ 74,674			4.0%
P12	Master Police Officer	1	\$ 32.88	\$ 68,390	24%	\$76,599	
		2	\$ 34.52	\$ 71,810			5.0%
		3	\$ 36.25	\$ 75,400			5.0%
		4	\$ 38.06	\$ 79,170			5.0%
		5	\$ 39.59	\$ 82,337			4.0%
		6	\$ 40.77	\$ 84,807			3.0%
P13	Sergeant	1	\$ 36.25	\$ 75,400	24%	\$84,445	
		2	\$ 38.06	\$ 79,165			5.0%
		3	\$ 39.96	\$ 83,117			5.0%
		4	\$ 41.96	\$ 87,277			5.0%
		5	\$ 43.64	\$ 90,768			4.0%
		6	\$ 44.95	\$ 93,491			3.0%

Option 2: City of Casper Pay Schedule - Police

<u>Grade</u>	<u>Position</u>	<u>Steps</u>	<u>Hourly Rate</u>	<u>Annualized Rate</u>	<u>Spread</u>	<u>Midpoint</u>	
P10	Police Officer	1	\$ 27.03	\$ 56,222	28%	\$64,038	
		2	\$ 28.38	\$ 59,030			5.0%
		3	\$ 29.81	\$ 62,005			5.0%
		4	\$ 31.31	\$ 65,125			5.0%
		5	\$ 32.56	\$ 67,730			4.0%
		6	\$ 33.54	\$ 69,762			3.0%
		7	\$ 34.55	\$ 71,855			3.0%
P12	Master Police Officer	1	\$ 32.88	\$ 68,390	24%	\$76,599	
		2	\$ 34.52	\$ 71,810			5.0%
		3	\$ 36.25	\$ 75,400			5.0%
		4	\$ 38.06	\$ 79,170			5.0%
		5	\$ 39.59	\$ 82,337			4.0%
		6	\$ 40.77	\$ 84,807			3.0%
P13	Sergeant	1	\$ 36.25	\$ 75,400	24%	\$84,445	
		2	\$ 38.06	\$ 79,165			5.0%
		3	\$ 39.96	\$ 83,117			5.0%
		4	\$ 41.96	\$ 87,277			5.0%
		5	\$ 43.64	\$ 90,768			4.0%
		6	\$ 44.95	\$ 93,491			3.0%

May 26, 2020

TO: J. Carter Napier, City Manager *JCN*

FROM: Andrew Beamer, Public Services Director *AB*
Cynthia Langston, Solid Waste Manager
Jolene Martinez, Assistant to the City Manager

SUBJECT: Public Input on Recycling--Results

Meeting Type & Date

Work Session, May 26, 2020

Recommendation

Information Only.

Summary

At their meeting on April 28, 2020, Council reviewed and discussed the challenges and issues to Casper's self-serve drop-off recycling depots. In the last six months, up to 25% of Casper's recycling loads from the recycling depots have been rejected because of contamination. The rejected loads are then taken to the landfill and buried. The rejected loads are the result of the worldwide changes to recycling where zero contamination is required whereas in the past, a three percent to five percent contamination rate was acceptable and few recycling loads were rejected and buried in the landfill.

As part of the long-term plan to improve recycling in Casper, the solid waste facility invested ten years of planning and saving the capital funds to build a materials recovery facility, most commonly known as a MRF. The MRF allows the solid waste facility to separate comingled recyclables, manually and with equipment, and prepare them for shipment to recyclers. It can eliminate contamination in recycling loads. However, additional investments into staff will be required to operate the MRF. Increasing staff at the solid waste facility will require rate increases.

Staff presented six possible options for residential recycling going forward for Council to consider. Council eliminated option six and decided to take public input via the City's website on which of the five options citizens prefer. The public input portal was established on the City's website with the input form tied into the City's ARCGIS so that the data received could be analyzed by residency and ward. Several citizens called to inform City leadership they lacked internet. Staff added a phone in or mail in version of citizen survey by advertising in the Casper Star Tribune and on radio.

One thousand four hundred and eighty online surveys, 142 phone-in surveys, and 124 mail-in surveys, for a total of 1,746 were received. The overwhelming choice (over 60%) is option 3, which is keep the depots, open the MRF, and increase the residential refuse collection rate by \$1.70 per month. Input was received throughout the county with the largest response from Casper citizens. A summary is attached.

