

WORK SESSION AGENDA



Casper City Council

The Lyric

Tuesday, August 22, 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.	Meeting Follow-up		4:30	5 min
2.	Downtown Parking Update from Republic Parking	Information Only	4:35	40 min
3.	Power Rate Discussion	Direction Requested	5:15	40 min
4.	Camping Ordinance	Direction Requested	5:55	60 min
5.	Snow Disposal/Storage, Snow Route Discussion, & Naming Snowplows	Direction Requested	6:55	60 min
6.	Agenda Review		7:55	10 min
7.	Legislative Review		8:05	10 min
8.	Council Around the Table		8:15	20 min
Approximate End Time:				8:35

*** Reminder ***

Please silence cell phones during the City Council meeting.

August 17, 2023

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Liz Becher, Community Development Director *LB*
SUBJECT: Downtown Parking Update from Republic Parking

Meeting Type & Date:

Council Work Session, August 22, 2023

Action Type:

Information Only

Recommendation:

That Council, receive an update from the City's parking management firm, Republic Parking System, about the status of Casper's downtown parking facilities, infrastructure investments, and progress towards mutual goals.

Summary:

Republic Parking was contracted in August 2020 to operate and manage the City's downtown parking structure at 230 South Wolcott, and the surface parking lot at 1st and Center Streets. The Contract for Professional Services runs through June 30, 2024. The parking facilities had previously been managed by the Downtown Development Authority and the Chamber of Commerce. The parking garage was constructed in 1980.

Republic Parking will update Council on regional and national parking trends, occupancy statistics, operating financials, staffing resources, outreach and community engagement, infrastructure projects and investments, and provide recommendations for parking operations moving forward.

Financial Considerations:

Per the Contract for Professional Services, Republic Parking pays the City \$4,000 per year, for depreciation expenses. If a revenue threshold is reached on an annual basis, Republic Parking will contribute 30% of gross parking revenue generated to the City of Casper.


Oversight/Project Responsibility:


The Community Development Director oversees the operation and maintenance of the downtown parking facilities.

Attachments:

None

August 18, 2023

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

FROM: Eric K. Nelson 
City Attorney

SUBJECT: Rocky Mountain Power Rate Increase Application

Meeting Type & Date

Work Session August 22, 2023

Action Type

Direction Requested

Recommendation

Staff recommends that Council provide comments regarding the requested rate increase to the Public Service Commission at a public town hall meeting set for August 24, 2023

Summary

On or about March 1, 2023, Rocky Mountain Power (“RMP”) submitted its application to the Wyoming Public Service Commission (“PSC”) seeking authority to increase its retail electricity rates in Wyoming by approximately \$140.2 million per year, or 21.6 percent. RMP provides electricity to all retail customers within the City.

Several entities have formally intervened in this rate case. Specifically, the Wyoming Office of Consumer Advocate (“OCA”), the Wyoming Industrial Energy Consumers (“WIEC”), the Sierra Club, Walmart and Cale Case have all intervened. Both the OCA and WIEC are advocates for electrical consumers, including the citizens of Casper as well as the City itself.

This matter is set for a contested case hearing on October 24, 2023. Although the deadline for formal intervention in the highly technical matter has passed, there is an opportunity for the City to present comments to the PSC. On August 24, 2023, pursuant to Wyoming statute, the PSC will hold a public comment hearing at the Thyra Thomson State Office Building, located in Casper, from 5:30 p.m. to 7:00 p.m. It is recommended that Council provide direction on the comments to be provided and who it will designate to deliver these comments.

Financial Considerations

If the rate increase is approved, the operational costs of the City will increase. At this time, it is unknown the exact extent of the increase.

Oversight/Project Responsibility

Eric K. Nelson, City Attorney

Attachments

None

August 18, 2023

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

FROM: Eric K. Nelson *E.K.N.*
City Attorney

SUBJECT: Proposed Camping Ordinance Revisions

Meeting Type & Date

Work Session August 22, 2023

Action Type

Direction Requested

Recommendation

Staff recommends moving forward with proposed ordinance changes to address camping within city limits on private property.

Summary

In response to the rising number of homeless in the City of Casper, the City convened a Homeless Task Force in late 2022. This group is comprised of City staff as well as community leaders representing a diverse cross section of non-profits, religious groups as well as the business sector.

