

COUNCIL WORK SESSION
Tuesday, February 26, 2013, 4:30 p.m.
Council Meeting Room
Casper City Hall

AGENDA

1. Wyoming Trails Summit – Angela Emery
2. Mike Sedar Swimming Pool
3. Wyoming State High School Volleyball, Wrestling, Track and 1A/2A and 3A/4A Basketball
4. Request Received from Joe Hayek Concerning Street Name Change
5. Driving While Under the Influence Ordinance Amendments Presentation
6. Conference Center



THIRY YEARS OF TRAIL BUILDING IN OUR COMMUNITY

WHAT IS THE PLATTE RIVER TRAILS TRUST

- The mission of the Platte River Trail Trust is to develop a river pathway while preserving the scenic, natural and historic value of the North Platte River, and to facilitate a network of trails that contribute to our community's economic vitality and quality of life.



WHAT IS THE PLATTE RIVER TRAILS TRUST

- ***The Platte River Trails Trust*** is a 501(c)3 non-profit organization that partners with local governments, state and federal agencies, businesses, nonprofits and individuals on projects and events centered around funding, designing and constructing trails and park enhancements in our community.



2012 PLATTE RIVER TRAILS TRUST BOARD OF DIRECTORS

- President
- Vice President
- Treasurer
- Secretary
- Planning
- Maintenance
- Pumphouse
- Past President

Eric Easton
Heidi Walker
Chris Smith
Bruce English
Keith Tyler
Miguel Leotta
Farmer Housholder
Chris Michelson

- | | | | |
|--------------------|----------------|---------------|---------------|
| ○ Keith Cottam | Tamara Hawk | Pam Mills | William Mixer |
| ○ Robert Moenkhaus | Elliott Ramage | Bayard Rea | |
| ○ Nancy Witzeling | Todd Wykert | Jen Purviance | |
| ○ Donna Cuin | Janet Milek | David Hough | Dan Coryell |

- Angela Emery, Executive Director

WHAT IS THE PLATTE RIVER TRAILS TRUST?

- The Platte River Parkway is a 10 plus mile non-motorized pedestrian trail along the North Platte River
- The Platte River Parkway connects 8 Casper area parks and various sports facilities including Mike Lansing Field, Crossroads Softball Complex, and the North Casper Soccer Fields
- The Platte River Parkway offers river access at 7 locations along the trail
- The Platte River Parkway features the Casper Whitewater Park, a nationally recognized whitewater play area
- The Platte River Parkway Trust has developed two miles of the Casper Rail Trail that travels through the heart of urban Casper
- The Platte River Parkway Trust is committed to continuing to assist with the development of a network of trails in our community.

WHAT IS THE PLATTE RIVER TRAILS TRUST

These are the goals that guide our work

1. Expand the river pathway as a recreational and transportation corridor and assist in the development of a community trail network.
2. Manage and maintain an outstanding trails network and related facilities.
3. Improve awareness of community trails to public and private entities.
4. Provide and promote opportunities, activities and events for outdoor recreation, education and public wellness utilizing trails and related facilities.
5. Maintain the fiscal integrity of our organization to allow maximum trail development in our community.

Trail Courtesy

- Share the pathway.
- Respect all signs and bylaws.
- Always keep to the right and avoid blocking the trail.
- Respect nature and private property.
- Stay on the trail to avoid harming the surrounding environment.
- Use designated crossing areas when crossing the road, such as pedestrian crosswalks, and intersections.
- Watch for vehicles.
- Do not litter.



Cyclists and Skaters:

- Wear a helmet.
- Control your speed, slow down and use caution when approaching or passing other trail users.
- Give an audible warning (bell, horn or verbal) when passing others.
- Yield to others for courtesy and safety.
- Cyclists yield to skaters.
- Cyclists and skaters yield to pedestrians.



Pet Policy:

- Dogs must be under control at all times.
- Dogs MUST be on a leash in all areas, except Morad Park.
- Pet waste bags are available along the trail. Please practice "scoop the poop" to keep the trail clean.



River Safety

Water activities can be very dangerous. It is important to be alert when in and around the water, and to follow safety standards:

- Always wear an approved personal safety device/ life preserver.
- Wear a helmet when in the water.
- Dress appropriately for the weather conditions.
- Never go in the water alone.
- Be aware of water levels and current.
- Portage areas beyond your ability; be honest with yourself.



Life Preserver Loaner Program:

The City of Casper Fire Department sponsors a life preserver loaner program. Life preservers are available on a first come first serve basis from 8:00am to 8:00pm at all the City of Casper Fire Stations.



PLATTE RIVER PARKWAY

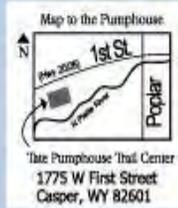
2012 CASPER AREA

TRAIL MAP

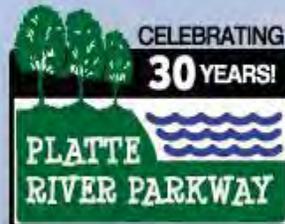
Walking, Hiking, Biking, Waterways & Rail Trails

The Tate Pumhouse Trail Center, located centrally along the 10 mile Parkway trail system, is a natural gathering place and the epicenter for trail and river corridor activities, including walking, cycling, rafting, fishing, jogging, and other outdoor pursuits.

The Pumhouse dates back to the early 1900's as a pumping station to send potable water to the oil fields near the town of Midwest. In 2007 the Pumhouse was gifted to the Platte River Parkway Trust by BP Amoco. With a generous donation by the Tate Foundation, the Pumhouse has been renovated into the current trail center and restaurant setting.



TATE PUMPHOUSE Trail Center



PO Box 1228
Casper, WY 82602

307.577.1206

platteriverparkway.com

Email: platteriver@wyoming.org
Facebook: Platte River Parkway

The Platte River Parkway Trust is a non-profit 501(c)3 organization founded in 1982 with a mission to build a pedestrian trail system along the North Platte River corridor through the greater Casper community.



The Parkway Trust relies upon donations from individuals, businesses, foundations, and the Wyoming Department of Transportation T.E.A.L. program and City of Casper Optional One Percent funds to do its work. If you are a Parkway user or proponent please consider a donation to support this remarkable resource. There are a number of different ways to partner with the Parkway. Please contact our office to learn more.

Community Resources

- Audubon Center at Garden Creek.....307-473-1987
- Casper Area Chamber of Commerce.....307.234.5311
- Casper Area Convention & Visitors Bureau.....307.234.5362
- Casper Windy City Striders.....www.windycitystriders.com
- City of Casper.....www.casperwy.gov
- Casper Parks Department.....307.235.8281
- Casper Police Department.....307.235-8225
- Natrona County.....www.natrona.net
- Casper Mountain Trails Center.....307.258.7674
- Natrona County Parks Department.....307.235.9311
- Wyoming Game & Fish.....307.473.3400

Trail Descriptions

Platte River Parkway (10 miles) The trail hugs the North Platte River running through the heart of Casper, from Paradise Valley on the west to Bryan Stock Trail on the east.

- Riparian areas & open spaces
- Parks
- White water rafting
- Boat launches
- Recreational activities such as cycling, running, skating & birding
- Tate Pumhouse Trail Center with tables, benches & restrooms

Casper Rail Trail (2.9 Miles) This urban thread runs along the former Chicago & Northwestern rail line through downtown Casper.

