WORK SESSION AGENDA

Casper City Council City Hall, Council Meeting Room Tuesday, November 8, 2022 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 Non-Discrimination Ordinance Updates	Direction Requested	4:30	15 min					
2.	Drug Court Update	Information Only	4:45	20 min					
3.	Ice Arena Subsidy & Expansion	Direction Requested	5:05	30 min					
4.	Fire Station Safe Zones and Cameras	Direction Requested	5:35	30 min					
5.	North Platte Subdivision Master Plan	Direction Requested	6:05	30 min					
6.	Agenda Review		6:35	20 min					
7.	Legislative Review		6:55	20 min					
8.	Council Around the Table		7:15	20 min					
Approximate End Time:									

Please silence cell phones during the meeting

MEMO TO: City Council

J. Carter Napier, City Manager

FROM: John Henley, City Attorney

SUBJECT: An Ordinance Amending Chapter 9.08 - Offenses Against the Person, of the

Casper Municipal Code to Add Section 9.08.020 "Malicious Harms Based on Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, Gender

Expression, National Origin, Age or Disability."

Meeting Type & Date:

Work Session November 18, 2022

Action type:

Information and direction requested.

Recommendation:

That City Council review the information herein and provided direction to staff in preparation of the Second Reading of the proposed Ordinance.

Summary:

I. Background

The City conducted the Public Hearing and First Reading regarding an ordinance concerning malicious harms based on race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin or disability on November 1, 2022. On first reading the addition of "age" as a protected class was amended into the proposed ordinance.

II. Options for Amendments

During the Public Hearing for the Non-Discrimination Ordinance, concerns with ambiguous terms were voiced. Find below options of definitions for Council to review.

Options for amendments include not only qualifications to the term "age" but also definitions to provide more specificity to some terms and phrases in the proposed ordinance. Finally, the definition for "Dwelling unit" (see (5) below) was included due to a concern expressed for the operation of homeless shelters.

(1) "Age" as a protected characteristic in this Code Section shall be limited to individuals who are at least fifty (50) years of age. Age as a protected class does not include activities or distinctions that have been adopted by valid legislative acts, case law, or

administrative actions. Driving restrictions, the establishment of retirement communities with residents of fifty-five (55) years of age or greater, senior citizen centers, and meals on wheels are excluded from this provision.

- (2) "Malice" as used in this ordinance means wrongful intention;
- (3) "Prejudice" as used in this ordinance means a preconceived opinion or belief;
- (4) "Discriminate against" as used in this ordinance means, to treat a natural person or a group of people in a worse way because of one or more characteristics as reference herein; mere speech, unless used and intended to incite, successfully, a battery committed by another, or property damage, or to cause, successfully, a reasonable imminent fear of bodily harm, does not fall within this definition.
- (5) "Dwelling unit" as used in this ordinance means: A room in which people sleep, no matter the number of dwelling units in the building or the number of beds/sleeping accommodations in an individual room.
- (6) "Gender identity" as used in this ordinance means, a person's internal sense of gender; in essence, how individuals perceive themselves, and communicated usually, by what they call themselves.
- (7) "Gender expression" as used in this ordinance means, the non-verbal way a person communicates gender identity to others, through behavior, clothing, hairstyles, voice or body characteristics.

Financial Considerations:

The Casper Police Department will have additional crimes to charge if appropriate, which may take more time to complete. Similarly, charging someone for an offence with possible incarceration may require additional appointments of court appointed attorneys for indigent defendants.

Oversight/Project Responsibility

City Attorney's Office Casper Police Department

Attachments

Proposed ordinance as amended but with the proposed definitions in red.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 9.08 – OFFENSES AGAINST THE PERSON, OF THE CASPER MUNICIPAL CODE TO ADD SECTION 9.08.020 "MALICIOUS HARMS BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, AGE OR DISABILITY."

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statute §15-1-103(a)(xviii), xvi(C) and (xli) to adopt ordinances and resolutions necessary to protect the health, safety and welfare of the City and of its citizenry; and,

WHEREAS, the governing body of the City of Casper may perform acts authorized by the powers granted by the state in relation to the concerns of the city; and,

WHEREAS, the City of Casper is composed of and welcomes diverse individuals, groups and communities; and,

WHEREAS, the City of Casper values diversity and seeks to encourage and allow all residents and visitors to contribute to the commercial life and activities of the City and to the cultural and social life of the City; and,

WHEREAS, affirming nondiscrimination protections and investing in social safety will help reduce vulnerable communities' exposure to potential violence, economic injury and discrimination; and,

WHEREAS, the governing body of the City of Casper desires to amend Chapter 9.08 – of the Casper Municipal Code by creating Section 9.08.020.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that Section 9.08.020 is created and shall be codified as follows:

Section 9.08.020 Malicious harms based on race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age or disability.

