

WORK SESSION AGENDA


Casper City Council
 City Hall, Council Meeting Room
 Tuesday, January 10, 2023 at 4:30 p.m.




Work Session Meeting Agenda		Recommendation	Beginning Time	Allotted Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Council Meeting Follow-up		4:30	5 min
2.	WYOSports Ranch: Minimum Setbacks	Direction Requested	4:35	20 min
3.	Part 2: Ice Arena Expansion	Direction Requested	4:55	45 min
4.	Part 2: Fire Safe Rooms	Direction Requested	5:40	20 min
5.	Flag Lots in Residential Areas	Direction Requested	6:00	15 min
6.	FY23 Budget Amendment #2	Direction Requested	6:15	10 min
7.	Boards and Commissions	Direction Requested	6:25	10 min
8.	Legislative Agenda	Direction Requested	6:35	40 min
9.	Agenda Review		7:15	20 min
10.	Council Around the Table		7:35	20 min
			Approximate End Time:	7:55

Please silence cell phones during the meeting

December 28, 2022

MEMO TO: J. Carter Napier, City Manager 

FROM: Liz Becher, Community Development Director 
Craig Collins, City Planner

SUBJECT: Proposed Reduction in the Minimum Setback Requirement in the PH (Park Historic) Zoning District

Meeting Type and Date:

Council Work Session, January 10, 2023

Action Type:

Direction requested

Recommendation:

The City of Casper Planning and Zoning Commission recommends a reduction of the minimum front-yard setback requirement in the PH (Park Historic) zoning district, from thirty feet (30') to fifteen feet (15').

Background:

The City and a private entity are working on preliminary designs for the construction of an indoor sports complex (Wyoming Sports Ranch), to be located north of, and immediately adjacent to the Ford Wyoming Events Center ("Events Center"). The City Council has already approved a lease with the private entity for two (2) parcels located in the undeveloped portion of the Events Center parking lot. During the preliminary design process the applicants discovered that, because of the recently-approved platting of the Events Center property as part of the North Platte River Park No. 2 Subdivision, the newly-established Events Drive right-of-way encroaches fifteen (15) feet into their lease parcel, making it virtually impossible to meet the thirty (30) foot minimum front-yard setback requirement in the PH (Park Historic) zoning district without a major overhaul of the design. Potential solutions were discussed, and one that City staff strongly discouraged was for the developer to apply for a variance to reduce the setback requirement. Variances are very difficult to approve, given the stringent legal findings required. In this case, it is staff's opinion that the facts do not support the approval of a variance.

Staff presented two (2) options to the Planning and Zoning Commission at their December 8, 2022 meeting. One option is for the City to rezone the Events Center property to a zoning district with a smaller setback requirement. This option was not preferred. The Commission's preferred/recommended option is for a reduction in the setback requirement in the PH (Park Historic) zoning district, from thirty feet (30') to fifteen feet (15').

The origin of the thirty (30) foot setback in the PH (Park Historic) district is unknown. What is known is that, with the exception of the AG (Urban Agriculture) zoning district, the PH (Park Historic) zoning district has the largest front-yard setback requirement of any of the City's zoning districts. A summary of front-yard setback requirements in each zoning district is as follows:

- AG (Urban Agriculture) – 30'
- R-1 through R-5 – 15'/18'
- R-6 (Manufacture Home (Mobile) Park – 15'
- PUD (Planned Unit Development) – Flexible, no minimum.
- PH (Park Historic) – 30'
- HM (Hospital Medical) – 15'/18'
- OB (Office Business) – 15'/18'
- C-1 through C-4 – 0'
- M-1 through M-2 – 0'
- ED (Educational District) – 0'
- OYD (Old Yellowstone District) – Variable, no minimum.

Questions about the reasoning behind, and origin of land use regulations often come up, and the City has, many times in the past, reviewed and amended the Municipal Code when warranted. This includes a general reduction in setbacks for most of the City's zoning districts several years ago. Unfortunately, because of the rarity of construction projects in the PH (Park Historic) zoning district, changes to setbacks were not considered for that district at the time. When the reasoning behind land use regulations cannot be discerned, or tied to a City policy or goal, they should be either amended or removed. In the case of requiring a thirty (30) foot front yard setback requirement in the PH (Park Historic) zoning district, it appears to be just an arbitrary number/requirement.

Parcels zoned PH (Park Historic) are almost exclusively owned by the City, so reducing the setback requirement would not affect private properties. A benefit of reducing the setback requirement would be the added flexibility, and gain in improvable area, on publicly-owned properties. Typically, most properties in Casper are platted with a fifteen (15) foot wide utility easement along their front property lines for dry utilities such as cable, internet, electric, and gas lines. In that the front yard utility easement serves to prevent the construction of permanent structures within that area, staff is recommending that the Planning and Zoning Commission consider a reduction of the minimum setback requirement in the PH (Park Historic) zoning district, for all properties zoned PH (Park Historic), from thirty (30) feet to fifteen (15) feet, to coincide with the typical utility easement configuration along the frontage of most properties.

Attachments:
DRAFT Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.56.030 OF THE CASPER MUNICIPAL CODE TO REDUCE THE MINIMUM FRONT YARD SETBACK REQUIREMENT IN THE PH (PARK HISTORIC) ZONING DISTRICT

WHEREAS, the City of Casper Planning and Zoning Commission recommended a proposed Municipal Code text amendment to reduce the minimum front-yard setback requirement in the PH (Park Historic) zoning district from thirty feet (30') to fifteen feet (15') following their December 8, 2022 meeting; and,

WHEREAS, a reduction in the minimum front-yard setback requirement from thirty feet (30') to fifteen feet (15') will not adversely affect the health or safety of the public, and will provide adequate room along property frontages for the extension of necessary utilities; and,

WHEREAS, a reduction in the minimum front-yard setback will increase the usable area of publicly-owned properties throughout the City of Casper; and,

WHEREAS, it is the desire of the Casper City Council to amend Section 17.56.030 of the Casper Municipal Code to reduce the minimum front-yard setback in the PH (Park Historic) zoning district from thirty feet (30') to fifteen feet (15'), as recommended by the Planning and Zoning Commission.

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

SECTION 1:

That Section 17.56.030(A)(1) of the Casper Municipal Code is hereby amended to reduce the minimum front-yard setback in the PH (Park Historic) zoning district, to read as follows:

A. Yard Requirements.

1. ~~Other than schools~~; no building shall be located less than ~~thirty~~ **FIFTEEN** feet from the right-of-way of any public road.

SECTION 2:

This ordinance shall be in full force and effect from and after passage on three readings and publication pursuant to law.

PASSED on 1st reading the ____ day of _____, 202__.

PASSED on 2nd reading the ____ day of _____, 202__.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the
day of _____, 202__.

APPROVED AS TO FORM:



ATTEST:

Fleur Tremel
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Mayor

December 8, 2022

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Zulima Lopez, Parks, Recreation, & Public Facilities Director
SUBJECT: Ice Arena Expansion

Meeting Type & Date

Council Work Session
January 10, 2023

Action type

Direction Requested

Recommendation

That Council commit a set amount of funding to construct a second sheet of ice at the Casper Ice Arena or reject the proposal for a public private partnership to construct the improvement project.

