

## COUNCIL WORK SESSION

Tuesday, January 23, 2024, at 4:30 p.m.

The Lyric

1. Meeting Follow-up
2. Wyoming Governor's Big Game License Coalition Grant
3. Grants for Garden Creek Flood Prevention
4. Public Engagement Division Services
5. Budget Amendment #2
6. Business Incentive Options
7. Utility Billing Follow-up
8. Agenda Review
9. Council Around the Table

Mayor Cathey called the work session to order at 4:30 p.m. with the following Councilors present: Haskins, Sutherland Jensen, Cathey, Pacheco, Vice Mayor Engebretsen, and Mayor Cathey. Councilor Gamroth attended the meeting virtually. Councilor Pollock was absent.

### 1. Council Meeting Follow-up

There were no follow-up items.

### 2. Wyoming Governor's Big Game License Coalition Grant

City Manager Napier introduced Jolene Martinez, Public Engagement Division Manager, to discuss the Big Game License Coalition Grant application. Ms. Martinez stated that the City has been a recipient since 2015 and has used the grant for things like planting trees and pilot testing seeds in riparian areas. This application would be to follow-up on a soil and water study to why these riparian areas are not robust. Council gave their thumbs up to the City applying for the grant.

### 3. Grants for Garden Creek Flood Prevention

Next, City Manager Napier discussed funding that the City has the option to pursue for programs through FEMA aimed at improving flood infrastructure. The City would be required to provide a 25% match if awarded the funding, and staff is hopeful that stormwater dollars would cover that match amount. Council gave their thumbs up to the City pursuing this funding.

### 4. Public Engagement Division Services

Next, City Manager Napier discussed staff ideas and insights regarding what they view as best business practices for media interactions. He stated that media will often call different departments or councilors with requests for comments or interviews. He asked Council to think about how formal they would like the protocols and what type of approach they would like to when dealing with media. He added that his position is that the more staff and Council can get with the media the better in order to provide reliable information to the citizens. He then introduced Ms. Martinez to provide Council with options.

Ms. Martinez began by explaining staff's ideas for the process, including trying to help find the subject matter expert for the questions posed by the media in order to gather facts for the topic of the interview. Staff can provide these facts to councilors and a member of the Public Engagement Division can also be present to help facilitate the interview. She stated that she would suggest that if Council does get an interview request they call staff to help with facilitating the interview and

gathering those facts. She added that it is not staff's goal to keep Council from the media but rather to let councilors direct the answers while also having the facts.

City Attorney Nelson stated that he supports this initiative. He stated that there may be instances where a councilor wants to make a statement for themselves that does not represent the opinion of the City or Council as a whole. In those cases, he would suggest councilors differentiate the voice in which they are speaking. Staff can work councilors to make this determination.

Councilors discussed that they were in support of the idea as a whole. Vice Mayor Engebretsen expressed concern about councilors being mouthpieces in instances where they want to express their own opinion. City Manager Napier stated that is not the goal and reiterated that the point of this is for everyone to be working from the similar set of facts to make sure the right information gets out to citizens through the media.

Council decided a process with guidelines for delineating between individual vs. Council points of view would be helpful, with clear delineation on what is fact, opinion or policy. They also asked that guidance for working with the Public Engagement Division be included, and also a process for engaging with the Public Engagement Division. Council asked for this to be outlined in a memo as a resource.

#### 5. Budget Amendment #2

Next, City Manager Napier discussed budget amendment #2, which will reconcile changes to the approved budget. This is a consistent process the City usually does from year to year. Some of the things this budget amendment covers are projects that need additional funding or rolled over, grants, one-time staff payment, and the Waste Water Treatment Plant MCC Project. He added that there is another imminent issue at the WWTP that will be part of budget amendment #3. Jill Johnson, Finance Director, added that there were some additional federal dollars for transit operations that will be included in this budget. These dollars will likely be used for vehicle purchases, which requires a 15% match that will come from the direct distribution fund. Also, there is a deficit in the police grants fund, so Finance is cleaning up those outstanding issues and making sure money was allocated to the correct funds. There will be a process implemented to reconcile these funds often in the future to prevent this from happening again.

Vice Mayor Engebretsen asked about the one-time payment and stated that she was told that some employees that were capped out did not receive that payment. City Manager Napier responded that every full-time employee received the payment, regardless of being topped out, and regular part-time employees also received a smaller payment. He advised the Vice Mayor to direct any questions she received from employees to Ms. Johnson.

#### 6. Business Incentive Options

Next, City Manager Napier discussed business incentives in response to Council's goals. He explained that after looking at the tools that are available to the City in this realm, they are fairly complex and limited in scope. He then introduced Liz Becher, Community Development Director, to walk through these options with Council. Ms. Becher explained that a memo from former City Attorney Luben was included in the packet about the qualifications for incentives. She explained that any incentives have to be in support of the poor. This can include things like demolition work

for low income blighted properties, 99-year leases with low income housing and senior affordable housing. Waiving of permit and tap fees is not allowed, because no public improvements can be gifted to a private entity, unless it is in support of the poor. Property tax reductions are not under the purview of the City, and sales tax reductions are a state issue. Deferred payments are only allowed if there is security interest in the real property and the City is in 1<sup>st</sup> lien position. Tax Incremental Financing (TIF) Districts are allowed if there is a development plan, but this takes years to see a payout. Urban Renewal Areas, like the Old Yellowstone District, are done through HUD (Housing and Urban Development), which opens up opportunities for further federal program funding through urban renewal. This has to be done in areas that have blight. Urban Renewal Areas (URA) are also an option, but there are pros and cons to this program. More information on some of these topics will be brought to Council in the coming months with Council goals.