A. Unlawful physical actions committed on the basis of protected characteristics

It shall be unlawful and an offense for any person to commit any of the following acts maliciously and with the specific intent to intimidate or harm another person because of that person's race, color, religion, ancestry, sex, sexual orientation, gender identity, gender expression, national origin, age or disability (hereafter collectively "protected characteristics"):

- 1. a. **Assault of another.** Whoever, having the present ability to do so, attempts to commit a violent injury on another person because of one or more protected characteristics of that person, is guilty of an assault under this section.
 - b. **Assault and Battery of that person.** Whoever, in a rude, insolent or angry manner, unlawfully touches another person because of one or more protected characteristics of that person, is guilty of an assault and battery under this section.
- 2. Injuring, defacing or destroying property of another. No person shall (a) willfully injure, deface or destroy, or attempt to injure, deface or destroy, any other person's building or any fixture thereof, (b) injure, destroy or secrete any goods, chattels or valuable papers of any other person, (c) injure, deface, or destroy any fence, foundation, sidewalk, trees or any other private property of any other person without permission, or (d) damage, destroy, vandalize, deface, trespass upon, or steal any real or personal property of any other person because of one or more protected characteristics of that person, is guilty of injuring, defacing or destroying property of another under this section.
- B. Inciting imminent lawless violence against another.

It shall be unlawful and a violation hereof for any person, by words, depictions or actions, to incite or produce imminent lawless violence directed against another person because of one or more protected characteristics of that person, including circumstances in which such words, depictions, or actions were intended and likely to incite or produce such imminent lawless violence, but failed in their objective.

C. Places of public accommodation; discrimination prohibited.

It shall be unlawful and an offense for any person, with malice or prejudice, to restrict another person from obtaining the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of one or more protected characteristics of that person. For purposes of this paragraph, "place of public accommodation" means, businesses, and locations which are open to the public., or which invite the patronage of the public.

D. Housing; illegal discrimination prohibited.

It shall be unlawful for any person or entity to discriminate against another person in the sale, lease, or rental of any housing facility, or to otherwise discriminate against such person in the terms, conditions, maintenance, improvement, or repair of any housing facility, because of one or more protected characteristics of that person.

- E. Employment discrimination prohibited.
 - 1. It shall be unlawful and an offense for any employer to refuse to hire or promote a person, or to discriminate against a person in matters of compensation or the terms, conditions or privileges of employment, because of one or more protected characteristics of that person.
 - 2. It shall be unlawful and an offense for any person, an employer, an employment agency, a labor organization, or its employees or members, to discriminate in matters of employment or membership, including customary benefits of the employment membership, against a qualified person, because of one or more protected characteristics of that person.
 - 3. It shall be unlawful and an offense for an employer to reduce the wage or benefits of any employee because of one or more protected characteristics of that person.

F. 1. Exceptions and Definitions.

- F. 1. Notwithstanding anything contained in this Section, the following practices shall not be a violation of this Section:
 - a. Any action or right authorized or protected by the Religious Freedom Restoration Act (42 U.S.C. § 2000bb 2000bb-4), Wyoming Statutes, the United States Code, the United States Constitution, or the Wyoming Constitution.
 - b. For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to individuals of the religious organization or institution involved or to restrict employment opportunities for officers, religious instructors and clergy to individuals of that religious organization or institution.
 - c. For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
 - d. To discriminate in any arrangement for the sharing of a dwelling unit by an individual who is sharing the unit.
- 2. Exceptions. Notwithstanding anything contained in this Section, the following entities or their agencies shall not be prosecuted pursuant to Subsections C., D., and E., of this Section:
 - a. The United States or any department or agency thereof, a corporation wholly owned by the government of the United States or Indian Tribe;
 - b. The State of Wyoming or any department or agency thereof, including any political subdivision of the State;

- c. A bona fide private membership club (other than a labor organization) which is exempt from taxation under the Internal Revenue Code of 1986; or,
- d. A fraternal or religious association or corporation if the association or corporation is neither organized for private profit nor has as its primary purpose the provision of accommodations or services that are available on a non-membership basis.
- e. An institution, club, or place of accommodation that proves that it is, by its nature, distinctly private. An institution, club, or place of accommodation is not by its nature distinctly private if:
 - i. It has more than twenty-five) members, and
 - ii. Provides regular meal service, and
 - iii. Regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages, directly or indirectly, from or on behalf of members. For the purposes of this definition, any lodge of a recognized national fraternal organization is considered by its nature distinctly private.