- West end - Oak Street in the Old Yellowstone District
- East end - Walsh Drive
- Gravel trail to Edness Kimball Wilkins State Park to the east

City Trails A network of paths, trails, wide walks and bike lanes throughout the city that are safe and inviting for walking and biking.

- Asphalt paths in the Sage, Long and Elkhorn drainages to the east.
- Wide walks on Beverly St, CY Avenue, & N. Forest Dr.
- Parks with looped walks of 1/16 to 1 mile in length:
 - Paradise Valley Park
 - Suzie McMurry Park
 - Wolf Creek Park
 - Yesness Park

The Bridal Trail is a 4.5 mile dirt loop trail starting at Rotary Park on Casper Mountain winding above and behind Garden Creek Falls to the south. Moderate inclines offer a natural escape with spectacular views. Please stay on the proper trail to prevent erosion and respect private property.

Choose Your Pathway

The Platte River Parkway Trust, and our partners the **Natrona County School District, Wyoming Medical Center, Casper College, Ingram/Olheiser Attorneys and Cameco** are pleased to offer this comprehensive trail map that provides information on the many paths and trails we have to offer in the greater Casper community; for commuting, recreation and wellness. Choose **your** pathway and enjoy the great outdoors in Casper and Natrona County.



NATRONA COUNTY SCHOOLS



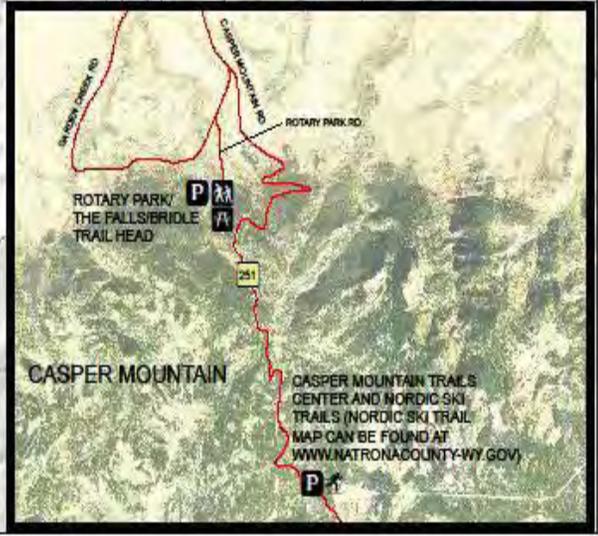
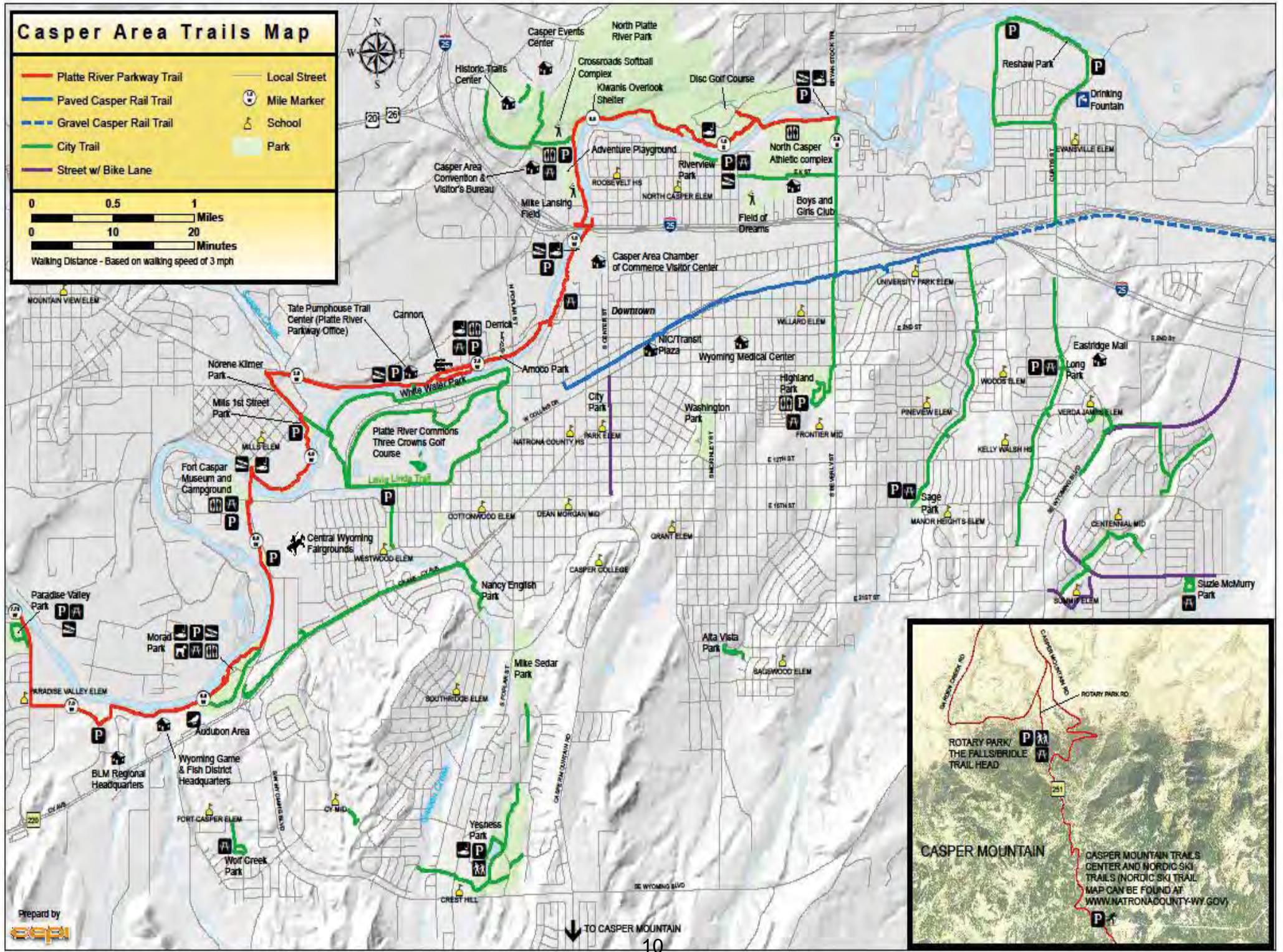
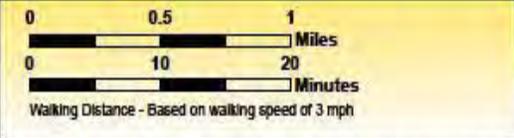
Wyoming Medical Center



INGRAM | OLHEISER
— INJURY & TRIAL ATTORNEYS —

Casper Area Trails Map

- Platte River Parkway Trail
- Paved Casper Rail Trail
- Gravel Casper Rail Trail
- City Trail
- Street w/ Bike Lane
- Local Street
- Mile Marker
- School
- Park



WYOMING STATE TRAILS SUMMIT

JUNE 27- 29, 2013

CASPER, WYOMING

Making the Connection

Non- motorized Transportation, Health & Tourism

WYOMING STATE TRAILS SUMMIT MAKING THE CONNECTION



1



WyomingTrailSummit

2



Wyoming
Trail Summit

3



4



5



6



7

WYOMING STATE TRAILS SUMMIT

MAKING THE CONNECTION

- Leaders
- Planners
- Funders
- Users

WYOMING STATE TRAILS SUMMIT

MAKING THE CONNECTION

- ◉ *Trails provide non-motorized transportation options*
- ◉ *Trails improve quality of life*
- ◉ *Trails improve the economy through tourism and civic improvement*
- ◉ *Trails preserve and restore open space*
- ◉ *Trails provide opportunities for physical activity to improve fitness and mental health.*