Summary

The Casper Ice Arena was built in 1985. Since that time, it has served Casper and the region as one of the leading facilities for indoor hockey, figure skating, and other ice-related activities. The Casper Ice Arena is one of only nine (9) indoor rinks in Wyoming and, last we knew, the only rink in Wyoming open during the summer months.

The Ice Arena Fund, categorized as a Parks & Recreation Enterprise Fund, relies on an investment from the City's general fund to balance its operating budget each year. In 2018, City Council passed a resolution that established the Ice Arena's cost recovery goal as 65%. A five-year history of the subsidy is charted below.

FY	Revenue	Expense	Subsidy	Cost Recovery
2018	\$357,294	\$572,673	(\$215,379)	62%
2019	\$356,275	\$615,933	(\$259,658)	58%
2020	\$272,909	\$627,293	(\$354,385)	44%
2021	\$229,884	\$458,267	(\$228,382)	50%
2022	\$369,558	\$593,560	(\$224,002)	62%

On July 26, 2022 an updated study evaluating the demand, feasibility, and potential revenue that would come from the construction of a second sheet of ice was reviewed with City Council. The study reported an annual expected reduction in the general fund investment of over \$19,000 per year, despite utilizing very conservative growth estimates and no rate increases in its assessment.

Staff developed a rate model and estimated that by implementing a few critical operational changes and strategies, a second sheet of ice could actually eliminate the subsidy for the facility. Required changes include:

- Expanding the concession menu, including adding beer sales to concessions through the procurement of a special malt beverage license for the Ice Arena.
- Aggressively pursuing corporate sponsorship and naming right opportunities, as well as increased dasher board and other advertising throughout the facility.
- Recruiting a Junior Hockey Program to the community that would pay a minimum of \$25,000 per year in ice and locker room rental.
- Implementing modest rate increases for admissions and rentals for the public and user groups.

Financial Considerations

Construction of a second sheet of ice with Junior Hockey facilities is estimated at just under \$13,200,000. If the City agreed to fund 1/3 of the expansion, the investment would be approximately \$4.4 million dollars. Staff has identified three possible funding options for the City's contribution:

- Utilize money the City has on hand: Two options are to utilize a portion of corpus from the City's Perpetual Care Fund or to allocate estimated overcollection of One Cent #16 that would otherwise go to the Opportunity Fund. A strategy to replenish these funds, if Council desires, will need to be identified.
- Utilize debt financing: Three options for capital construction financing were investigated:
 1. The Capital Construction Loan Program through the Wyoming State Land and Investment Board (SLIB) offers low interest rate loans (1.75-2.5% depending on the term) for 15 to 30-year terms. This option requires an application to SLIB.
 2. Certificates of Participation (COPs), or Lease Back issuance, offers funding at 4.5% interest for shorter terms (generally 10 years) with issuance fees estimated around \$100,000.
 3. Bonding is an option that requires approval from voters. Recreation bonds can be difficult to obtain. The approximate interest rate is 4% and the term would be approximately 10 years.
- Some combination of the two funding options above.

If Council were to consider an option that includes financing, it would require annual payments that, depending on the financed amount, interest rate, and term, could be less, more, or comparable to the current general fund subsidy contribution for Ice Arena operations. However, the City would own an additional asset at the end of the term; whereas, subsidy payments offer no financial benefit to the City.

Oversight/Project Responsibility

Chad Green, Recreation Supervisor – Ice Arena


Phil Moya, Recreation Manager

Zulima Lopez, Parks, Recreation, & Public Facilities Director

Attachments

None

December 20, 2022

MEMO TO: J. Carter Napier, City Manager 
FROM: Jacob Black, Fire Chief
SUBJECT: Fire Station Safe Rooms and Cameras

Meeting Type & Date

Council Work Session
January 10, 2023

Action Type

Direction Requested

Recommendation

That City Council provide direction on the installations of surveillance cameras and emergency phones at the fire stations.

Summary

Casper Fire-EMS has gathered additional information for the Council on estimates to complete the installation of surveillance cameras, data storage, and emergency exterior phones at all fire stations. The information includes estimates to install surveillance systems, data storage, and exterior emergency phones at all stations.

Financial Considerations

Casper Fire-EMS has prepared information for the Council on the estimates to install surveillance systems, data storage, and exterior emergency phones at all stations.

Surveillance System Estimate: \$57,000 for all five stations

- 6 cameras per station / \$1,500 each - \$45,000.
- One centralized server for all cameras - \$12,000
- This is a budget estimate from an IT evaluation. An RFP will be created to have the vendor develop a solution when the time comes.

Surveillance System Annual Maintenance Estimate: \$900/annually

Ring down emergency phones: \$7,785 for all five stations

- 1 exterior ringdown phone per station / \$1,200 each - \$6,000
- 1 exterior ringdown phone weatherproof box / \$325 each - \$1,625
- 1 exterior ringdown phone custom signage / \$50 each - \$250
- 5 exterior ringdown phone installations (\$\$\$???)

Oversight/Project Responsibility


Jacob Black, Fire Chief, Casper Fire-EMS


Jason Speiser, Deputy Chief, Casper Fire-EMS

Attachments

N/A

December 28, 2022

MEMO TO: J. Carter Napier, City Manager 

FROM: Liz Becher, Community Development Director 
Craig Collins, City Planner

SUBJECT: Proposed Reduction in the Minimum Required Width of the “Flagpole” portion of Residential Flag Lots

Meeting Type and Date:

Council Work Session, January 10, 2023

Action Type:

Direction requested

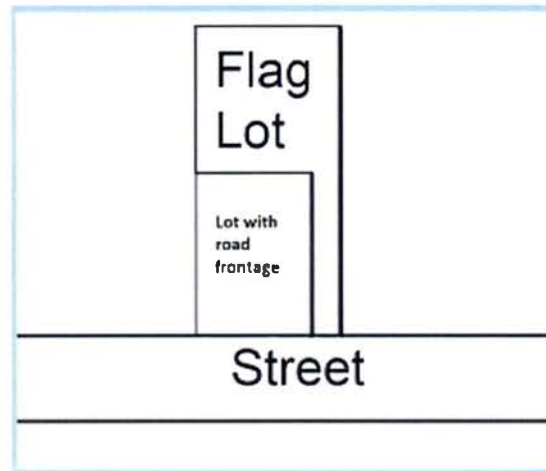
Recommendation:

That the City Council review a recent citizen’s request to amend the definition of “flagpole” in Chapter 17.08 of the Casper Municipal Code, in order to reduce the minimum width of the flagpole portion of residential flag lots from twenty four feet (24’) to twelve feet (12’).