This group meets monthly and has provided a forum for discussion and data sharing among the various actors. It became immediately apparent that the issue of homelessness is incredibly complicated and broad. Even agreeing on a working definition of “homeless”, which would seem to be intuitive, proved to be challenging given the nuance associated with the term.

The increase in homeless individuals, specifically in the downtown area of Casper, has coincided with an increase in crime and has negatively impacted the City. Through the task force, it was determined that ordinance changes, specifically addressing camping within Casper, should be explored to give law enforcement additional enforcement ability to address the negative impacts.

As communities nationwide adopt ordinances prohibiting camping, not surprisingly there has been litigation which has ensued. In the case of *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir.

2018), a three-judge panel held that the Cruel and Unusual Punishment Clause of the “Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.”

The Court in *Martin* went on to hold that a government cannot prosecute homeless people for sleeping in public “if there is a greater number of homeless individuals in (name of City) than the number of available shelter spaces.” The Court in *Martin* further held that “shelters with a mandatory religious focus” could not be counted as available due to potential violations of the First Amendment’s Establishment Clause.”

Drawing upon the *Martin* decision, the 9th Circuit once again found city ordinances prohibiting the use of a blanket, pillow, or sleeping bag when sleeping in public to violate the 8th Amendment. *Johnson v. City of Grants Pass*, 50 F.4th 787 (2022).

The decision in the *Grants Pass* case was reheard and the City of Grants Pass has petitioned the United States Supreme Court for a *writ of certiorari*. If this writ is granted, the U.S. Supreme Court will review the decision and issue an opinion on the constitutionality of the ordinances at issue.

There are several points to make regarding the status of the law. First, both *Martin* and *Grants Pass* were decided by the 9th Circuit federal court of appeals. Wyoming is part of the 10th Circuit; thus, the decisions of the 9th Circuit are not binding precedent. The 10th Circuit has yet to rule on a case involving a camping ordinance affecting public property, thus it remains to be seen whether it would reach the same holding or utilize the same test. The 10th Circuit is generally deemed to be a more conservative court than the 9th Circuit, thus it is very plausible it would rule differently.

Second, if the U.S. Supreme Court grants certiorari, its decision would be binding in Wyoming. If it does not take up the case, the 9th Circuit cases will be instructive, but not binding precedent.

Finally, it is unclear, when applying the *Martin* test to Casper, whether there are more available beds than homeless individuals. An argument can be made that there are, but whether all available beds qualify is an open question.

Currently, the City of Casper has adopted the following ordinance:

9.48.010 – Camping Restricted

A. “Camping” means staying overnight or otherwise taking up residence for any length of time in an open space, tent, vehicle or other temporary, mobile, or portable shelter.

B. It is unlawful to camp on or in any public property in the city of Casper, unless permitted by any person or persons designated by the public entity which owns the public property or in a designated campground of the public entity.

The current prohibition on camping within the City of Casper is narrowly tailored to apply only to public property. It does not apply to camping on private property within the City. Thus, law enforcement's ability to respond to individuals camping on, for example, a parking lot owned by an out of state landowner is limited. Often we cannot ascertain whether there is permission, thus tying the hands of law enforcement. There are several ways to address this gap in the regulatory scheme.

First, we can amend the ordinance to require express written consent to camp on private property. The City of Denver has adopted the following language in its ordinance:

“It shall be unlawful for any person to camp upon any private property without the express written consent of the property owner or the owner's agent, and only in locations where camping may be conducted in accordance with any other applicable law.”

This language puts the onus on the individual to provide written evidence that he or she has permission from the owner. It further acknowledges that other laws may restrict the ability to camp despite written permission.

The City of Boulder, Colorado has a similar ordinance in place which expressly prohibits camping on city property and requires permission to camp on private property. Fort Collins also requires express written permission from the property owner to camp on private property but further limits the ability to camp to seven (7) consecutive days and no more than fourteen (14) days within a calendar year.

Further, each city contains a different enforcement mechanism. In Denver, for example, before a citation or arrest can be made, certain steps must be taken such as issuing an oral and written warning and inquiry into the need for social services must be made. While the Denver situation is extreme due to a consent decree, direction is requested regarding the required steps in the enforcement process.