WYOMING STATE TRAILS SUMMIT

MAKING THE CONNECTION

◉ Areas of Focus

- Non-Motorized Transportation
- Health & Wellness
- Recreation & Tourism

WYOMING STATE TRAILS SUMMIT
MAKING THE CONNECTION: TRANSPORTATION, HEALTH & TOURISM

Working Agenda

- **Thursday June 27**
- **Booth Set-p & Registration opens at Hilton Garden Inn.**
- **7:00 Opening Reception**

- **Friday June 28**
- **8:00 Coffee and continental breakfast**

- **8:30-9:30 Morning plenary session**
 - **Tom Forslund, Director Department of Health**
 - **Milward Simpson, Director State Parks and Cultural Resources**
 - **WYDOT - Director John Cox**
 - **Expert speaker Jeff Olsen**

- 9:45 Morning Break (place for a sponsor)**

- 10:00-11:30 Morning Panel session - Health**
- **Panel of speakers on Health and Active Living (April Getchius lead)**

- **11:45-1:15 Lunch with Speakers, Jeff Olsen, First Lady**

WYOMING STATE TRAILS SUMMIT

MAKING THE CONNECTION: TRANSPORTATION, HEALTH & TOURISM

- ◎ **1:15-2:45 Afternoon panel - Non-Motorized Transportation**
 - Complete Streets, pathways, road cycling
 - WYDOT, bike/ped coordinator
 - Funding and planning information

- ◎ **2:45-3:00 Afternoon Break**

- ◎ **3:00-4:30 Afternoon panel - Recreation and Tourism**
 - Successful Trail Partnerships.
 - Dept. of Travel & Tourism Speaker and Casper area speaker

- ◎ **4:30-6:00 Mobile Workshop - Walk/Ride to NICFest**

- ◎ **6:30-9:00 Evening dinner, Tate Pumphouse; invited speaker Sen. John Barrasso; Casper speaker**

WYOMING STATE TRAILS CONFERENCE

WE CAN DO IT TOO!

- Alabama
- Arizona
- California
- Maine
- Michigan
- Montana
- New York
- Tennessee
- Texas
 - One of the major highlights of the Texas conference was the arrival by bicycle of Senator Ellis, who rode his bike 35 miles from Austin to San Marcos to address conference attendees. Clad in lycra, Senator Ellis inspired the audience about bicycle tourism trails by discussing how they can benefit the health and economy of Texas communities.
- Utah
 - City of Casper Manager, John Patterson tells a compelling story of the Utah Trails Conference that became so popular that towns and cities bid on holding the conference each year.
- Washington
 - The purpose of the WSTC is to provide an effective and interactive forum centering on protecting, promoting, and enhancing a statewide system of trails.



[Texas Trails & Active Transportation Conference](#)
February 1-3, 2012 · San Antonio, TX



We will pay special attention to how trails act as bridges: connecting the natural and human environment, joining urban and rural areas, and even connecting diverse ecological and socioeconomic communities.



The Alabama State Trails Conference will offer something or just about everyone that has an interest in trail planning, development and enjoyment of recreational trails of all types in Alabama!

WYOMING STATE TRAILS SYMPOSIUM MAKING THE CONNECTION

Mark Your Calendars!
April 14-17, 2013

American Trails
Ensuring Trails for Our Future
within 15 minutes of every home and workplace

Arizona State Parks

CAP
CENTRAL ARIZONA PROJECT

mesa ARIZONA
VISITMESA.COM

Fort McDowell
Resort Destination
THE ADVENTUROUS SIDE OF SCOTTSDALE

fountain hills

Scottsdale
Convention & Visitors Bureau®

International Trails SYMPOSIUM
American Trails | April 14-17, 2013 | ARIZONA
Trails Lead Everywhere

Symposium Location

Fort McDowell Yavapai Nation Resort
Destination, Arizona

Radisson Resort & Conference Center
(near Fountain Hills)

Learn More
www.AmericanTrails.org/2013
symposium@americantrails.org

Scottsdale Convention & Visitors Bureau

Scottsdale Convention & Visitors Bureau is a major sponsor of this Trails Symposium

WYOMING STATE TRAILS SUMMIT

MAKING THE CONNECTION: TRANSPORTATION, HEALTH & TOURISM

- According to the Outdoor Industry Association Wyoming outdoors spending nets \$4.5B, jobs, tax revenues
 - Outdoor recreation generated \$4.5 billion in spending in Wyoming in 2011-2012, generated \$1.4 billion in wages and salaries, directly employed 50,000 people and generated \$300 million in state and local tax revenues
 - The study considered dozens of outdoor recreation activities, including camping, hiking, biking, hunting, fishing, motorcycling, water sports and wildlife viewing.

PLATTE RIVER TRAILS AND WYOMING PATHWAYS

PRESENT

WYOMING STATE TRAILS SUMMIT *Making the Connection*

JUNE 27 -29, 2013, Casper, Wyoming

Calling all leaders, planners, funders & users!

There are many benefits of trails and greenways that planners, funders, and the public need to know

Trails improve quality of life

Trails improve the economy through tourism and civic improvement;

Trails preserve and restore open space

Trails provide opportunities for physical activity to improve fitness and mental health.

Summit Sponsorships

All Sponsors will be recognized on the Summit poster, event e-mail campaign and summit brochure

Sponsors who commit by February 1st will also appear on the Summit *Save the Date* postcard.

Apex Sponsor - \$5000 & up

Zenith Sponsor - \$3000 - \$4999

Peak Sponsor - \$1000 - \$2,999



WYOMING STATE TRAILS SUMMIT SPONSORSHIP LEVELS

- ◉ All Sponsors will be recognized on the Summit poster, event e-mail campaign and summit brochure
- ◉ Sponsors who commit by February 28th will also appear on the Summit *Save the Date* postcard.

- ◉ Apex Sponsor - \$5000 & up
- ◉ Zenith Sponsor - \$3000 - \$4999
- ◉ Peak Sponsor - \$1000 - \$2,999

February 7, 2013

MEMO TO: John C. Patterson, City Manager
FROM: Doug Follick, Leisure Services Director
SUBJECT: Outdoor Pools

Background:

In October, staff presented their recommendation (see attached memorandum dated October 17, 2012) for the demolition and replacement of the Mike Sedar swimming pool/bathhouse. At that time, the City and Natrona County School District (NCSD) were in negotiations regarding funding provided to the City for replacement of the East Casper Community Pool located at Kelly Walsh High School. Staff has been informed that the negotiated funding will be \$507,000.

The City has designated \$1,352,486 through a combination of assigned Aquatics Capital line items, and Optional 1% #14 sales tax funds. With the \$507,000 from NCSD, there is \$1,859,486 available for the replacement pool.

Mike Sedar swimming pool will become a regional pool located in the center of Casper. Staff's intent is to build as large a pool/bathhouse as possible with the funding available. The pool will be constructed so as to allow for future expansion as additional funding becomes available. With the \$1,859,486 available a pool with a 250-300 person capacity can be built.

Staff is ready to send out the Request for Proposals for a design architect. It is hoped that construction of the pool can be complete to allow for a grand opening date of Memorial Day 2014.