Background:

In order to prevent landlocked parcels, Section 16.16.020 of the Casper Municipal Code requires that all platted lots must have frontage on either a public street, or a platted, public access easement. The frontage requirement is, in theory, meant to provide the necessary street frontage for a curb cut to serve the property. Unfortunately, in the past, prior to the City’s current regulations requiring access/frontage for all newly-platted lots, disputes between property owners have occurred, whereby a landlocked parcel without street frontage was denied legal access to their property by an adjacent property owner.

Flag lots are a lot shape/configuration that allows relatively deep, but narrow, properties to be subdivided so that the rear lot, farthest from the public road, still has access to their property via a long, skinny extension of the lot, to the roadway. An example is shown immediately below:



Flag Lot Diagram

When flag lots were originally contemplated, and allowed for use in Casper, a twenty-four foot (24') minimum width was established for the flagpole portion (extension) of the lot in order to accommodate the width of a typical, two-way access/aisle, consisting of two (2) twelve foot (12') lanes, one for ingress and one for egress. With respect to commercial sites, twenty-four feet (24') is the minimum required for a two-way point of access; however, residential lots do not have traffic both entering and exiting at the same time, and therefore, a single-wide, twelve foot (12') wide driveway may be sufficient.

The Casper City Council was approached by a local citizen/realtor to request that the minimum flagpole/frontage requirement be reduced from twenty-four feet (24') to twelve feet (12') for residential lots. One potential benefit of reducing the minimum width, as requested, would be to allow for previously underutilized, deep/narrow, residential lots to be subdivided, thereby increasing practical land use densities and reducing urban sprawl. A potential downside of reducing the minimum width would be the resulting increase in number of curb cuts along streets, thereby reducing available street parking, and increasing the number of traffic conflict points, where vehicle paths diverge/cross.

A DRAFT Ordinance which illustrates the requested change has been provided for Council's consideration.

Attachments:
DRAFT Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.08 OF THE
CASPER MUNICIPAL CODE PERTAINING TO THE
DEFINITION OF FLAG LOTS

WHEREAS, in order to prevent landlocked parcels, Section 16.16.020 of the Casper Municipal Code requires that all platted lots have frontage on a public street; and,

WHEREAS, a “flag lot” is a lot configured, or shaped like a flag and pole, the purpose of which is for the “pole” portion of the flag lot to provide access to a public street for properties that sit back away from the street, often behind other lots that could block legal access to the parcel; and,

WHEREAS, based on the definition of “Flagpole,” in reference to a “flag lot,” found in Section 17.08.010 of the Municipal Code, the flagpole portion of a flag lot is required to be a minimum of twenty-four (24) feet in width, which was originally based on the width of a two-way, commercial drive aisle consisting of two (2), twelve (12) foot wide lanes; and,

WHEREAS, residential properties do not require two (2) independent aisles for ingress and egress, and can function adequately with a single, twelve (12) foot wide driveway; and,

WHEREAS, it is the desire of the Casper City Council to amend the definition of “flagpole” found in Chapter 17.08 of the Municipal Code to reduce the necessary size of the flagpole portion of residential flag lots to a minimum of twelve (12) feet.

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

SECTION 1:

That the definition of “Flagpole” found in Section 17.08.010 of the Casper Municipal Code is hereby amended to read as follows:

“Flagpole” in reference to a “flag lot,” means a strip of land, a minimum of twenty-four feet in width, connecting the widest area of a “flag lot” to the public right-of-way, and may be used as the means of access. **THE MINIMUM WIDTH OF A FLAGPOLE FOR RESIDENTIAL PROPERTIES IS TWELVE FEET.**

SECTION 2:

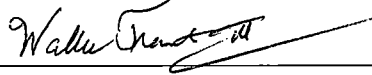
This ordinance shall be in full force and effect from and after passage on three readings and publication pursuant to law.

PASSED on 1st reading the ____ day of _____, 202__.

PASSED on 2nd reading the ____ day of _____, 202__.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the day of _____, 202__.

APPROVED AS TO FORM:




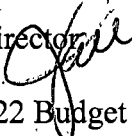
ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Mayor

December 22, 2022

MEMO TO: J. Carter Napier, City Manager 
FROM: Jill Johnson, Financial Services Director 
SUBJECT: Amendment to the Fiscal Year 2022 Budget

Meeting Type & Date

Council Work Session
January 10, 2023

Action Type

Information Only

Recommendation

Move Forward for Approval

Summary

The Municipal Budget Act, Section 16-4-108, prohibits the expenditure or encumbrance of any money in excess of the amounts provided in the budget for each department. To comply with this requirement, City Council may authorize an adjustment of budgets.

The budget amendment being proposed would be the second amendment to the originally adopted Fiscal Year 2022-2023 budget. If approved, this amendment would add \$3,850,947 of additional expenditure authority to the budget. For the purpose of a summary analysis, the proposed amendment is divided into the following categories:

Council authorized projects/disbursements

\$177,210 is required to cover the costs of projects and disbursements for which Council direction has previously been given and budget expenditure authority is needed. Specific item, and the recommended funding source, in this category are:

- \$177,210 for the BearCat police vehicle. This purchase is being funded from General Fund reserves so a transfer from the General Fund (expenditure) to Capital Projects (revenue) to provide the funding for this purchase is included in the budget amendment.

New expenditures and projects

\$1,106,843 is included to provide funding for the following projects and expenditures. This category includes 1%16 projects for which funding was not available during the original FY23 budget process. The funding is now on hand for completion of the 1%16 projects. This category also includes other new expenditures with their applicable funding source.

- \$367,200 for increased tipping fees paid to the Balefill. Revenue was accounted for in the Balefill but the expense from the Refuse fund was not included. Funding is provided by Refuse reserves.

- \$277,478 for General Fund transfers which moves funds from the General Fund as an expense and into another fund as revenue. Transfer to Capital Projects for BearCat - \$177,210, to Hogadon for subsidy - \$15,000, to various funds for COLA - \$85,268.
- \$205,000 for increased diesel costs. Funding is provided by Refuse reserves.
- \$120,000 for Center Street Gateway enhancements. Funding is provided by capital reserves.
- \$36,792 for replacement support vehicles. Funding is provided by 1%16 receipts.
- \$25,568 for increased cost for personnel contract and increased costs for postage and general supplies due to statute change and development expenses. Funding is provided by General Fund reserves.
- \$23,210 for Ford Wyoming Center vent. Funding is provided by 1%16 receipts.
- \$18,721 for overtime costs related to staffing illnesses. Funding is provided by Refuse reserves.
- \$18,545 for trails maintenance. Funding is provided by 1%16 receipts.
- \$6,134 for clothing and boot allowance, phone and car allowance which were incorrect in FY23 budget. Funding is provided by Balefill reserves.
- \$3,854 for clothing, safety PPE, phone and car allowance which were incorrect in FY23 budget. Funding is provided by Refuse reserves.
- \$3,304 for standby costs missing in the FY23 budget. Funding is provided by Refuse reserves.
- \$1,037 for a commercial freezer at the golf course. Funding is provided by 1%16 receipts.