Another regulatory loophole involves the use of vehicles on public streets as a permanent or temporary residence. The City of Boulder, Colorado has adopted an ordinance permitting the use of a vehicle as a residence for more than one night in every seven (7) days. The adoption of a similar prohibition would give law enforcement another tool.

Finally, Council may wish to consider adopting an ordinance prohibiting camping within a certain number of feet of a riparian zone, i.e., the North Platte River. Colorado Springs has enacted an ordinance which prohibits any camping within one-hundred feet of a “public stream/public stream riparian zone”. The rationale for such a prohibition is predicated upon a concern for health and human safety, as well as protection of the waterway. The adoption of a similar ordinance in Casper would protect the river corridor.

In conclusion, staff are seeking direction from council on the adoption of ordinance amendments addressing camping on private property, use of a vehicle as a residence, and camping within a defined riparian/river zone.

Financial Considerations

None




Oversight/Project Responsibility

Eric K. Nelson, City Attorney

Attachments

None

August 15, 2023

MEMO TO: J. Carter Napier, City Manager 
FROM: Cindie Langston, Interim Public Services Director 
Shad Rodgers, Streets and Traffic Manager 
SUBJECT: Snow Disposal and Storage Update

Meeting Type & Date:
Council Work Session, August 22, 2023

Action Type:
Direction Requested

Recommendation:
That Council, consider City Ordinance updates related to Snow Disposal and Removal

Summary:
In 2022, Streets Division staff was tasked with researching possible changes to the current Municipal Code to address complications caused by improper snow removal from properties, both private and commercial. Although many communities mandate snow removal from public sidewalks, it is not the purpose of this memorandum to discuss the potential implementation of similar rules in Casper. The purpose of the memo is to present impacts of snow removal when placed on streets, rights-of-way, or public spaces, and provide options for potential City Ordinance updates.

Unfortunately, some commercial property owners remove snow or contract snow removal from their properties and stack/place the snow on public property, affecting citizens and City snow-removal crews trying to occupy or use that space. In addition, many citizens within this community utilize ATV's/UTV's/snow blowers, or other motorized devices to clear snow from sidewalks and driveways and push snow into the gutters or add to wind rows placed in the street by City Street crews. In staff's experience, both commercial businesses and residences are equally culpable for irresponsibly disposing of snow on publicly owned/maintained areas. Irresponsible disposal of snow creates extra work for City staff, affects snow melt/storm water drainage, and creates hazardous conditions for pedestrians and motorists.

Streets and Code Enforcement staff teamed up to present, at direction of Council, potential changes to the current Municipal Code to address irresponsible/improper snow removal from commercial and residential properties. The City of Casper currently has no regulations in place to address the proper disposal or storage of snow or to compel property owners to remove snow from public sidewalks. However, Municipal Code Section 12.24.030 ("Sidewalk obstructions prohibited when" – attached for reference as Exhibit A) stipulates "ice" is not to be placed on a sidewalk or the street adjacent. This code does not clearly state placing "ice" on a sidewalk or adjacent street is an enforceable action, attached for reference.

Three (3) potential Municipal Code updates to consider follow including suggested topics to consider for determining whether to pursue the code changes. While this memo presents three (3) potential Code change, not all may be viable or what Council wishes to do at this time, and the silent option is no change to ordinances.

- 1.) Clarify sidewalk obstruction ordinance to include snow, and expand the section to include streets, other public spaces, and escalating non-compliance fee assessment action.
- 2.) Create a section of the Municipal Code language explicitly dealing with snow removal and prohibiting commercial property owners, snow removal contractors, and citizens from placing snow in streets, over sidewalks, or onto other public spaces. In addition, draft the Municipal Code to be treated as an immediately ticket-able offense.
- 3.) Create Municipal Code to specify moving or storing snow, either directly or indirectly, impacts neighboring private properties. Require all snow to be stored on the same property where it originated from and store in a manner that prevents line of site/visibility issues, traffic hazards, sidewalk blockage or off-site erosion from snow melt/drainage.