October 17, 2012

MEMO TO: John C. Patterson, City Manager

FROM: Doug Follick, Leisure Services Director
Carolyn Griffith, Recreation Superintendent
Jim Goblirsch, Aquatics Supervisor

SUBJECT: Outdoor Pools

Background:

The City of Casper (City) operates five (5) outdoor pool facilities (pools). The first outdoor pool, Washington Park, opened in 1935. Mike Sedar Pool opened in 1964, East Casper Community Pool in 1967, Marion Kreiner Pool in 1968, and Paradise Valley Pool in 1989. The average lifespan for an outdoor pool is 45-50 years and in 2013, four of the outdoor pools will be 45 years and older.

These pools have served our citizens and visitors well over the years, but are in dire need of refurbishment. Aesthetically, operationally, technically and functionally, these pools have become obsolete. Every one of the pools has issues with structural integrity, inefficient mechanical functions, aesthetics of pools and surroundings, space, user comfort/privacy, and limited or no handicapped accessibility. The pools have outlived current accessibility standards, health standards for operation and maintenance, recreational industry standards and community expectations.

The bathhouses associated with the pools are the most obvious area of concern. Only two (Washington and Paradise Valley) are handicapped accessible, and all five would cost in excess of \$150,000 each to modernize. The most appropriate course to update the bathhouses would be to demolish and re-build at an estimated cost of \$250,000 to \$500,000 each.

Casper is the best community in Wyoming, and the community is fortunate to have amenities only found in larger, more populated areas. Among the responsibilities that come with these amenities is maintaining the quality of the experience.

Annually, the City spends between \$5,000 and \$13,000 for routine maintenance on each of the pools. Annual utility costs are over \$66,000. In addition, each pool has a list of capital expenditures required to ensure that routine maintenance will be enough to stay open the next season. For example, this is the last season Mike Sedar will be able to be operated before replacing the liners at that facility (listed as critical in the amount of \$194,000+). The liners at Washington Park swimming pool are also scheduled for replacement (although not listed as critical) in the amount of \$259,000+. The liners at the other pools are also scheduled for replacement over the next few years, totaling over \$437,325. Lining all the pools alone will cost the City over \$891,000 in the next few years. Other known expenses include boilers (estimated at \$30,000 each), deck drains (\$255,000 two pools), filtration systems (\$35,600 each), and handicapped access modifications. The total pools capital requests for the five-year capital plan is in excess of \$1,645,000. The expenditure of these funds will not address the concern that the City is operating outdated pool facilities. It is important that

consideration be given to the best use of funds when investing in the pools to make future outdoor swimming experience as good as it can be.

Recommendations:

Staff has met with Public Services Department personnel and professional aquatics design/maintenance professionals to seek their evaluation of the City's aquatics facilities. Each of the City's pools was evaluated for current and future use. This process has identified the top priority for investment in order to maintain the future of aquatics in Casper. Mike Sedar pool was identified as the number one priority for many of the reasons listed above (critical pool liners, deck drains, filtration systems, handicapped accessibility, out-dated mechanical system and bathhouse improvements).

Staff's recommendation is to address the number one aquatics priority by demolition and replacement of the Mike Sedar pool with a modern park-style pool. Initial research of a replacement pool has resulted in the following cost estimate:

Demolition of current pool	\$ 50,000
Swimming pool- 2800sf-3500sf with 5' and less water depth	550,000
Bathhouse, decks, fencing, utilities, site work, parking etc.	550,000
Waterslides and features allowance	<u>200,000</u>
Total	\$1,350,000

The proposed pool design would decrease occupancy from the current capacity of 247 to 180, but would give the community a second interactive outdoor pool environment in a location that would be more centrally located. The funding for this proposed pool project would be allocated from the Optional 1% Sales Tax funds set aside for pool improvements and a splash park.

Prior to developing the final plans for the new Mike Sedar Pool, staff will be in discussions with the Natrona County School District regarding future plans for the East Casper Community Pool site. This pool is located on property owned by the District, but the agreement with the City provides that the City owns the pool facility. It has been the City's position that the District will need to provide funding to the City to replace that pool if their building design for Kelly Walsh High School requires that the pool be removed to allow the construction of the new high school. If an agreement can be reached, a portion of the funds which may come to the City could be used to expand the pool at Mike Sedar to accommodate an occupancy of 330, which is similar to the occupancy at the Paradise Valley Pool. The budget estimate for the larger pool is as follows:

Demolition of current pool	\$ 50,000
Swimming pool- 5000sf-5500sf with 5' and less water depth	1,000,000
Bathhouse, decks, fencing, utilities, site work, parking etc.	1,000,000
Waterslides and features allowance	<u>300,000</u>
Total	\$2,350,000

The larger pool would require an investment of an additional \$1 million from the School District funding.

Either of the options addresses the number one priority in aquatics and gives the citizens a state-of-the-art outdoor pool in the center of the community.

Improvements to the remaining pools will need to be addressed as funds become available either through future 1% allocations or from one-time capital funds that the City Council can designate for this purpose. It will be important to continue to maintain the pools and meet the health and safety requirements for operation until funding can be identified and an appropriate replacement plan is approved.

February 8, 2013

MEMO TO: John C. Patterson, City Manager
FROM: Doug Follick, Leisure Services Director
SUBJECT: Proud to Host the Best

Recommendation:

That Council, by resolution, authorize an agreement with the Natrona County School District, Casper Events Center, Casper Area Convention and Visitors' Bureau, Casper College, and Proud to Host the Best Committee for the obligations and commitments necessary to host the Wyoming State High School volleyball, wrestling, track, and 1A/2A and 3A/4A basketball culminating events for the years 2015-2018.

Summary:

For the past five years, the City of Casper has been the host of the Wyoming State High School volleyball, wrestling, track, and 1A/2A and 3A/4A basketball culminating events. These events bring approximately \$4.5 million annually to the local Casper community.

On February 5, 2013, the Wyoming State High School Activities Association took bids for the 2015-2018 seasons. The Proud to Host the Best Committee, in conjunction with the Natrona County School District, Casper Events Center, and the Casper Area Convention and Visitors' Bureau presented the same bid that was presented in 2010 to secure these events. The Wyoming State High School Activities Association has awarded Casper the bid for the 2015-2018 seasons.

The agreement details commitments from the Proud to Host the Best Committee, the Natrona County School District, Casper Events Center, and the Casper Area Convention and Visitors' Bureau to ensure that each of the events has a location, is staffed appropriately, meals are provided for volunteers, and are adequately funded. Via this agreement, the various entities make certain commitments. For instance, the Casper Events Center (City of Casper) and the Natrona County School District agree to split, equally, any losses up to \$20,000.

A resolution has been prepared for Council's consideration.

AGREEMENT

THIS AGREEMENT is hereby entered into on this ____ day of _____, 20__, amongst the Natrona County School District (District), 970 N. Glenn Road Casper, WY; the City of Casper, d.b.a. Casper Events Center (CEC), 1 Events Drive Casper, WY; the Casper Area Convention and Visitors Bureau (CVB), 992 N. Poplar Street Casper, WY; Casper College (College), 125 College Drive Casper, WY; and, the Proud to Host the Best Committee (PHB), 992 N. Poplar Street Casper, WY, for the obligations and commitments necessary to host the Wyoming State High School culminating events.