New appropriations with offsetting revenues

\$1,390,920 for unbudgeted expenditures for which there is offsetting revenues:

- \$1,250,000 for 2 Community Development Block Grants (CDBG) awarded to Casper Housing Authority (CHA) and Wyoming Food for Thought. Funding provided by Federal grant funds.
- \$109,000 for purchase of a custom body for a F550 crew cab chassis to be used as a primary response vehicle to regional response incidents with the fire department and 8 escape packs for confined space rescue. Funding provided by Federal grant funds.
- \$30,000 for purchase of a police canine. Funding provided by Federal grant funds.
- \$1,920 for City golf tournament. Funding provided by entry fees.

Budget corrections and adjustments

\$348,922 (Expenditures only) to correct errors in the original budget or budget amendment 1:

- \$502,849 is for contingency amounts which were left off the rolled contracts in budget amendment #1. These were appropriated in FY22 and just need to be re-appropriated in FY23. The funds which are impacted by this correction are: General Fund – \$5,248, Capital projects - \$285,108, Water - \$20,000, Sewer - \$1,493, Wastewater - \$94,000, Balefill - \$97,000.
- \$462,500 is for a carryover of FY22 funds for the Center Street Underpass. Project was not completed in FY22 and the funds were left out of the FY23 budget carryover. Funding provided by 1%16.

- \$110,800 transfer which was appropriated in the FY22 adopted budget but was not transferred. The transfer was from the capital projects fund (expenditure) to the transit fund (revenue) for transit projects.
- \$2,200 transfer to the Capital Projects from the General Fund (community development operations budget) to cover the cost over budget for a new code enforcement vehicle. Because this transfer is between funds, it must be council approved.
- (\$4,916) is being unappropriated due to a purchase order which was incorrectly carried over into FY23. The fund affected is Transit – (\$4,916).
- (\$122,251) is being unappropriated for MPO projects which were budgeted in FY23 and were also included in the project rollover in budget amendment #1. This correction includes offsetting revenue of \$110,547 which will also be reduced.
- (\$602,260) is being unappropriated due to contracts which were incorrectly rolled over into FY23; these projects were either closed or completed with leftover funds. The funds which are impacted by this unappropriation are: Transit – (\$1,800), PSCC – (\$124,023), Capital projects – (\$274,010), Water – (\$196,949), Wastewater – (\$725), and Balefill – (\$4,753).

Revenue adjustments which are not appropriated however do impact the reserve balances in the funds are being adjusted as follows:

- \$2,033,129 in state revenues for the old landfill south of metro road need to be included in the budget. The expenditure was rolled over into FY23 however the offsetting revenues were left off.
- \$1,497,869 in user fees for the Water and Sewer fund amounts to the rate increase requested in FY22. The original FY23 budget did not include the rate increases in the user fee revenue. The funds impacted are: Water - \$826,510, and Sewer - \$671,359.
- \$15,000 transfer to the Hogadon fund to offset the expenditure created in budget amendment 1. As this fund is subsidized, when expenditures increase an offsetting transfer from the general fund is required. The transfer is from the general fund (expenditure) to the Hogadon recreation enterprise fund (revenue).
- \$7,200 rental lease revenue is being moved from the perpetual care fund to the buildings and structures fund to support the building repairs required at the senior center.
- (\$98,900) in recycling commodities revenue is expected as actuals are not on track to hit revenue targets. The reduction in revenues will reduce the Refuse fund reserves.

Staff Wage Adjustments

\$827,052 is provided for Council approved adjustments to employee wages. The impacts of these adjustments are as follows:

- \$801,224 for a 3.5% COLA to be effective the first pay check in January. Sales taxes over projected seasonal budgeted receipts are \$935,690. Excess sales taxes will provide funding in the amount of \$637,031 for governmental and subsidized funds, and fund reserves providing for \$164,193 for Casper Public Utilities and Solid Waste funds. Sales Tax revenue and transfers from the General Fund to other governmental and subsidized funds to provide funding for this COLA are included.
- \$25,828 in one-time bonuses for 11 employees who did not receive an increase during the FY23 budget process. The funds impacted are: General Fund - \$4,696, Water - \$2,348, Sewer - \$2,348, Refuse - \$4,696, and Balefill \$11,740. The funding for these increases was General Fund reserves.

Financial Considerations

Total net impact (after application of unanticipated revenues and transfers) to various funds is (\$2,239,098) shown as follows:

General Fund:	(\$	114,314)
Perpetual Care Fund:	\$	7,200
Weed and Pest	\$	3,304
Transit Fund:	(\$	117,516)
MPO Fund:	(\$	11,704)
Public Safety Communications Center Fund:	(\$	124,028)
Capital Fund:	\$	783,982
Water Fund:	(\$	967,802)
Sewer Fund:	(\$	654,821)
WWTP Fund:	\$	118,813
Refuse Fund:	\$	742,021
Balefill Fund:	(\$	1,889,051)
Golf Fund:	\$	7,018
Hogadon Fund:	(\$	15,000)
Buildings & Structures Fund:	(\$	7,200)

A detailed listing of all transactions comprising the proposed amendment can be found in the attachment.

Oversight/Project Responsibility

Jill Johnson, Financial Services Director
Nicholas Gassman, Accounting Supervisor

Attachments

Budget Amendment Detail

Attachment C

FY '23 BUDGET AMENDMENT #1 DETAIL

	<u>FUNDING REQUESTED</u>	<u>NEW OR OFFSETTING REVENUES</u>	<u>DESCRIPTION</u>	<u>FUNDING SOURCE</u>
GENERAL FUND (101)				
Revenues				
Sales Tax		(935,690)	Increased salaries related to Cost of Living Adjustment.	Increased sales tax revenue
Total GF Revenues	-	(935,690)		
General Government (501)				
Wages and Taxes	130,716		Increased salaries related to Cost of Living Adjustment.	Increased sales tax revenue
Wages and Taxes	23,419		Increased salaries cost related to employee contract change - includes retro pay	unassigned cash
Abatements	(2,200)		Moving abatements costs to cover overage of vehicle purchased	unassigned cash
City Events	1,920	(1,920)	Costs related to City Golf Event	Paid for by employees attending
General Supplies and Materials	1,624		Increased materials and supplies costs due to inflation	unassigned cash
Printage and Posting	525		Wyoming Statue change impacting requirements for mailings	unassigned cash
Total General Government	156,004	(1,920)		
Public Safety (502)				
Wages and Taxes	325,165		Increased salaries related to Cost of Living Adjustment.	Increased sales tax revenue
Total Public Safety	325,165	-		
Public Works (503)				
Wages and Taxes	29,523		Increased salaries related to Cost of Living Adjustment.	Increased sales tax revenue
Carryover	5,248		Contingency carryover missed with BUA #1	unassigned cash
Wages and Taxes	4,696		One time bonus for employees above pay grade - Approved 8/26/2022	unassigned cash
Total Public Works	39,467	-		
Culture and Recreation (505)				
Wages and Taxes	22,977		Increased salaries related to Cost of Living Adjustment.	Increased sales tax revenue
Total Culture and Recreation	22,977	-		
General fund (transfer out)				
Transfer out	177,210		Transfer to Capital Fund - Purchase of Bearcat vehicle	unassigned cash
Transfer out	85,273		Transfer to other funds based on Cost of Living Adjustment	Increased sales tax revenue
Transfer out	15,000		Increase in subsidy needed for Hogadon. Related to Budget Amendment #1	unassigned cash
Transfer out	2,200		Transfer to Capital Fund - increase in Vehicle cost	unassigned cash
Total General Fund transfer out	279,683	-		
Perpetual Care(103)				
Wages and Taxes		7,200	Revenue reclassified to fund 252	N/A
Total Perpetual Care Fund	-	7,200		
Metro Animal Shelter(105)				
Wages and Taxes	10,728	(10,728)	Increased salaries related to Cost of Living Adjustment.	Increased sales tax revenue
Total Metro Animal Shelter Fund	10,728	(10,728)		
Weed and Pest (110)				
Wages and Taxes	3,304		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Total Weed and Pest Fund	3,304	-		
CDBG (111)				
Other Contractual	1,250,000	(1,250,000)	Expences related to two new CDBG Grants	100% Grant Funded
Total CDBG Fund	1,250,000	(1,250,000)		