If Council directs staff to pursue any listed above ordinance updates, the method to consider for enforcement to prevent additional staffing needs will need to be “complaint based,” where code enforcement staff assesses the situation, and based on evidence, determines the appropriate action needed, such as education and/or the use of escalating non-compliance fees.

Financial Considerations:

Potential Increase in Staff Time Related to Enforcement.

Oversight/Project Responsibility:

City Streets and Code Enforcement staff will continue as partners to update Municipal Code language regarding Snow Disposal and Storage as directed

Attachment:

Exhibit A - Municipal Code Section 12.24.030 Sidewalk obstructions prohibited when.


EXHIBIT A

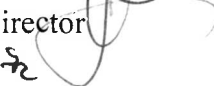
Municipal Code Section 12.24.030 Sidewalk obstructions prohibited when.

“It is unlawful for any person owning, occupying or having control of any premises to place or permit upon the sidewalk or the half of the street adjacent to such premises:

- A. Any broken ware or glass, and filth, rubbish, refuse matter, ice, water, oil, mud, garbage, ashes, tin cans or other like substances;”

August 04, 2022

MEMO TO: J. Carter Napier City Manager 

FROM: Cindie Langston, Interim Public Services Director
Shad Rodgers, Streets and Traffic Manager 

SUBJECT: Snow Routes

Meeting Type & Date:

Council Work Session

August 22, 2023

Action Type

Information Only

Summary:

The City Streets Division is in charge of clearing snow from the City’s streets. When snow is forecast, city employees will be placed on a shift work schedule, with all equipment operators reporting for duty from 4 a.m. to 4 p.m. or 4 p.m. to 4 a.m. Depending on the severity of each snow storm, shifts can be shortened to two (2) ten (10) hour shifts. The core of the snow fighting fleet is comprised of thirteen tandem axle dump trucks equipped with salters and plows. Two additional graders and one loader with plow are deployed when needed. As snow begins to fall, plows will be sent along predetermined routes, applying ice melt product. The routes are laid out along the primary access ways of the city. If school is in session, additional streets are plowed to provide access to public schools.

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

The current City snow and ice control plan is identified below:

Plowing to the sides	Less than 4 inches of snow prior to December 1st and after March 15th	Plow trucks and equipment are dispatched to disperse de-icers and plow snow routes. It may be inconvenient for a short time but this does allow the streets to dry sooner. Dry streets are safer for the motoring public and reduce repair costs. In some areas, the snow will always be plowed to the sides. These are areas where there is
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		ample room for snow (borrow ditches, vacant land) or when the streets are too narrow to accommodate windrows.
Plowing to the middle	4 or more inches of snow between December 1st and March 15th	Plow trucks and equipment are dispatched to disperse de-icers and plow snow routes. Plowing to the middle is generally done to clear a pathway throughout the city that accommodates emergency vehicles and the motoring public during snowstorms. This is done to minimize impact to residential driveways, commercial driveways and storm drains. Snow is plowed to the middle of the street in windrows.

Financial Considerations:

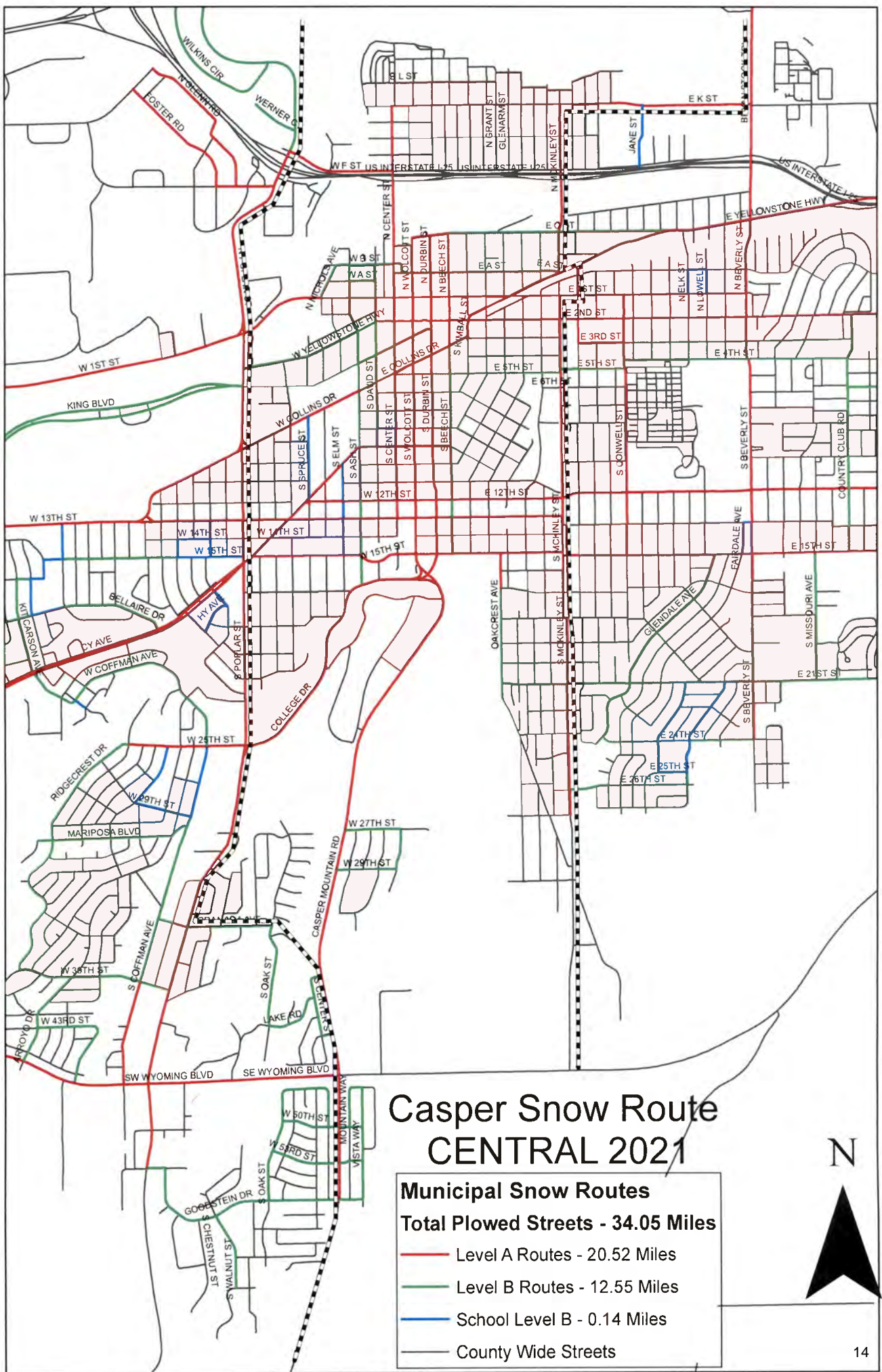
On average, the Streets Division spends Three Hundred and Fifty Thousand Dollars (\$350,000) a year on ice melt products.

Oversight/Project Responsibility:

Shad Rodgers, Streets and Traffic Manager

Attachments:

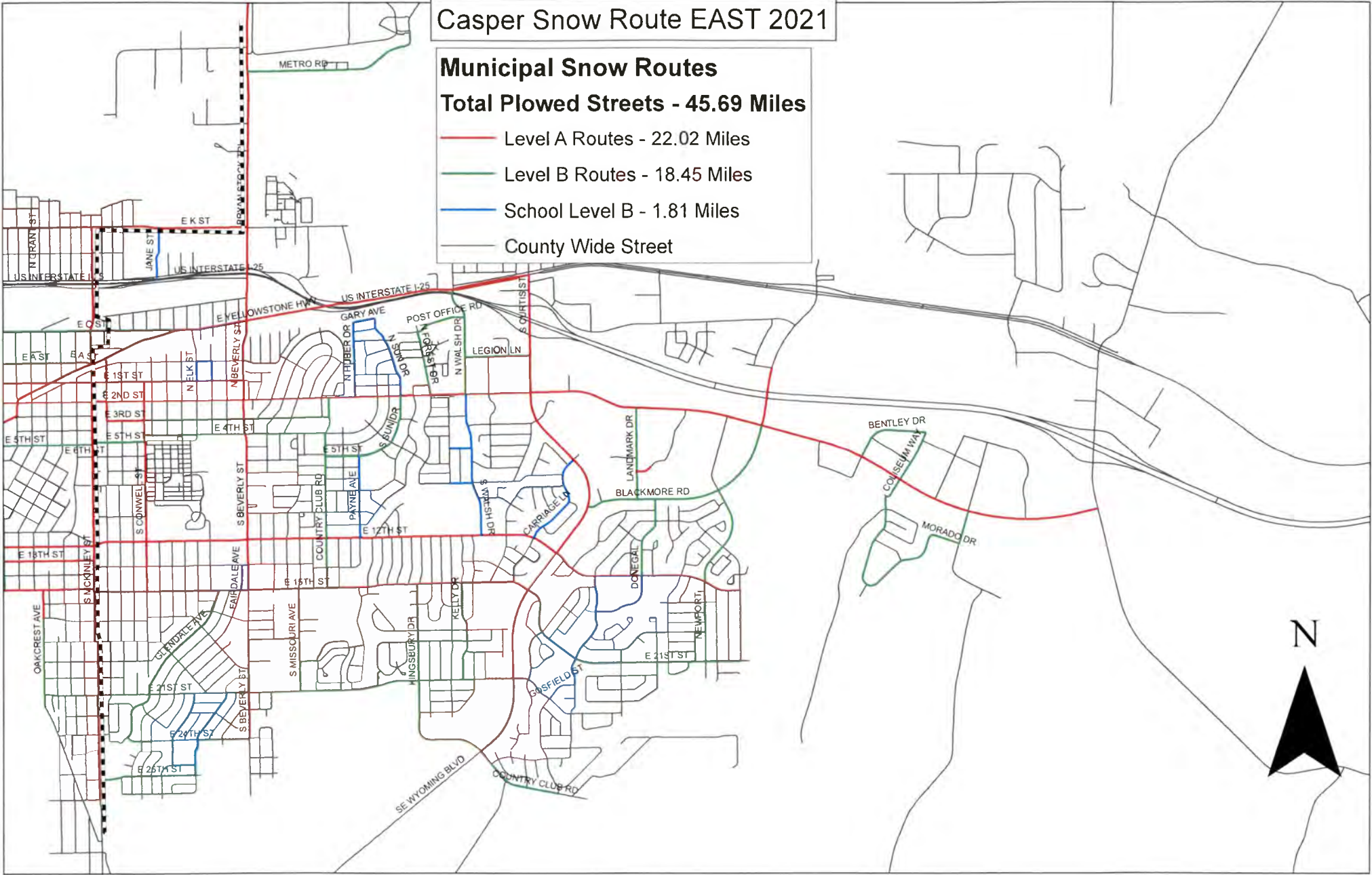
Snow route maps







Casper Snow Route EAST 2021

Municipal Snow Routes Total Plowed Streets - 45.69 Miles

- Level A Routes - 22.02 Miles
- Level B Routes - 18.45 Miles
- School Level B - 1.81 Miles
- County Wide Street



August 4, 2023

MEMO TO: J. Carter Napier, City Manager 
FROM: Cindie Langston, Interim Public Services Director 
Shad Rodgers, Streets and Traffic Manager 
Jolene Martinez, Assistant to the City Manager 
SUBJECT: Naming Snowplows

Meeting Type & Date:

Council Work Session, August 22, 2023

Action Type:

Direction Requested

Recommendation:

That Council review information on naming snowplows and provide direction.

Summary:

To bring attention to snowplow drivers and their essential work, some cities and states have copied Scotland's tradition of conducting snowplow naming contests and highlighting named snowplows via social media. Focusing attention on snowplow work has been an effort for Casper, too. For the 2022/2023 Casper snow season, many Facebook posts, including photos, highlighted the work as well as individual drivers. Based on an increase in followers and comments, this effort was well-received and effective. It is planned that this effort will be expanded for the 2023/2024 snow season.

If Casper were to implement a naming effort, the estimated cost of materials to add names to both doors of the thirteen multi-use dump trucks would be \$3,400. Labor costs include making and applying the names and planning and implementing the naming contest.

Financial Considerations:

Materials costs and staff time related to putting names on trucks and implementing a contest.

Oversight/Project Responsibility:

City Streets and Marketing and Communications staff would oversee the program.

Attachment:

None.