WHEREAS, the District, CEC, CVB, College, and PHB bid the Wyoming High School Activities Association Culminating Events for the years 2015-2018; and,

WHEREAS, the District was awarded the State Volleyball, State Wrestling, State Track, 1A/2A and 3A/4A Basketball Culminating Events; and,

WHEREAS, the parties desire an agreement specifying their obligations and commitments for hosting these State Culminating Events;

NOW THEREFORE, the parties agree to the following for each of the years 2015–2018:

CEC Obligations:

The CEC shall provide the following at no charge for events held at the CEC:

- § The CEC arena including all fixed seating,
- § arena level dressing rooms,
- § the meeting rooms on the second floor set with necessary tables and chairs,
- § volleyball courts with standards and nets,
- § basketball courts, standards and baskets,
- § PA system,
- § scorers, officials and media courtside tables and chairs,
- § crowd control equipment owned by the CEC,
- § all utilities at the CEC,
- § CEC salaried staff,
- § standard cleaning and restroom supplies for the CEC, and
- § dinner in the Hospitality Room for the volunteers and officials on the Saturday night of both basketball games.

The CEC shall provide the following hourly staff and shall be reimbursed by PHB at the hourly rate in effect at the time of the tournament:

- § Ticket sellers and takers at the Volleyball, Wrestling, and both Basketball tournaments including ticket takers and sellers at Casper College.
- § Crowd management staff at the Volleyball, Wrestling and both Basketball tournaments including crowd management staff at Casper College for the Basketball tournaments.
- § Maintenance staff to install the volleyball courts and standards and the basketball courts and standards at the CEC.

The CEC, in conjunction with the PHB, shall provide a budget projection for each of the events covered within this agreement prior to the occurrences of the events.

The CEC shall provide the food, beverage and service for the hospitality room for all meals not provided by PHB. With the exception of the Saturday night meals for the Basketball tournaments at the CEC, all meals provided by the CEC shall be reimbursed at a per meal rate established by menus provided to PHB prior to the State Volleyball Tournament.

District Obligation: NCSD #1 State Tournament Obligations

The Natrona County School District will provide:

- § Tournament Director,
- § Secretarial assistance,
- § Maintaining and Recruiting a volunteer workers base,
- § Scheduling workers to fill all necessary positions for tournament operations,
- § All tournament correspondence,
- § Wrestling mats, including set up,
- § Kelly-Walsh Track and Field facilities,
- § Parking for track,
- § Ticket takers/sellers for Track,
- § Procuring substitutes for district employees needed to run the tournaments,
- § Clearing House for State Tournament Programs,
- § Liaison to vendors for officials refreshments,
- § Copy machines and fax machines,
- § Computers/printers,
- § Two Way Radios for officials,
- § Awards Stands,
- § Printer/Copier Paper,
- § Clocks/timing Equipment,
- § Custodians for Track,
- § Crowd/Parking Control personnel for track,
- § Towels,

- § Maintenance Department assistance in setting up, tearing down, and transportation of necessary equipment,
- § Grounds keeping assistance for track,
- § Warehouse assistance in acquiring equipment from other districts,
- § Breakfast Items for Track,
- § Concession Operators for Track,
- § Workers/Officials Badges,
- § Workers/Officials parking passes, and
- § Credentials list for CEC

CVB Obligation:

- § The CVB will continue to sponsor the tournaments through the PHB Committee with one large cash donation, AND an additional cash match for NEW sponsors. i.e. In 2015-2018 the CVB will make a \$30,000.00 sponsorship donation.
- § These specific amounts may, at the discretion of the Natrona County Travel & Tourism Council, change from year to year.
- § Handle the invoicing and keep track of the payments made to the PHB Committee.
- § Make all payments for the PHB Committee on “Proud to Host the Best Committee” checks.
- § Handle the mailings for the PHB Committee.
- § Keep an accurate accounting of PHB funds and financial history.
- § Send thank you letters to sponsors.
- § Send reminder letters to sponsors who are late in fulfilling their pledges.
- § Re-initiate sponsor contracts and manage those contracts.
- § Act as the “organizer” of the committee i.e. maintain the committee contact list and handle the majority of communication on behalf of the Committee.
- § Ensure that all sponsors receive the correct benefits in accordance with their sponsorship level.
- § Provide a place for the committee to meet.
- § Provide the various sub-committees with information in relation to sponsorship, in-kind and donation amounts.
- § Provide tournament information page(s) on the casperwyoming.info website.
- § Provide the local business community with Welcome posters for all tournaments.
- § Conduct additional promotion of the tournaments outside the scope of the PHB committee.

PHB Obligations:

- § Contact and assist in recruiting volunteers to assist the other sponsors.
- § Through the various committees, secure donations and sponsorships from area businesses to fund the costs of the tournaments. Currently, the estimated funds needed for the operations of the tournaments are between \$75,000 and \$100,000 annually.
- § Prepare and circulate annual budgets to the City of Casper, Natrona County School District and the Casper Area Convention and Visitors Bureau, or its representatives by October 15th of each year and update the budget quarterly. The intention of the budget is to notify each of the financially responsible sponsors of any potential additional funding that may be required.
- § Schedule and meet with the Wyoming High School Activities Association (WHSAA) and the facility sponsors prior to and following each tournament to determine specific needs and changes to the operations of the tournaments.
- § Meet along with representatives of the major sponsors with the WHSAA Commissioner and the Board of Directors no less than twice annually to discuss mutual issues related to the tournament operations.
- § Secure the donations of meal sponsorships to minimize the out of pocket costs of meals for hospitality rooms at the various tournaments. Securing an estimated total of 25 – 30 meals, and coordinate those meals with CEC and Casper College.
- § Conduct monthly meetings with committee chairs and sponsor representative on the status of activities.
- § Act as a liaison between all major sponsors and the WHSAA on matters and possible disputes related to the Tournament contract.
- § The PHB, in conjunction with the CEC, shall provide a budget projection for each of the events covered within this agreement prior to the occurrences of the events.

If revenues raised by PHB are not sufficient to cover the charge for CEC staff and hospitality rooms at the CEC, College and District any shortage of \$20,000.00 or less will be split evenly between the CEC and the District. If the shortage is in excess of \$20,000.00, the first \$20,000.00 will be split evenly between the CEC and the District and any remaining shortage will be split in three equal parts by the CEC, the District, and the CVB. If the revenues generated by PHB exceed the expenses incurred by CEC, the excess revenue will be retained by PHB to apply to subsequent year expenses.

Example #1:

Shortage = \$20,000.00

The CEC and the District split the shortage evenly: \$10,000.00 – CEC, \$10,000.00 – District.

Example #2:

Shortage = \$30,000.00

The CEC and the District split the first \$20,000.00 evenly: \$10,000.00 – CEC, \$10,000.00 – District.

The remaining shortfall = \$10,000.00

The CEC, the District, and the CVB split the remaining shortfall amount in three equal parts: \$3,333.33 – CEC, \$3,333.33 – District, \$3,333.33 - CVB

College Obligation:

Casper College will donate the use of the T-Bird Gym and all related costs to such facility including all maintenance, janitorial and utilities. The College will also continue to sponsor the tournaments through the PHB committee with a cash donation annually of \$10,000.00, to be approved by the trustees annually.

The College will in no way be responsible for any monetary shortfall related to this agreement.

Miscellaneous:

This agreement may only be altered by written amendment signed by all parties hereto. No other agreement, written or verbal, shall have any force and effect on the parties hereto for the subject matter hereof.

The parties do not waive any right or rights they may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statutes Sections 1-39-101 et seq. The parties specifically reserve the right to assert any and all immunities, rights, and defenses they may have pursuant to the Wyoming Governmental Claims Act.