Many respondents also offered comments. A common comment is the desire for curbside collection at a cost lower than \$17. Additionally, there were many comments and questions on contamination,

especially regarding paperboard (e.g. cereal boxes). Pursuant to customer demand, staff will be replacing the glass recycling bins with paperboard bins when the depots reopen.

Financial Considerations

Financial considerations include the rate increase of \$1.70 per month as well as how to recover the costs of offering the depot service to citizens other than Casper residents. There are recycling depots serviced by City of Casper recycling collection staff in Bar Nunn, Evansville, and Mills. The costs associated with collecting, removing contaminants and baling Bar Nunn, Evansville and Mills totals \$45,140.00.

Oversight/Project Responsibility

Cynthia Langston, Solid Waste Manager
Sean Orszulak, Solid Waste Superintendent

Attachments

None

Recycling Input 2020

Online	1,480	
Phone-in	142	
Mail-in, printed in CST	124	
Total response	1,746	1, 540 Casper residents

Recycling Input 2020

Casper Residents Choice:

4.74%	Option 1	Keep depots, do not open MRF, \$0.26/mo
3.64%	Option 2	Remove depots, do not open MRF
67.34%	Option 3	Keep depots, open MRF, raise rates \$1.70/mo
0.91%	Option 4	Remove depots, open MRF, \$0.30/mo
23.12%	Option 5	Option 4 and give curbside option \$17/mo

Recycling Input 2020


Casper-centric

<https://cityofcasper.maps.arcgis.com/apps/opsdashboard/index.html#/f8c9271407384fc186bc46382ffb84e8>

Regional-centric

<https://cityofcasper.maps.arcgis.com/apps/opsdashboard/index.html#/ec57d49bd0fd4419abeeac20eb81278e>

May 20, 2020

MEMO TO: J. Carter Napier, City Manager 

FROM: Tracey Belser, Support Services Director
Zulima Lopez, Risk Manager

SUBJECT: City of Casper Facility Re-open Plan

Meeting Type & Date

Work Session, May 26, 2020

Action type

Direction Requested

Recommendation

That Council consider a phased plan for re-opening City facilities that evaluates several criteria, including service modality, current community risk, and the ability to implement mitigation strategies to determine when and how City facilities will open to the public.

Summary

Over the last several weeks, the State of Wyoming and Natrona County have begun to relax orders related to the closure of local businesses. Natrona County health officials have designated our county in the moderate risk category, or level orange. Under recent orders that respond to this risk level, high-contact businesses have been allowed to open with strict infection controls in place to protect the health of customers and workers.

With the exception of the Casper Recreation Center (fitness areas) and the Casper Municipal Golf Course, City facilities have remained closed to the public to this point. The City of Casper is proposing a three-phased approach to re-opening our other facilities.

In Phase I of the re-opening plan, facilities that have had to limit or discontinue specialized services due to closures will be allowed to re-open with strict mitigation strategies in place that meet or exceed guidelines established by state and local health officials as well as the Centers for Disease Control and Prevention (CDC). These facilities include the Casper Aquatics Center (for fitness activities only at this time) Highland Park Cemetery, Fort Caspar Museum, Solid Waste facilities, and Municipal Court. Re-opening will begin as early as June 1, 2020 and continue through the month, but only after facilities are adequately prepared with required mitigation strategies in place. Common mitigations strategies include, but are not limited to symptom checking employees; face coverings for employees; frequent sanitization of high-touch surfaces; and mechanisms to achieve proper social distancing. More details regarding facility re-openings, starting with Municipal Court, will be released in the coming days and weeks to provide citizens with more information about what to expect.

Additionally, Phase I allows the slow and cautious re-introduction of City services such as sports leagues, park and facility rentals, and recycling. These services will resume from now through mid-June, with guidance from local health officials and in compliance with all applicable orders. It is important to note that community infection data will be monitored continuously and could impact current plans for facility re-opening and City service reinstatements.

Phase II of the proposed plan operates under the low risk category, or level yellow. In this phase, general service facilities such as City Hall and the Casper Service Center will re-open to the public for in-person or on-site services. Similar mitigation strategies as described above will be implemented at these facilities as well, in an effort to protect employees and customers.