FY '23 BUDGET AMENDMENT #1 DETAIL - Page 2



	FUNDING REQUESTED	NEW OR OFFSETTING REVENUES	DESCRIPTION	FUNDING SOURCE
Refuse (205)				
Special Fire Assistants (112)				
Light Equipment	109,000	(109,000)	Purchase of Crew Cab Chassis reimbursed by grant	100% Grant Funded
Total Special Fire Assistance Fund	109,000	(109,000)		
Police Grants Fund (114)				
Light Equipment	30,000	(30,000)	Purchase of bomb detection dog that is reimbursed by a grant	100% Grant Funded
Wages and Taxes	1,344	(1,344)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Total Police Grants Fund	31,344	(31,344)		
Public Transit (115)				
Wages and Taxes	21,860	(21,860)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Light Equipment	(6,716)		Reduction in cost of vehicle purchased	N/A
Transfer in		(110,800)	Transfer in from Capital Fund related to capital purchases	Transfer in from Capital Fund
Total Transit Fund	15,144	(132,660)		
MPO (116)				
Federal Grants	(122,251)	110,547	Reduction of expenditure budget to follow allowable Grant reimbursements	N/A
Wages and Taxes	4,584	(4,584)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Total MPO Fund	(117,667)	105,963		
Public Safety Communications Center (117)				
Wages and Taxes	25,742	(25,742)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Reduction	(124,028)		Reduction of expenses carried over in BUA #1 and no longer needed	N/A
Total PSCC Fund	(98,286)	(25,742)		
Capital Fund (150)				
Improvements other than building	582,500		\$462,500 Carrying over FY22 budget related to Center Street Underpass missed in BUA #1 and 120,000 of additional costs related to this project	One Cent 16 & capital reserves
Carryover	285,108		Contingency carryover missed with BUA #1	unassigned cash
Light Equipment	177,210	(177,210)	Purchase of Bearcat vehicle	Transferred in from General Fund - unassigned cash
Transfer Out	110,800		Transfer to Public Transit Fund	Capital reserves
Light Equipment	36,792		Increased cost related to 3 vehicle purchases	One Cent 16
Improvements Buildings	23,210		Increased cost related to Ford Wyoming Center Venting project	One Cent 16
Other Contractual	18,545		Increased cost related to trails maintenance	One Cent 16
Light Equipment	2,200	(2,200)	Transferred in from General Fund - increased vehicle cost	Transferred in from General Fund - unassigned cash
Light Equipment	1,037		Increased cost related to Golf Course freezer replacement	One Cent 16
Reduction	(274,010)		Reduction of expenses carried over in BUA #1 and no longer needed	N/A
Total Capital Fund	963,392	(179,410)		
Water (201)				
Wages and Taxes	33,309		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Carryover	20,000		Contingency carryover missed with BUA #1	unassigned cash
Wages and Taxes	2,348		One time bonus for employees above pay grade - Approved 8/26/2022	Unassigned cash
Reduction	(196,949)		Reduction of expenses carried over in BUA #1 and no longer needed	N/A
Revenues		(826,510)	Increased revenues caused by rate increases not included in original budget	
Total Water Fund	(141,292)	(826,510)		
CWR Water System (202)				
Wages and Taxes	18,346	(18,346)	Increased salaries related to Cost of Living Adjustment.	Reimbursement from CWRWS
Total CWR Water System Fund	18,346	(18,346)		

	FUNDING REQUESTED	NEW OR OFFSETTING REVENUES	DESCRIPTION	FUNDING SOURCE
Sewer (203)				
Wages and Taxes	12,697		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Wages and Taxes	2,348		One time bonus for employees above pay grade - Approved 8/26/2022	Unassigned cash
Carryover	1,493		Contingency carryover missed with BUA #1	unassigned cash
Revenue		(671,359)	Increased revenues caused by rate increases not included in original budget	N/A
Total Water Fund	16,538	(671,359)		
Waste Water Treatment Plant (204)				
Carryover	94,000		Contingency carryover missed with BUA #1	unassigned cash
Wages and Taxes	25,538		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Reduction	(725)		Reduction of expenses carried over in BUA #1 and no longer needed	N/A
Total Waste Water Treatment Plant Fund	118,813	-		
Refuse (205)				
Balefill tipping fees	367,200		Increase in expected balefill tipping fees over original budget	Unassigned cash
Fuel Usage	205,000		Increase in fuel expense over budgeted amounts	Unassigned cash
Wages and Taxes	40,346		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Wages and Taxes	22,025		Increased overtime expenses compared to budgeted amounts	Unassigned cash
Wages and Taxes	4,696		One time bonus for employees above pay grade - Approved 8/26/2022	Unassigned cash
Wages and Taxes	3,854		Increased cost for clothing and work boot allowance over budgeted	Unassigned cash
Revenue		98,900	Decrease in recycling commodities revenue	N/A
Total Refuse Fund	643,121	98,900		
Balefill (206)				
Carryover	97,000		Contingency carryover missed with BUA #1	unassigned cash
Wages and Taxes	33,957		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Wages and Taxes	11,740		One time bonus for employees above pay grade - Approved 8/26/2022	Unassigned cash
Wages and Taxes	6,134		Increased cost for clothing and work boot allowance over budgeted	Unassigned cash
Reduction	(4,753)		Reduction of expenses carried over in BUA #1 and no longer needed	N/A
Grants		(2,033,129)	Grants revenue missed during original budget	N/A
Total Balefill Fund	144,078	(2,033,129)		
Aquatics (221)				
Wages and Taxes	4,299	(4,299)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Total Aquatics Fund	4,299	(4,299)		
Golf (222)				
Wages and Taxes	7,018		Increased salaries related to Cost of Living Adjustment.	Fund Reserves
Total Golf Fund	7,018	-		
Ice Arena (223)				
Wages and Taxes	2,559	(2,559)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Total Ice Arena Fund	2,559	(2,559)		
Casper Recreation Center (224)				
Wages and Taxes	6,887	(6,887)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Total Casper Recreation Center	6,887	(6,887)		
Hogadon (225)				
Wages and Taxes	7,270	(7,270)	Increased salaries related to Cost of Living Adjustment.	Transfer in from General Fund
Transfer In		(15,000)	Increased transfer in related to BUA #1 increased expenses	Transfer in from General Fund
Total Hogadon	7,270	(22,270)		