No party shall be responsible for indemnification of any other party. Each party shall bear its own legal expenses, fees, or liabilities should any arise from this agreement or any events referenced herein.

No party may withdraw from its obligations under this agreement without the written approval of all the other parties hereto.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Kenyne Schlager
Mayor

NATRONA COUNTY SCHOOL
DISTRICT #1

CASPER AREA CONVENTION
AND VISITORS BUREAU

Dr. Joel Dvorak
Superintendent

Christine Hill
Chairman

CASPER COLLEGE

PROUD TO HOST THE BEST

Dr. Walt Nolte
President

Aaron M. McCreight
Chairman

From: Joe Hayek [joehayek2012@gmail.com]
Sent: Sunday, February 03, 2013 2:11 PM
To: Charlie Powell
Cc: Kenyne Schlager; gmajoni@schillingrealestate.com
Subject: Special Request

Hey Charlie!

You are my elected councilperson so you get this. Kenyne is family and has been my "go-to gal" in the past so she gets a copy. If you both can believe this, I am actually being very serious in this e-mail.

Our little "Colony Townhomes" area was built in 1983 along with much of the rest of this immediate area. Our first homeowners' association president was Clark Schilling. He stayed our president until he passed away this past September. Our little association consists of only two streets, Oxcart Ct. and Chuckwagon Ct. Yesterday, we had a homeowners assn meeting and discussed things that we could do to honor with a memorial our beloved past president of almost 30 years. The idea that got the most enthusiastic reception and support was to ask the city if it could rename "Oxcart Ct." to "Schilling Ct." There are only 14 families that live on Oxcart and most of us were at the meeting. They all enthusiastically supported the idea. We felt certain that we could get the others to agree also. Additionally, our homeowners' assn would be happy to ante up whatever bucks might be necessary to make the change.

I know that cities have changed names of streets to honor all sorts of people from rodeo champions to astronauts. How about a guy who worked tirelessly for 30 years to keep his little part of Casper beautiful and cordial?

I'd be the "go-to guy" in this endeavour to get the leg work done. Can it be done? If, how do I start?

May the Force be with you,
Joe Hayek

February 21, 2013

MEMO TO: John C. Patterson, City Manager

FROM: William C. Luben, City Attorney

SUBJECT: Amending Casper Municipal Code § 10.52.060, 10.52.080, and 10.52.090 to incorporate into the City Code state law changes for sentencing in driving while under the influence cases.

INTRODUCTION

As Council is aware, now that the alcohol court has commenced its operations in the Municipal Court, my office has brought forward an amendment to the Casper Municipal Code sections pertaining to driving while under the influence of alcohol (DUI) in order to incorporate changes that have been made to State law.

Council desired further explanation of these amendments at the February 19th Council meeting, and I informed Council that I would give a presentation on these amendments at your upcoming work session on February 26th.

I have attached several documents for your review prior to the work session and our discussion on this topic, being as follows:

Exhibit "A": Wyoming State Statute Section 31-5-233 regarding driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substances.

Exhibit "B": Section 10.52.030 through Section 10.52.090 of the Casper Municipal Code pertaining to driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substance. These being the current codifications of these sections.

Exhibit "C": proposed Ordinance Amendment to Section's 10.52.060, 10.52.080, and 10.52.090 of the Casper Municipal Code.

Exhibit "D": current sentencing guidelines being applied by the Municipal Court for 1st, 2nd, and subsequent DUI cases in the Municipal Court.

I am intending to have a power point presentation prepared for the work session on February 26th to aid in the discussion of this topic.

DISCUSSION

State law changes now allow for the enhancement of a driving while under the influence penalty if an individual has had a prior offense within ten years, which had previously been limited to an offense occurring within a five-year period. In addition to this change, State law mandates certain minimum sentences for second and third offenses of driving while under the influence of alcohol which actually captures what the Municipal Court sentences have been rendering by the Court in the past in enhanced cases.

The Municipal Court has jurisdiction under State law to impose fines of up to \$750, jail time up to six months, and a probation term of up to six months for DUI offenses. On first offenses, the Municipal Court has begun imposing a three day minimum jail sentence for first offenders, even though the recent changes to State law does not provide for a minimum jail sentence for first offenders. The Municipal Court has historically given 2nd offenders seven days in jail as a minimum jail sentence, which is reflected in State law for this offense as a minimum sentence for 2nd offenders. The Municipal Court, as part of his inherent power, has in the past ordered alcohol evaluations for all individuals convicted or pleading guilty to DUI offenses. State law codifies the ability of the Court to order these evaluations as part of its sentencing powers for first, 2nd, and 3rd DUI offenses.

Sentences for the 3rd offense DUI cases is somewhat problematic for municipal courts, in the that the changes to State law now provide that an offender may be sentenced to a term of imprisonment of not less than thirty days nor more than six months, a fine of not less than \$750 nor more than \$3,000, with probation which may exceed the maximum term of imprisonment for up to 3 years. The problem being that municipal courts are limited in their jurisdiction under other State law provisions to rendering a maximum fine of \$750, and maximum imprisonment of six months under State law. In addition, under Wyoming law, probation entered in a Municipal Court case may not exceed the maximum term of a sentence that can be imposed, and as such, a Municipal Court can only grant probation for up to a six month period.

Because of this anomaly on 3rd offense sentencing, our office is recommending adopting the State law changes for 3rd offenders including the minimum jail sentence of thirty days to six months, along with a fine of \$750 in order to comply with the Municipal Court jurisdictional requirements of State law. At this point, is going to be very rare for the Municipal Court to entertain a 3rd offense DUI case, in light of the additional penalties that are available to the Circuit Court in these cases. However, we are incorporating the changes that are allowed under the Municipal Court jurisdiction, with the hope of approaching the Legislature to expand the Municipal Court's jurisdiction in the future to allow for the enhanced sentences in the 3rd offense cases.

The provisions of State law relating to 4th offense DUI cases are simply not applicable to municipal courts, as 4th offense cases are felony level cases, for which municipal courts have no jurisdiction. As such, the Casper Municipal Court will never be entertaining 4th offense DUI cases, and they will be referred to the District Attorney's office for prosecution.

State law now allows for enhancement of the penalties for DUI cases in the event an offender has a prior offense within ten years of a current offense. State law used to provide for the enhancement of DUI penalties if an offender had a prior offense within five years. Now that the Alcohol Court is up and running in the Municipal Court, it is advisable for this Court be able to handle cases where an offender has a prior offense that is within the ten year capture period of State law. In the past, we have experienced approximately one case a month wherein an offender had a prior offense that was older than five, and less than ten years, and we have referred those cases to the District Attorney's office for prosecution.

You will note, in reviewing the new State law statutory provisions, that they provide for enhanced sentences beyond the municipal court's jurisdiction for cases involving "serious bodily injury", and where a person over 18 years of age has a child passenger in the vehicle. We are not proposing to adopt these provisions into the Municipal Code, for the reason that the potential sentences for both of these offenses exceed the jurisdictional limits of the Municipal Court. In this regard, I would note that we currently refer aggravated DUI cases to the District Attorney's office for prosecution in order to take advantage of the enhanced sentencing options which the Circuit Court has for these cases. Aggravated cases include cases of high-speed chases, assault of an officer, and accidents which result in serious bodily injury to third parties.