#### 7. Utility Billing Follow-up

Vice Mayor Engebretsen recused herself from this discussion and left the meeting room.

City Manager Napier began by stating that staff tried to capture more information for Council and tried to answer the more prominent questions that Council had with relation to this topic. He then introduced Ms. Johnson and Brandy Coyle, Accounts Receivable Supervisor, to update Council on the landlord issue and the research they have found on the questions presented last week.

Ms. Johnson began by stating that the memo includes much of the information that staff gathered to try to address issues that Council brought up. With regards to holding the deposit longer, staff is not recommending changes, because the City already holds the deposit if someone is not paying their bills. If an account holder is chronically late, the City holds the deposit indefinitely until the tenant closes their account, at which time it is applied to their outstanding bill. Next, she discussed the research into how other municipalities handle their accounts. There are two other municipalities in Wyoming that do not allow tenants to hold utility accounts; all of the other municipalities allow the tenant to have the account in their name but hold the landlord responsible if the tenant does not pay. She stated that staff is not proposing changes to the current ordinance with regards to this, and feels that it makes sense to have the utilities stay with the property and focus on trying to improve collections. Next, she discussed Councilor Gamroth's suggestion to notify owners but not hold them responsible for the bill. She stated that that suggestion will not help the City with the goal of improving collections of outstanding balances.

She then went through the timeline in the memo, some of the changes which include that the landlord will get a copy of the delinquent notice and will have the option to shut the water off at that point to avoid the shut off fee that would occur at 45 days. They will also have the option to close the account, which will generate a final bill and the deposit will be applied to the outstanding balance.

Councilor Gamroth stated that although he agrees that tax payers should not have to cover this shortfall through increased rates, he has not had any feedback about citizens being upset about paying higher utility rates, but has had dozens of people reach out and say they oppose this ordinance. He stated he will continue to support the status quo.

Councilor Sutherland asked if there is a downside to the policy of keeping the utility accounts only in the property owner's name, and Ms. Johnson responded that she does not think there is a downside, and Laramie and Cheyenne say it works well for their communities. Councilor Sutherland asked if staff would recommend this, and Ms. Johnson replied that she would be happy to take that direction.

Councilor Bond asked about the opinion that the City Attorney's Office offered Council regarding the legality of holding property owner's responsible. City Attorney Nelson stated he would be happy to walk through that analysis if Council waives their privilege; Council gave their thumbs up to waive the privilege and share the opinion with the public. They also asked that the opinion be shared in a statement to the public or on the website. City Attorney Nelson stated that this issue was addressed in the Wyoming Supreme Court, and they found that it is clearly within the rights of the municipality to hold property owners responsible for these bills. Councilor Pacheco stated that he believes it is the fiduciary responsibility of the Council to the community to recoup this money by holding property owners responsible. Mayor Cathey agreed and stated it is vital to do this for the fiscal integrity of the utility system.

Councilor Haskins stated that she agrees with Councilor Gamroth that there is a cost to doing business, but being a landlord is a business and it should be their cost to bear. Ms. Coyle explained that the landlord agreement has nothing to do with the bill and just allows the account to transfer into the landlord's name instead of being shut off when there is a vacant property.

Councilor Gamroth asked why it is not staff's recommendation to do a credit check and base the deposit amount on that credit check, like Cody, Wyoming. Ms. Johnson replied that this adds additional expense, which is why staff is not making that recommendation. Mayor Cathey stated that the landlords are choosing who they lease to and it should be up to them to run the credit checks. Councilor Sutherland stated she would be in favor of putting the accounts under the landlords' names, but ultimately trust the recommendations from staff and agreed that the business risk should be on the property owners and not the tax payers.

Council agreed that they would consider the ordinance as presented for the second reading. Councilor Gamroth stated he does not have any amendments for staff to draft and be included for the second reading based on discussions tonight. Councilor Jensen asked if messaging could be put out to clarify some of the points in the ordinance and make it clear that this is protecting landlords as well. City Attorney Nelson reminded Council that the messaging can include facts to educate the public but cannot advocate.

#### 8. Agenda Review

Vice Mayor Engebretsen returned to the meeting.

City Manager Napier stated that there is a 5<sup>th</sup> Tuesday this month, and Council will not be holding a meeting that week. He also told Council that the Legislative Dinner is scheduled for the first week of February. Councilor Gamroth asked about the process for large capital fleet replacements, and City Manager Napier responded that enterprise funds are responsible for the own equipment replacement, and for divisions, like Streets, those costs are born by the general fund, direct distribution fund, or one cent fund.

9. Around the Table

Council went around the table to discuss their respective board and committee meetings as well as matters of public interest. Councilor Gamroth asked about adding a work session item for a letter of support for a railway and the post office closure. Council gave their thumbs up to add both items to the grid. He also discussed needs at Metro Animal Shelter, and stated they need a manager and more adoptions. Mayor Cathey discussed the PIT homeless count that will be taking place next week.

The work session was adjourned at 6:43 p.m.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

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Amanda Ainsworth  
City Clerk

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Stephen Cathey  
Mayor