3. Definitions:

- a. "Age" as a protected characteristic in this Code Section shall be limited to individuals who are at least fifty (50) years of age. Age as a protected class does not include activities or distinctions that have been adopted by valid legislative acts, case law, or administrative actions. Driving restrictions, the establishment of retirement communities with residents of fifty-five (55) years of age or greater, senior citizen centers, and meals on wheels are excluded from this provision.
- b. "Malice" as used in this ordinance means wrongful intention;
- c. "Prejudice" as used in this ordinance means a preconceived opinion or belief;
- d. "Discriminate against" as used in this ordinance means, to treat a natural person or a group of people in a worse way because of one or more characteristics as reference herein; mere speech, unless used and intended to incite, successfully, a battery committed by another, or property damage, or to cause, successfully, a reasonable imminent fear of bodily harm, does not fall within this definition.
- e. "Dwelling unit" as used in this ordinance means: A room in which people sleep, no matter the number of dwelling units in the building or the number of beds/sleeping accommodations in an individual room.
- f. "Gender identity" as used in this ordinance means, a person's internal sense of gender; in essence, how individuals perceive themselves, and communicated usually, by what they call themselves.
- g. "Gender expression" as used in this ordinance means, the non-verbal way a person communicates gender identity to others, through behavior, clothing, hairstyles, voice or body characteristics.

G. Burden of proof. Investigations of alleged violations of this code are undertaken based upon a strong showing of reasonable suspicion that the violation occurred because the alleged perpetrator's actions were based on one or more protected characteristics of the victim(s). Reasonable suspicion is best demonstrated by expressions of bias, hate or prejudice, made or encouraged by the perpetrator at or near the time of the alleged violation, or, through a sustained pattern of conduct which demonstrates the perpetrator's motivation. Violations of this code section, must be proved beyond a reasonable doubt.

H. Penalty.

- 1. Any person found guilty of violating subsections A. and/or B., of this section, may be punished by a fine up to \$750.00 or up to six (6) months in jail, or both.
- 2. Any person found guilty of violating the subsections C., D., or E., of this section, may be punished by a fine up to \$750.00, under the general provisions of Section 1.28.010 of the Casper City Code.

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PASSED on 1 st reading the	_ day of	, 2022.	
PASSED on 2 nd reading the	day of	, 2022.	
PASSED, APPROVED, AND, 2022.	ADOPTED or	third and final reading the	day of
APPROVED AS TO FORM:			
ATTEST:		Y OF CASPER, WYOMING Iunicipal Corporation	
Fleur Tremel City Clerk	Ray May	Pacheco	
City Clork	IVIA	01	



Jeremiah Volk, Program Manager 500 South Wolcott, suite 100 Casper, WY 82601 Phone: 307-235-2000 Fax: 307-235-2015

Memo for Casper City Council November 8, 2022

- The Natrona County Drug Court is only wishing to discuss the Drug Court program with the Casper City Council. The object is only for informational purposes. The Natrona County Adult Drug Court will not be using this time to request additional funding from the Casper City Council.
- The Natrona County Court Supervised Treatment Program is a *court-supervised*, *comprehensive supervision and treatment program*. The program is designed for eligible offenders who have a substance abuse problem that contributed to multiple criminal offenses.
- Drug Court is a voluntary, alternative sentencing option for adult offenders (18 and older) who have been convicted of more than one drug/alcohol-related offense.
- The Natrona County Adult Drug Court is a minimum of 18 months, but it can last up to 3 years, pending the participant's individual progress in the program.
- Depending on the participant's supervision level, they attend court weekly, by-weekly or once per month
- Drug Court successfully combines substance abuse treatment with the legal system
- Currently, the Natrona County Adult Drug Court has a success rate of 76% for the last 3 years. The national average is 55%. Success is defined by the graduate of the program not receiving any new criminal charges (with the exception of minor driving violations) within the last 3 years.
- The Wyoming Department of Corrections (DOC) provides two probation officers to be stationed at the Drug Court office. These two probation officers supervise all of the Drug Court participants as well as carry other clients on a "traditional" DOC caseload.
- Drug Court will refer to other agencies should our clients meet the need for Residential
 Treatment; however, all other substance abuse treatment services are delivered to our
 clients in-house with our own staff. Our participants receive Intensive Outpatient,
 Relapse Prevention and Moral Recognition programming while they are active within the
 program. Our participants also receive mental health counseling within our program.
- The City of Casper has historically stationed one to two Casper Police Officers at the Natrona County Drug Court office. Our current officer is Officer Terry Jackson. I cannot express to you the value that having a city police officer at the Drug Court has done for our program and most importantly, to our clients/participants.
- The Natrona County Adult Drug Court program is virtually 100% percent grant-funded from the Wyoming Department of Health. Our participants due have Drug Court fees totaling to \$1100.00 dollars due by the time they complete the program. Drug Court receives in-kind services from Natrona County, WP&P, and the City of Casper.
- Our only request is for the City's continued support of the Natrona County Adult Drug Court program.