Now that the Municipal Court has multiple judges, the language in Section 10.52.080 requiring the same judge to decide whether a prior conviction is valid for penalty enhancement is not necessary. This is archaic language that needs to be deleted from this Section. When an offender is charged with having committed a prior DUI offense, the offender is first tried as a first offender, and if convicted, then a separate hearing is held to determine whether the offender has a valid prior offense that can be used to enhance a sentence. As far as this hearing is concerned, it is irrelevant whether the judge that presided over the offender's trial sits on the enhancement hearing. A different judge can clearly hear this part of an offender's case, and, if the prior offense is found to be valid, it can then be referred back to the sentencing judge for sentencing in the case.

Now that the Alcohol Court is up and running in the Municipal Court, it is advisable to update the City Code to incorporate these statutory changes for use by the Municipal Court in processing DUI cases.

§ 31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties.

Wyoming Statutes

Title 31. AND REGISTRATION

Chapter 5. REGULATION OF TRAFFIC ON HIGHWAYS

Article 2. OPERATION OF VEHICLES GENERALLY

Current through Laws 2013, c. 16

§ 31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties

(a) As used in this section:

(i) "Alcohol concentration" means:

(A) The number of grams of alcohol per one hundred (100) milliliters of blood;

(B) The number of grams of alcohol per two hundred ten (210) liters of breath; or

(C) The number of grams of alcohol per seventy-five (75) milliliters of urine.

(ii) "Controlled substance" includes:

(A) Any drug or substance defined by W.S. 35-7-1002(a)(iv);

(B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

(C) Any drug or psychoactive substance, or any combination of these substances, capable of impairing a person's physical or mental faculties.

(iii) "Conviction" means as defined in W.S. 31-7-102(a)(xi);

(iv) "Driver's license" means as defined in W.S. 31-7-102(a)(xxv) and includes nonresident operating privileges as defined in W.S. 31-7-102(a)(xxx);

(v) "Other law prohibiting driving while under the influence" means a statute of another state, the

United States or a territory or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substances or drugs;

(vi) "Child passenger" means a person traveling in a vehicle who is under sixteen (16) years of age;

(vii) "Alcohol" means any substance or substances containing any form of alcohol;

(viii) "Chemical test" means a test which analyzes an individual's breath, blood, urine, saliva or other bodily fluids or tissues for evidence of drug or alcohol use.

(b) No person shall drive or have actual physical control of any vehicle within this state if the person:

(i) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more;

(ii) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, as measured within two (2) hours after the time of driving or being in actual physical control of the vehicle following a lawful arrest resulting from a valid traffic stop; or

(iii) To a degree which renders him incapable of safely driving:

(A) Is under the influence of alcohol;

(B) Is under the influence of a controlled substance; or

(C) Is under the influence of a combination of any of the elements named in subparagraphs (A) and (B) of this paragraph.

(c) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or being in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(i) If there was at that time an alcohol concentration of five one-hundredths of one percent (0.05%) or less, it shall be presumed that the person was not under the influence of alcohol;

(ii) If there was at that time an alcohol concentration of more than five one-hundredths of one percent (0.05%) and less than eight one-hundredths of one percent (0.08%), that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining whether the person was under

the influence of alcohol to a degree which renders him incapable of safely driving a motor vehicle.

(d) Subsection (c) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcohol, including tests obtained more than two (2) hours after the alleged violation. The fact that any person charged with a violation of subsection (b) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under subsection (b) of this section.

(e) Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the offender. Except as otherwise provided in this subsection or subsection (h) or (m) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. On a second offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail.

In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). On a third offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months, shall receive a substance abuse assessment pursuant to W.S. 7-13-1302 and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least thirty (30) days in jail except that the court shall consider the substance abuse assessment and may order the person to undergo outpatient alcohol or substance abuse treatment during any mandatory period of incarceration. The minimum period of imprisonment for a third violation shall be mandatory, but the court, having considered the substance abuse assessment and the availability of public and private resources, may suspend up to fifteen (15) days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the offender completes an inpatient treatment program approved by the court. In addition, the person may be fined not less than seven hundred fifty dollars (\$750.00) nor more than three thousand dollars (\$3,000.00). The judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge. Notwithstanding any other provision of law, the term of probation imposed

by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall not exceed three (3) years for up to and including a third conviction. On a fourth offense resulting in a conviction or subsequent conviction within ten (10) years for a violation of this section or other law prohibiting driving while under the influence, he shall be guilty of a felony and fined not more than ten thousand dollars (\$10,000.00), punished by imprisonment for not more than seven (7) years, or both.

(f) Any person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed:

(i) Have his driver's license suspended or revoked pursuant to W.S. 31-7-127 or 31-7-128. The court shall forward to the department a copy of the record pertaining to disposition of the arrest or citation;

(ii) For a first conviction where the department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year;

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years;

(v) For a fourth or subsequent conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for the remainder of the offender's life, except five (5) years from the date of conviction and every five (5) years thereafter, the offender may apply to the court for removal of the ignition interlock device required by this paragraph. The court may, for good cause shown, remove the ignition interlock device requirement if the offender has not been subsequently convicted of driving a motor vehicle in violation of this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).

(g) The court may, upon pronouncement of any jail sentence under subsection (e) of this section, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be

allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school. Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the sheriff.

(h) As used in this subsection, "serious bodily injury" means bodily injury which creates a reasonable likelihood of death or which causes miscarriage or serious permanent disfigurement or protracted loss or impairment of any bodily member or organ. Whoever causes serious bodily injury to another person resulting from the violation of this section shall be punished upon conviction as follows:

(i) If not subject to the penalty under paragraph (ii) of this subsection, by a fine of not less than two thousand dollars (\$2,000.00) nor more than five thousand dollars (\$5,000.00), imprisonment for not more than ten (10) years, or both;

(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than twenty (20) years; and

(iii) Any person convicted under this subsection shall have his driver's license revoked as provided in W.S. 31-7-127.

(j) Any person charged under this section or a municipal ordinance which substantially conforms to the provisions of this section shall be prosecuted under this section or the ordinance and not under a reduced charge or dismissed unless the prosecuting attorney in open court moves or files a statement to reduce the charge or dismiss, with supporting facts, stating that there is insufficient evidence to sustain the charge.

(k) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with W.S. 31-6-105(a).

(m) Any person eighteen (18) years of age or older who has a child passenger in the vehicle during a violation of this section shall be punished upon conviction as follows:

(i) For a first conviction under this subsection, by imprisonment for not more than one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both;

(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than five (5) years.

Cite as W.S. 31-5-233

History. Amended by Laws 2012, ch. 43, §1, eff. 7/1/2012.

Amended by Laws 2011, ch. 122, §1, eff. 7/1/2011.

Amended by Laws 2011, ch. 39, §1, eff. 7/1/2011.

Related Legislative Provision: *See Laws 2011, ch. 39, §2.*

10.52.030 - Driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substance.