In Phase III of the re-opening plan, which functions under the normal risk level, public safety facilities with first responders and critical infrastructure personnel such as Fire Stations, treatment plants and related utility facilities, and Police and Fire administrative services, are able to re-open for non-essential services such as tours, classes, etc.

Financial Considerations

Re-opening City facilities will improve City revenue and assist in the rehabilitation of our local economy.

Oversight/Project Responsibility

Facility managers will oversee the re-opening of individual facilities, with support and guidance from local health officials, City leadership, and the City of Casper Risk Manager.

Attachments

City of Casper Proposed Facility Re-Opening Plan Summary

City of Casper

Facility Re-Opening Plan Summary

May 2020

Purpose of the Plan:

The purpose of the City of Casper Facility Re-Opening Plan is to establish guidelines for City of Casper facilities to re-open during the COVID-19 Pandemic. The Plan identifies the criteria that will aid City leadership in determining when Casper facilities should re-open to the public, as well as details regarding the infection mitigation strategies that will be required for facilities, based on provided services. Mitigation strategies (not included in this summary) have been developed from recommendations set forth by local and state Public Health Orders, the Centers for Disease Control and Prevention (CDC), OSHA's [Guidance on Preparing Workplaces for COVID-19](#), the [Natrona County Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Recovery](#), and City Leadership.

Criteria Considered for Re-Opening City Facilities:

- State and local public health orders allow re-opening
- Level of community risk (red, orange, yellow, green) as identified by local health officials
- Modality of service delivery/ability to provide service through contactless means
- Downward trajectory of documented cases in the last 14 days or downward trajectory of positive tests as a percentage of total tests within the last 14-day period
- Stabilization of cases indicating community spread (unknown contraction source)
- Ability to meet or exceed all requirements of the [CDC Guidance on re-opening businesses](#)
- Ability to quickly and independently supply sufficient personal protective equipment (PPE) to all employees
- No positive cases of employees within the facility

Approach to Re-opening City Facilities:

Phase I City of Casper Special Services Facility Re-opening Plan

- [Function under Natrona County Moderate Risk - Level Orange](#)
- General public and facility occupants exercise six-foot social distancing to the greatest extent possible, as well as regular hand sanitizing, hand washing, restraint from touching face, disinfecting spaces and places with public interaction
- Face coverings should be worn in public spaces, especially where six-foot distancing is difficult to maintain
- Utilize greeters and/or post signs at the public entrance to discourage entry of symptomatic individuals
- Encourage use of hand sanitizing, hand washing, restraint from touching face, and the use of face covering, and to direct public traffic throughout the facility
- Facilities and ancillary services open as orders allow, with infection mitigation controls that meet or exceed State and/or County guidance
- Employees self-monitor for symptoms of illness and stay home if sick
- Employees should work remotely if possible; supervisors stagger or rotate workers to provide on-site services, while limiting employee exposure
- Limit group interactions to 10 or fewer where possible; no interactions in groups of 20 or more permitted; maintain social distancing guidelines in groups

- No unnecessary business travel; limit out of state travel, following destination guidelines and avoiding areas of high exposure per the [CDC](#); refer to the [City of Casper Pandemic Response Plan](#) for more details regarding travel; consult Risk Management for inquiries

Special Services Facilities Approved for Phase I Re-opening:

- | | |
|--------------------------------|------------------------------|
| ✓ Casper Recreation Center | ✓ Solid Waste Facilities |
| ✓ Casper Municipal Golf Course | ✓ Casper Aquatics Facilities |
| ✓ Highland Park Cemetery | ✓ Municipal Court |
| ✓ Fort Caspar Museum | |

Phase II City of Casper General Service Facility Re-opening Plan

- [Function Under Natrona County Low Risk - Level Yellow](#)
- General public and facility occupants exercise six-foot social distancing to the greatest extent possible, as well as regular hand sanitizing, hand washing, restraint from touching face, disinfecting spaces and places with public interaction.
- Face coverings should be worn in interactions within a six-foot distance
- Most facilities open with infection mitigation controls that meet or exceed State and/or County guidance
- Remote work encouraged where possible; supervisors exercise caution and discretion with remote work and returning to on-site work
- Employees self-monitor for symptoms of illness and stay home if sick
- Limit group interactions to 25 or fewer where possible; no interactions in groups of 50 or more permitted; maintain social distancing guidelines in groups
- Limit unnecessary business travel; limit out of state travel, following destination guidelines and avoiding areas of high exposure per the [CDC](#); refer to the [City of Casper Pandemic Response Plan](#) for more details regarding travel; consult Risk Management for inquiries