FY '23 BUDGET AMENDMENT #1 DETAIL - Page 4

	<u>FUNDING REQUESTED</u>	<u>NEW OR OFFSETTING REVENUES</u>	<u>DESCRIPTION</u>	<u>FUNDING SOURCE</u>
Fleet Maintenance (251)				
Wages and Taxes	14,961	(14,961)	Increased salaries related to Cost of Living Adjustment.	Interdepartmental billings
Total Fleet Maintenance Center Fund	14,961	(14,961)		
Buildings and Structures (252)				
Wages and Taxes	12,419	(12,419)	Increased salaries related to Cost of Living Adjustment.	Interdepartmental billings
Charges for Service		(7,200)	Revenue reclassified from GF	N/A
Total Buildings and Structures Fund	12,419	(19,619)		
Property and Liability Insurance (254)				
Wages and Taxes	5,675	(5,675)	Increased salaries related to Cost of Living Adjustment.	Interdepartmental billings
Total Property and Liability Insurance Fund	5,675	(5,675)		
Total All Funds	3,850,947	(6,090,045)		
Revenue (Over)/Under	(2,239,098)			

January 6, 2023

MEMO TO: J. Carter Napier, City Manager 
FROM: Jolene Martinez, Assistant to the City Manager 
SUBJECT: That Council Review the Wyoming Association of Municipalities 2023 Wyoming Legislative Agenda and Provide Direction.

Meeting Type & Date

Council Work Session, January 10, 2023

Action Type

Direction

Recommendation

That Council review the Wyoming Association of Municipalities (WAM) 2023 Wyoming Legislative Agenda and give direction

Summary

In early 2022, City of Casper submitted six legislative priorities, known as WAM resolutions, to WAM for consideration for the 2023 Wyoming legislative agenda. At summer convention, with Casper well represented at the meeting that determined the WAM legislative agenda, all of Casper's submissions were accepted as WAM Resolutions. Throughout the summer, WAM staff and Casper staff worked with interim committees to move the WAM Resolutions forward.

As the legislative session begins, WAM has developed a legislative agenda with cooperation from Wyoming cities and towns. For the 2023 Wyoming legislative agenda, there are seven priorities:

1. Support passage of Senate File 003 – Retail Liquor License Fees
2. Support passage of Senate File 0012 – Tavern and Entertainment Liquor License.
3. Support passage of Senate File 0013 – Bar and Grill License Amendments.
4. Support passage of the to-be-filed bill on abandoned buildings.
5. Monitor and advocate for increase in direct distribution.
6. Monitor all legislation and be prepared for advocacy.
7. Find a representative or senator to sponsor the Amendment A program as an interim topic for the 2024 legislature.

Financial Considerations

The financial considerations involve council and staff time and travel related to the agenda.

Oversight/Project Responsibility

J. Carter Napier, City Manager
Jolene Martinez, Assistant to the City Manager

Attachments

Legislative Issues Results Table, Senate File 003, Senate File 0012, Senate File 0013, Draft abandoned buildings bill,

Legislative Issues Results Table 2022-2023

Issues Approved & Submitted by Casper to WAM	Approved by WAM for Legislative Agenda	Wyoming Legislative Bill	Comments
Vulnerable Persons and Professions	22-03 Enhance Sentencing Penalties Crimes Against Vulnerable Persons and Professions		
Pharmacy Benefits Managers	22-08 Fair Pricing System for Prescription Drugs		
Missing Persons	22-07 Standardized System for Missing Persons		
Local Taxing Authority	22-06 Increase Municipal Revenue Capacity 22-11 Broaden Options to Generate Revenue at the Local Level 22-16 Amendment Relating to the Distribution of Sales Tax		
Set Retail Liquor License Fees at a Fair Market Value	22-05 Set Retail Liquor License Fees at Fair Market Value		SF003-Retail Liquor License Fees does not address the issue sent from Casper.
Gaming Revenue Split	22-04 Distribution of Gaming Revenue between Municipalities and Counties		
	22-02 Create Utility and other Municipal Services Lien for Municipalities and Joint Powers Boards		
	22-09 Repeal Statutes for Municipalities to Publish in Local Newspapers		
	22-10 Designation of Liquor Licenses and Modifications of said Licenses		
	22-12 County-specific cost of living indices for Wyoming Counties		
	22-13 Limit on Annual Increases in Property Tax Growth		
	22-14 Options for Providing Outdoor Food and Beverage Service		
	22-15 Amendment Regarding Formula for Determining the Number of Bar and Grill Licenses Available	SF0013 Bar and Grill License Amendments	
	22-17 Clarify Process which Municipal Expenses for Abating Nuisances, Dangerous Conditions and Buildings may be Recovered	Draft Abandoned Buildings bill	
	22-18 Amend Statute to Create a Tavern Liquor License	SF0012 Tavern and entertainment liquor license	

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Cities and towns-abandoned and nuisance buildings.

Sponsored by: Representative(s) Sherwood

A BILL

for

AN ACT relating to cities and towns; providing a tax credit for expenditures to improve abandoned and nuisance buildings; authorizing cities and towns to designate abandoned and nuisance buildings for purposes of the tax credit; authorizing cities and towns to assess a fee for costs to abate a nuisance or to repair, remove or destroy a dangerous building; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 15-9-301 is created to read:

ARTICLE 3

ABANDONED AND NUISANCE BUILDINGS

15-9-301. Abandoned and nuisance buildings.

(a) The governing body of a city or town may designate a property within the limits of the city or town as abandoned or as a nuisance for the purposes of this section if the property is vacant or neglected and contains a significantly deteriorated or deteriorating structure as determined by the governing body. Nothing in this section shall be construed to require the owner of an abandoned or nuisance building or property to sell the building or property.

(b) In determining whether a property is abandoned under subsection (a) of this section, a city or town shall examine the property and determine whether the property is occupied by the property owner or by permission of the property owner. In determining whether a property is a nuisance under subsection (a) of this section, a city or

town shall consider whether an unreasonable or unlawful use or condition of the property results in injury to a neighboring property owner or endangers the life, health or safety of the community.

(c) Any person who purchases or takes ownership of an abandoned or nuisance property after the property has been designated as abandoned or as a nuisance under subsection (a) of this section and who makes improvements to the property including removal or rehabilitation of a deteriorated or deteriorating structure shall be eligible for a tax credit as provided in W.S. 39-13-109(d)(ii) in an amount not to exceed the amount expended to improve the abandoned property.