Jeremiah Volk MSW, LCSW, LAT Natrona County Drug Court Program Coordinator MEMO TO: J. Carter Napier, City Manager

FROM: Zulima Lopez, Parks, Recreation, & Public Facilities Director

SUBJECT: Ice Arena Subsidy and Expansion

Meeting Type & Date

Council Work Session November 8, 2022

Action type

Direction Requested

Recommendation

That Council reviews and provides feedback regarding staff efforts to decrease costs, increase revenues, and reduce the general fund subsidy at the Casper Ice Arena, including as it relates to a facility expansion to add a second sheet of ice.

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
Ī	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%

Many capital investments have been made recently into the existing Ice Arena to help reduce the subsidy, improve the aging facility, and enhance the user experience. These projects include automatic doors, upgrades to LED lighting, and new and improved equipment for concessions. The biggest investment, however, was completed in late 2020, when over \$2.57M was spent to relocate the ammonia refrigeration system at the Ford Wyoming Center to the Ice Arena, upgrading

the outdated freon refrigeration system and providing the plant with the capacity to support a second sheet of Ice.

In light of the investment to relocate the equipment from the Ford Wyoming Center, the City and its user group partners enlisted the assistance of 292 Design Group to complete a feasibility study to determine if a second sheet of ice was needed and whether it would reduce the operating subsidy of the facility. The result of the original study estimated that notwithstanding the capital expense of an expansion, the overall operational subsidy would reduce by approximately \$10,000 annually.

Dramatic shifts in recreation markets and construction costs, driven primarily by the pandemic, prompted the City to re-engage 292 Design Group to update the study in February 2022. The update for the study was reviewed with City Council on July 26th. The study update 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 has identified a number of strategies to reduce the Ice Arena's dependence on the City's General Fund. These strategies include:

- Reducing operating costs by closer monitoring and management of our non-fulltime staffing and eliminating credit card fees.
- Improving dasher board advertising sales and pursuing other corporate sponsorship and naming right opportunities.
- Expanding the concession menu, including adding alcohol sales to concessions through the procurement of a special malt beverage license for the Ice Arena.
- Improving marketing of ice programs, rental opportunities, and advertising opportunities to increase participation.
- Growing recreational hockey leagues for youth and adults.
- Leveraging classes, leagues, and other programming to help feed our primary user groups, which supports local club growth and sustainability.
- Evaluating and modifying rates as appropriate to increase revenue while maintaining a competitive price point for customers.
- Expanding the facility to add a second sheet of ice.

City Staff requests feedback from City Council regarding the proposed subsidy-reducing strategies, including direction regarding the pursuit of a shared capital investment between the City of Casper and various user groups for the addition of a second sheet of ice.

Oversight/Project Responsibility

Chad Green, Recreation Supervisor – Ice Arena Phil Moya, Recreation Manager Zulima Lopez, Parks, Recreation, & Public Facilities Director

Attachments

None

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 November 8, 2022

Action Type

Direction Requested

Recommendation

That City Council provide direction on the completion of safe rooms and installations of surveillance cameras at the fire stations.

Summary

In 2022, an incident occurred outside of Fire Station 3 that raised question for information regarding fire station safe rooms and why there was not surveillance systems at fire stations or within the safe rooms. Construction costs, saferoom needs, and other unknown factors directed the absence of the saferooms in station construction after the construction of Fire Station 3. In regards to surveillance systems, there has never been an identified need or request to have surveillance systems present at at Casper Fire-EMS Fire Stations.

Casper Fire-EMS has prepared information for the Council on the Fire Station Safe Room history and estimates to complete the installation of Safe Rooms at all fire stations along with surveillance cameras and storage. The information will include the history of the safe rooms, stations that have safe rooms, costs, and estimates to retrofit all stations with complete rooms, surveillance systems and storage.

Financial Considerations

Casper Fire-EMS has prepared information for the Council on the Fire Station Safe Room retrofit estimates for all stations as well as surveillance system installation, storage, and maintenance.