General Service Facilities Approved for Phase II Re-opening:

- | | |
|--------------------|-------------------------|
| ✓ Casper City Hall | ✓ Casper Service Center |
|--------------------|-------------------------|

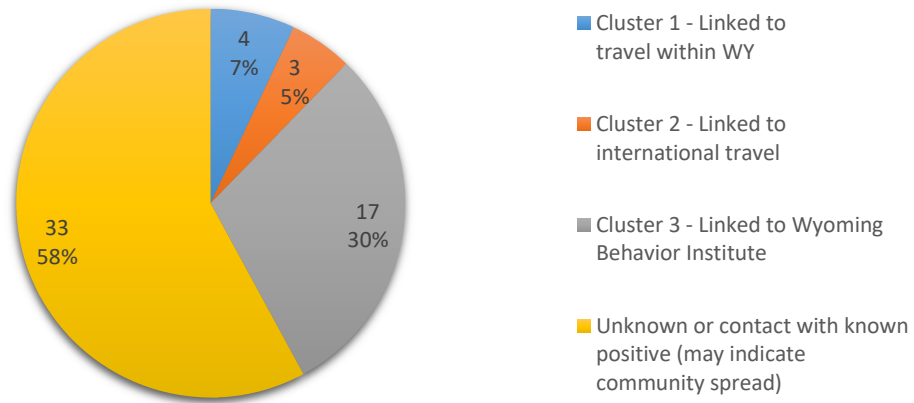
Phase III City of Casper Public Safety Facility Re-opening Plan

- [Function under Natrona County Normal Risk - Level Green](#)
- General public and facility occupants take reasonable precautions to limit risk of transmitting infection
- All facilities operating with infection mitigation controls that meet or exceed State and/or local guidance and industry best practices
- Employees self-monitor for symptoms of illness and stay home if sick
- Face coverings not required
- Group interactions of any size allowed
- Traveling restrictions lifted; avoid travel to areas of high exposure per the [CDC](#); employees closely self-monitor symptoms for 14 days upon return from out of state; consult Risk Management for inquiries

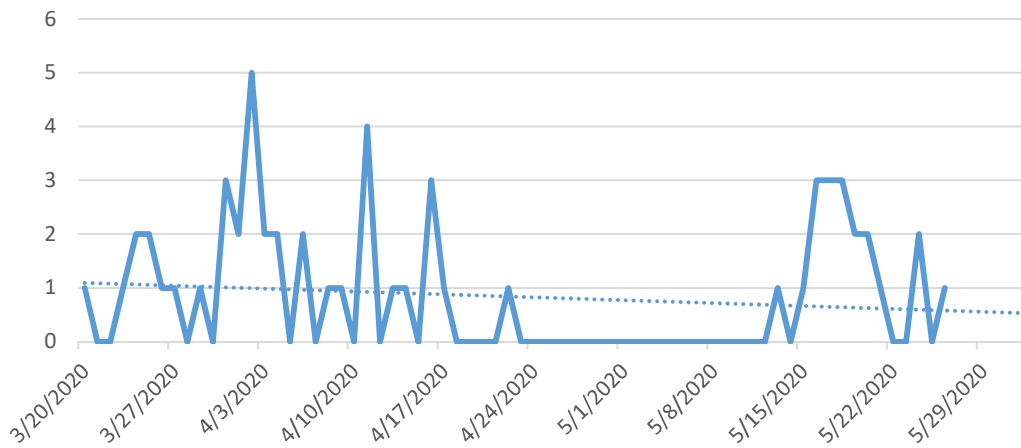
Public Safety Facilities Approved for Phase III Re-opening:

- | | |
|---|--|
| ✓ Fire Stations | ✓ Wastewater Treatment Plant and Sewer Collection Facilities |
| ✓ Water Treatment Plant and Distribution Facilities | ✓ Public Safety Communication Center (PSCC) |
| | ✓ Police and Fire Administration Offices |

Epidemiologically Connected Clusters in Natrona County



Total Natrona County Confirmed COVID-19 Cases



Natrona County Confirmed COVID-19 Cases for the Last 14 Days