(d) Prior to being eligible for any tax credit under subsection (c) of this section, the person shall document the person's expenditures related to the improvement of the designated property and submit the expenditures to the governing body of the city or town for approval. Only approved expenditures shall be eligible for a tax credit.

The governing body shall not approve any expenditures that do not directly benefit the designated property. The governing body shall not approve any expenditures made more than five (5) years after the person initially purchased or took ownership of the designated property. The governing body shall submit any approved expenditures to the department of revenue as provided in W.S. 39-13-109(d)(ii).

Section 2. W.S. 15-1-103(a) by creating a new paragraph (li) and 39-13-109(d) by creating a new paragraph (ii) are amended to read:

15-1-103. General powers of governing bodies.

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

(li) Assess abatement costs in the same manner as a special assessment pursuant to W.S. 15-6-401 through 15-6-426 against real property on which nuisances are abated under paragraph (xix) of this subsection or on which

dangerous buildings or enclosures are repaired, removed or destroyed pursuant to paragraph (xxvi) of this subsection.

39-13-109. Taxpayer remedies.

(d) Credits. The following shall apply:

(ii) The following shall apply to the abandoned and nuisance property tax credit:

(A) A property owner who improves designated abandoned or nuisance property as provided in W.S. 15-9-301 may apply for a property tax credit in the amount provided by subparagraph (B) of this paragraph. The credit shall be applicable only against future tax payments on the designated property that is improved by the taxpayer. No refund of taxes shall be authorized due to a credit under this paragraph;

(B) The credit under this paragraph shall be limited to the amount of expenditures made for

improvement of the abandoned property that are approved by the governing body of the city or town and submitted to the department as provided in W.S. 15-9-301(d);

(C) A person claiming a credit under this paragraph may reserve a credit to use in a later tax year, provided that the person shall not be entitled to use any credit more than ten (10) years after the person is first eligible for the tax credit under W.S. 15-9-301(b);

(D) No person shall claim or receive more than one (1) credit under this paragraph in any ten (10) year period.

Section 2. This act is effective July 1, 2023.

(END)

SENATE FILE NO. SF0003

Retail liquor license fees.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to alcoholic beverages; revising fees for
 2 retail liquor licenses issued after July 1, 2023; and
 3 providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 12-4-201(e) is amended to read:

8

9 **12-4-201. Retail liquor licenses and malt beverage**
 10 **permits; population formulas; fees.**

11

12 (e) The license fee to be assessed for issuing a new
 13 retail liquor license under this section after July 1, 2023
 14 shall be the amount determined by the licensing authority,
 15 provided that the amount shall be not less than three

1 hundred dollars (\$300.00) nor more than one thousand five
2 hundred dollars (\$1,500.00) payable annually in advance.

3

4 **Section 2.** This act is effective July 1, 2023.

5

6 (END)

SENATE FILE NO. SF0012

Tavern and entertainment liquor license.

Sponsored by: Joint Corporations, Elections & Political Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to alcoholic beverages; authorizing a
2 tavern and entertainment liquor license; specifying
3 requirements; providing definitions; requiring rulemaking;
4 and providing for effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 12-4-416 is created to read:

9

10

ARTICLE 4

11

RESORT, RESTAURANT AND TAVERN AND

12

ENTERTAINMENT LIQUOR LICENSES

13

1 **12-4-416. Tavern and entertainment liquor licenses;**
2 **authorized; requirements; revenues of licensee to be**
3 **derived primarily from food services and entertainment.**

4

5 (a) Taverns and entertainment establishments as
6 defined by W.S. 12-1-101(a)(xxvii) may be licensed by the
7 appropriate licensing authority in counties, cities and
8 towns under a tavern and entertainment liquor license.

9

10 (b) An applicant for a tavern and entertainment
11 liquor license shall satisfy the appropriate licensing
12 authority that at least sixty percent (60%) of revenue from
13 the operation of the tavern and entertainment establishment
14 to be licensed is projected to be derived from food
15 services, entertainment or a combination of food services
16 and entertainment and not from the sale of alcoholic or
17 malt beverages. In addition to the other application
18 requirements established by this title, the license
19 applicant shall submit a valid food service permit upon
20 application if the establishment prepares food.

21

22 (c) When renewing a tavern and entertainment liquor
23 license, the following requirements apply:

1

2 (i) The appropriate licensing authority shall
3 condition renewal upon a requirement that not less than
4 sixty percent (60%) of gross sales from the preceding
5 twelve (12) months operation of a licensed tavern and
6 entertainment establishment be derived from food services,
7 entertainment or a combination of food services and
8 entertainment;

9

10 (ii) Upon application for license renewal, a
11 license holder shall submit an annual report to the
12 licensing authority on the sales of the licensed tavern and
13 entertainment establishment. The report shall contain the
14 annual gross sales figures of the tavern and entertainment
15 establishment and shall separate the gross sales figures
16 into two (2) categories:

17

18 (A) Food service and entertainment sales;
19 and

20

21 (B) Alcoholic and malt beverage sales.

22

1 (d) The annual license fee assessed for a tavern and
2 entertainment liquor license shall be not less than one
3 thousand five hundred dollars (\$1,500.00) nor more than ten
4 thousand five hundred dollars (\$10,500.00).

5

6 (e) A tavern and entertainment liquor license shall
7 not be sold, transferred or assigned by the holder.

8

9 (f) Tavern and entertainment liquor licenses shall
10 not sell alcoholic or malt beverages for off-premises
11 consumption from the licensed building owned or leased by
12 the licensee except as allowed by W.S. 12-4-410(e).

13

14 (g) Population formulas have no application to
15 issuance of tavern and entertainment liquor licenses.

16

17 (h) Alcoholic liquor and malt beverages shall be
18 dispensed and prepared for consumption in the licensed
19 building in areas approved by the local licensing
20 authority. No consumption of alcoholic or malt beverages
21 shall be permitted within the dispensing areas nor shall
22 any person other than employees over eighteen (18) years of
23 age be permitted to enter the dispensing areas.

1

2 (j) The licensing authority may determine on a case
3 by case basis the types of entertainment that qualify for a
4 tavern and entertainment liquor license.

5

6 **Section 2.** W.S. 12-1-101(a)(viii)(T), (U), by
7 creating a new subparagraph (W) and by creating a new
8 paragraph (xxvii) is amended to read:

9

10 **12-1-101. Definitions.**

11

12 (a) As used in this title:

13

14 (viii) "Licensee" means a person holding a:

15

16 (T) Special malt beverage permit issued
17 under W.S. 12-4-504; ~~or~~

18

19 (U) Malt beverage permit for events
20 conducted at rodeo arenas issued under W.S. 12-4-507 ~~;~~ or

21

22 (W) Tavern and entertainment liquor
23 license.

1

2

(xxvii) "Tavern and entertainment establishment"

3

means an establishment where food, alcoholic and malt

4

beverages are sold to be consumed on the premises and where

5

the primary source of revenue from the operation is from

6

the sale of entertainment, food or a combination of

7

entertainment and food and not from the sale of alcoholic

8

and malt beverages.