Safe Room Retrofit Estimate: \$172,050 for all five stations

Surveillance System Estimate: \$75,000 for all five stations

Oversight/Project Responsibility

Jacob Black, Fire Chief, Casper Fire-EMS Jason Speiser, Deputy Chief, Casper Fire-EMS

Attachments

Station saferoom retrofit estimate

STATION SAFEROOM RETROFIT ESTIMATE

This is a very rough budget for the following scopes of work anticipated at five fire stations around Casper. In all cases I have assumed that City of Casper will provide the electronic locks as part of the overall system retrofit. We would aid in installation on the storefront doors and provide power to the lock from owner provided power supply and CAT6 cabling up to a point above the ceiling for routing by owner to main IT room. Cost of building permit, cleanup, supervision is included.

Station #3

- Replace glazing in exterior storefront with level 3 bullet resistant glass.
- Door hardware no change
- Budget cost \$10,800

Station #5

- Reglaze exterior storefront with level 3 bullet resistant glass
- Move existing door and hardware to new interior storefront
- Construct small sheetrock stub walls to narrow opening in hallway to match the existing storefront width
- New exterior door with standard deadbolt lock, cylinder, thumb turn interior
- New matching storefront framing with ¼" clear tempered glass for interior wall
 of vestibule
- Access ceiling to provide blocking to support interior storefront as necessary
- Budget cost \$41,500

Station #1

- Construct new bronze storefront and side light between the stone pillar and walls. Glaze with level 3 bullet resistant glass
- New exterior door with standard deadbolt lock, cylinder, thumb turn interior
- Jamb for anchoring storefront at the stone will be constructed of wood blocking, grout, and stucco covering to tie into stone and provide a plumb surface
- Access ceiling to provide blocking to support interior storefront as necessary
- Move door bell to new storefront, move red panic button into new vestibule
- Budget cost \$40,750

Station #2

- Reglaze exterior storefront with level 3 bullet resistant glass
- Move existing door and hardware to new interior storefront
- New exterior door with standard deadbolt lock, cylinder, thumb turn interior
- New matching storefront framing with ¼" clear tempered glass for interior wall of vestibule
- Access ceiling to provide blocking to support interior storefront as necessary
- Budget cost \$39,500

Station #6

- Reglaze exterior storefront with level 3 bullet resistant glass
- Move existing door and hardware to new interior storefront
- New exterior door with standard deadbolt lock, cylinder, thumb turn interior

- New matching storefront framing with ¼" clear tempered glass for interior wall
 of vestibule
- Access ceiling to provide blocking to support interior storefront as necessary
- Budget cost \$39,500

Overall project budget \$172,050. Budget prices include a 15% contingency to account for what I may have missed and for some inflationary adjustments. Hopefully this scope meets your expectations. Please give me a call with any questions.

Greg L. Pope
Pope Construction, Inc.
P O Box 536
Mills, WY 82644
ph 307-472-3241
fx 307-472-3240
greg@popeconstruction.com
Quality is our First Priority

MEMO TO: J. Carter Napier, City Manager

FROM: Liz Becher, Community Development Director

Craig Collins, AICP, City Planner

SUBJECT: North Platte River Park No. 2 Subdivision Master Plan

Meeting Type & Date:

Council Work Session, November 8, 2022

Action Type:

Direction Requested

Recommendation:

Council had previously provided direction to staff to seek estimated costs for the creation of a simple master plan for the newly-created and re-zoned, 185-acre North Platte River Park No. 2 Subdivision (owned by the City of Casper), generally located across Events Drive from the Ford Wyoming Center. The estimates averaged approximately \$24,000 for the proposed area, with an estimated completion time of 3 - 4 months. Staff would like direction on whether to prepare a Request for Proposal for the master plan.

Summary:

During the bi-monthly meeting of the Metropolitan Planning Organization (MPO) Technical and Policy Committees on October 21, 2022, staff requested that the members consider a recommendation to reallocate excess project funds to cover the cost of the master plan. The development of this area impacts several entities in the MPO boundary as the land is conducive to a host of possibilities. The proposed Master Plan will evaluate the area holistically and consider all vehicular, multi-modal, and pedestrian connections in the area. It will also evaluate existing infrastructure and will provide multiple layouts and illustrative plans. Aerial drone footage is anticipated as part of the study. Both MPO committees voted in favor of reallocating \$24,000 towards the master plan project.

Financial Considerations:

The funding for the Master Study would be reallocated from the FY22 Federal Highway Administration (FHWA) MPO grant.

Oversight/Project Responsibility: MPO and Planning Staff in the Community Development Department will oversee this project.

Attachment:

Aerial layout of the Proposed Lots 1 and 2 for the Master Plan.

Proposed North Platte River Park No. 2 Subdivision