9

10

Section 3. The liquor division and the department of

11

revenue shall promulgate any rules necessary to implement

12

this act.

13

1 **Section 4.**

2

3 (a) Except as otherwise provided by subsection (b) of
4 this section, this act is effective July 1, 2023.

5

6 (b) Sections 3 and 4 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)

SENATE FILE NO. SF0013

Bar and grill liquor license amendments.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to alcoholic beverages; amending bar and
2 grill liquor license requirements; specifying sunset dates
3 for bar and grill license population formulas; providing
4 for rulemaking; and providing for effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 12-4-413(b)(intro) and by creating
9 new paragraphs (v) through (vii), (c) by creating new
10 paragraphs (ii) through (iv), (d), (f) and by creating new
11 subsections (g) through (k) is amended to read:

12

13 **12-4-413. Bar and grill liquor license; authorized;**
14 **requirements.**

15

1 (b) ~~The number of bar and grill liquor licenses for~~
2 ~~cities and towns shall be based on the following population~~
3 ~~formula~~ Bar and grill liquor licenses shall be issued as
4 follows:

5
6 (v) Beginning July 1, 2023, the number of bar
7 and grill liquor licenses for cities and towns shall be
8 based on the following population formula:

9
10 (A) Not more than four (4) licenses in
11 incorporated cities or towns with populations of seven
12 thousand five hundred (7,500) or less;

13
14 (B) Not more than ten (10) licenses in
15 incorporated cities with populations between seven thousand
16 five hundred one (7,501) and twenty thousand (20,000);

17
18 (C) Not more than fourteen (14) licenses in
19 incorporated cities with populations between twenty
20 thousand one (20,001) and thirty thousand (30,000); and

21
22 (D) Not more than one (1) additional
23 license for each additional five thousand (5,000) persons

1 residing in incorporated cities over thirty thousand
2 (30,000);

3
4 (E) This paragraph is repealed effective
5 June 30, 2028.

6
7 (vi) Beginning July 1, 2028, the number of bar
8 and grill liquor licenses for cities and towns shall be
9 based on the following population formula:

10
11 (A) Not more than six (6) licenses in
12 incorporated cities or towns with populations of seven
13 thousand five hundred (7,500) or less;

14
15 (B) Not more than fourteen (14) licenses in
16 incorporated cities with populations between seven thousand
17 five hundred one (7,501) and twenty thousand (20,000);

18
19 (C) Not more than eighteen (18) licenses in
20 incorporated cities with populations between twenty
21 thousand one (20,001) and thirty thousand (30,000); and

22

1 (D) Not more than one (1) additional
2 license for each additional three thousand (3,000) persons
3 residing in incorporated cities over thirty thousand
4 (30,000);

5
6 (E) This paragraph is repealed effective
7 June 30, 2033.

8
9 (vii) Beginning July 1, 2033, population
10 formulas shall have no application to issuance of bar and
11 grill liquor licenses.

12
13 (c) Bar and grill liquor licenses may be granted by
14 the county commissioners as the appropriate licensing
15 authority in a county outside of incorporated cities and
16 towns as follows:

17
18 (ii) Beginning July 1, 2023, four (4) licenses
19 for each seven thousand five hundred (7,500) persons
20 residing outside incorporated cities and towns. This
21 paragraph is repealed effective June 30, 2028;

22

1 (iii) Beginning July 1, 2028, six (6) licenses
2 for each seven thousand five hundred (7,500) persons
3 residing outside incorporated cities and towns;

4
5 (iv) This subsection is repealed effective June
6 30, 2033.

7
8 (d) The license fee assessed for a bar and grill
9 liquor license shall be not less than one thousand five
10 hundred dollars (\$1,500.00) nor more than ten thousand five
11 hundred dollars (\$10,500.00). This subsection is repealed
12 effective June 30, 2033.

13
14 (f) ~~Bar and grill liquor licenses shall be subject to~~
15 ~~the provisions of W.S. 12-4-408 and 12-4-410(e) to the same~~
16 ~~extent those provisions are applicable to restaurant liquor~~
17 ~~licenses.~~—Bar and grill liquor licensees shall not sell
18 alcoholic or malt beverages for off-premises consumption
19 from the licensed building owned or leased by the licensee
20 except as allowed under ~~W.S. 12-4-410(e)~~ this subsection.
21 The following shall apply to sales of alcoholic and malt
22 beverages:

23

1 (i) All sales of alcoholic and malt beverages
2 authorized by a bar and grill liquor license shall cease at
3 the time food sales and services cease or at the hours
4 specified by W.S. 12-5-101(a) if food sales and services
5 extend beyond the hours specified therein;

6
7 (ii) A bar and grill liquor licensee may permit
8 a patron to remove one (1) partially consumed bottle of
9 wine for off-premises consumption provided that the patron
10 has purchased a full course meal and consumed a portion of
11 the bottle of wine with the meal on the bar and grill
12 premises. For purposes of this paragraph the term "full
13 course meal" shall mean food which cannot conveniently be
14 consumed while standing or walking. A partially consumed
15 bottle of wine that is to be removed from the premises
16 pursuant to this paragraph shall be securely sealed by the
17 licensee or an agent of the licensee and placed in a
18 tamper-proof transparent bag which shall also be securely
19 sealed prior to removal from the premises, so that it is
20 visibly apparent that the resealed bottle of wine has not
21 been tampered with. The licensee or agent of the licensee
22 shall provide a dated receipt for the bottle of wine to the
23 patron. Wine which is resealed in accordance with the

1 provisions of this paragraph shall not be deemed an open
2 container for purposes of W.S. 31-5-235.

3
4 (g) An applicant for a bar and grill liquor license
5 shall satisfy the appropriate licensing authority that not
6 less than sixty percent (60%) of revenue from the operation
7 of the bar and grill to be licensed will be derived from
8 food services and not from the sale of alcoholic or malt
9 beverages.

10
11 (h) When renewing a bar and grill liquor license, the
12 appropriate licensing authority shall condition renewal
13 upon a requirement that not less than sixty percent (60%)
14 of gross sales from the preceding twelve (12) months
15 operation of a licensed bar and grill be derived from food
16 services.

17
18 (j) Upon application for license renewal, a license
19 holder shall submit an annual report to the licensing
20 authority on the sales of the licensed bar and grill. The
21 report shall contain the annual gross sales figures of the
22 bar and grill and shall separate the gross sales figures
23 into two (2) categories:

1

2

(i) Food service sales; and

3

4

(ii) Alcoholic and malt beverage sales.

5

6

(k) Beginning July 1, 2033, the annual fee for a bar and grill liquor license shall be no more than three thousand dollars (\$3,000.00) and no less than five hundred dollars (\$500.00).

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Section 2. W.S. 12-4-413(b)(i) through (iv) and (c)(i) are repealed.

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Section 3. The liquor division and the department of revenue shall promulgate any rules necessary to implement this act.

17

1 **Section 4.**

2

3 (a) Except as otherwise provided by subsection (b) of
4 this section, this act is effective July 1, 2023.

5

6 (b) Sections 3 and 4 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)