- A. As used in the section:
1. "Alcohol concentration" means:
 - a. The number of grams of alcohol per one hundred milliliters of blood;
 - b. The number of grams of alcohol per two hundred ten milliliters of breath;
 - c. The number of grams of alcohol per seventy-five milliliters of urine.
 2. "Controlled substance" includes:
 - a. Any drug or substance defined by Wyoming Statutes Section 35-7-1002(a)(IV);
 - b. Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.
 3. "Conviction" means as defined in Wyoming Statutes Section 31-7-102(A)(IV).
 4. "Other law prohibiting driving while under the influence" means a statute of another state, the United States or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substance or drugs.
- B. No person shall drive or have actual physical control of any vehicle within the city if the person:
1. Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more; or
 2. To a degree which renders him incapable of safely driving:
 - a. Is under the influence of alcohol;
 - b. Is under the influence of a controlled substance; or
 - c. Is under the influence of a combination of any of the elements named in subsections (B)(2)(a) and (b) of this section.
- C. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or being in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:
1. If there was at that time an alcohol concentration of five one-hundredths of one percent (0.05%) or less, it shall be presumed that the person was not under the influence of alcohol.
 2. If there was at that time an alcohol concentration of more than five one-hundredths of one percent (0.05%), and less than eight one-hundredths of one percent (0.08%), that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining whether the person was under the influence of alcohol to a degree which renders him incapable of safely driving a motor vehicle.
- D. Subsection C of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcohol, including tests obtained more than three hours after the alleged violation. The fact that any person charged with a violation of subsection B or C of this

section is or has been entitled to use the controlled substance under the laws of the state shall not constitute a defense against any charge under subsection B or C of this section.

- E. Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with Wyoming Statutes Section 31-6-105(A) or applicable Wyoming state statute.

(Ord. 28-02, 2002; Ord. 5-94 (part), 1994)

10.52.060 - Violation of Section 10.52.030—Penalty.

A person convicted of violating Section 10.52.030 is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars and/or imprisonment of not more than six months, to which may be added court costs allowed by law. On a subsequent conviction of Section 10.52.030, within five years after a conviction for a violation of Section 10.52.030 or other law prohibiting driving while under the influence, said person shall be punished by imprisonment for not less than seven days nor more than six months and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven days in jail. In addition, the person shall be fined not less than two hundred dollars nor more than seven hundred fifty dollars, to which may be added court costs as allowed by law. The judge may, as a condition for suspension of all or part of the discretionary portion of an imprisonment sentence under this section, require the defendant to pursue and complete an alcohol education or treatment program as prescribed by the judge.

(Ord. 5-94 (part), 1994)

10.52.070 - Penalty—Alternate provisions for employment and education.

The court may, upon pronouncement of any jail sentence under Section 10.52.060, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school.

(Ord. 5-94 (part), 1994)

10.52.080 - Trial procedure when previous conviction exists.

In the event the complaint, information or citation alleges a conviction of Section 10.52.030, or a conviction for a violation of the law prohibiting driving while under the influence within five years of the charge of a violation of Section 10.52.030, the trial on the charged violation shall proceed as in other cases. If the defendant is convicted of the charged violation, and does not plead guilty to the charge of the previous conviction, he shall be tried immediately by the same judge on the charge of the previous conviction. In a trial where a previous conviction is alleged, a duly authenticated copy of the record of previous conviction and judgment against the defendant of any court are prima facie evidence of the previous conviction and may be used in evidence against the defendant.

(Ord. 5-94 (part), 1994)

10.52.090 - Consideration of prior conviction for purpose of enhancing penalty permitted.

A conviction under a law prohibiting driving while under the influence, which occurred within five years before the effective date of the ordinance codified in this chapter, may be alleged in a complaint, information or citation and considered by the court for the purpose of enhancing the penalty for a violation of Section 10.52.030, as provided in Section 10.52.060.

(Ord. 5-94 (part), 1994)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 10.52 OF THE CASPER MUNICIPAL CODE PERTAINING TO DRIVING WHILE UNDER THE INFLUENCE.

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

Section 1:

That Section 10.52.060 of the Casper Municipal Code shall be amended to read as follows:

~~A person convicted of violating Section 10.52.030 is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars and/or imprisonment of not more than six months, to which may be added court costs allowed by law. On a subsequent conviction of Section 10.52.030, within five years after a conviction for a violation of Section 10.52.030 or other law prohibiting driving while under the influence, said person shall be punished by imprisonment for not less than seven days nor more than six months and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven days in jail. In addition, the person shall be fined not less than two hundred dollars nor more than seven hundred fifty dollars, to which may be added court costs as allowed by law. The judge may, as a condition for suspension of all or part of the discretionary portion of an imprisonment sentence under this section, require the defendant to pursue and complete an alcohol education or treatment program as prescribed by the judge.~~

A PERSON CONVICTED OF VIOLATING SECTION 10.52.030 SHALL BE ORDERED TO OR SHALL RECEIVE A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY A SUBSTANCE ABUSE PROVIDER CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO W.S. 9-2-2701(C) AT OR BEFORE SENTENCING. THE COST OF THE SUBSTANCE ABUSE ASSESSMENT SHALL BE ASSESSED TO AND PAID BY THE DEFENDANT. A PERSON CONVICTED OF VIOLATING THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN SIX (6) MONTHS, A FINE OF NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS (\$750.00), OR BOTH. ON A SECOND OFFENSE RESULTING IN A CONVICTION WITHIN TEN (10) YEARS AFTER A CONVICTION FOR A VIOLATION OF THIS SECTION OR OTHER LAW PROHIBITING DRIVING WHILE UNDER THE INFLUENCE, HE SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN SEVEN (7) DAYS NOR MORE THAN SIX (6) MONTHS, HE SHALL BE ORDERED TO OR SHALL RECEIVE A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY A SUBSTANCE ABUSE PROVIDER CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO W.S. 9-2-2701(C) AT OR BEFORE SENTENCING AT THE DEFENDANT'S COST AND SHALL NOT BE ELIGIBLE FOR PROBATION OR SUSPENSION OF SENTENCE OR RELEASE ON ANY OTHER BASIS UNTIL HE HAS SERVED AT LEAST SEVEN (7) DAYS IN JAIL. IN ADDITION, THE PERSON MAY BE FINED NOT LESS THAN TWO HUNDRED DOLLARS (\$200.00) NOR MORE THAN SEVEN HUNDRED FIFTY DOLLARS (\$750.00).

ON A THIRD OFFENSE RESULTING IN A CONVICTION WITHIN TEN (10) YEARS AFTER A CONVICTION FOR A VIOLATION OF THIS SECTION OR OTHER LAW PROHIBITING DRIVING WHILE UNDER THE INFLUENCE, HE SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN SIX (6) MONTHS, SHALL RECEIVE A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY A SUBSTANCE ABUSE PROVIDER CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO W.S. 9-2-2701(C) AT THE DEFENDANT'S COST AT OR BEFORE SENTENCING, AND SHALL NOT BE ELIGIBLE FOR PROBATION OR SUSPENSION OF SENTENCE OR RELEASE ON ANY OTHER BASIS UNTIL HE HAS SERVED AT LEAST THIRTY (30) DAYS IN JAIL EXCEPT THAT THE COURT SHALL CONSIDER THE SUBSTANCE ABUSE ASSESSMENT AND MAY ORDER THE PERSON TO UNDERGO OUTPATIENT ALCOHOL OR SUBSTANCE ABUSE TREATMENT AT THE DEFENDANT'S COST DURING ANY MANDATORY PERIOD OF INCARCERATION. THE MINIMUM PERIOD OF IMPRISONMENT FOR A THIRD VIOLATION SHALL BE MANDATORY, BUT THE COURT, HAVING CONSIDERED THE SUBSTANCE ABUSE ASSESSMENT AND THE AVAILABILITY OF PUBLIC AND PRIVATE RESOURCES, MAY SUSPEND UP TO FIFTEEN (15) DAYS OF THE MANDATORY PERIOD OF IMPRISONMENT IF, SUBSEQUENT TO THE DATE OF THE CURRENT VIOLATION, THE DEFENDANT, AT THE DEFENDANT'S COST, COMPLETES AN INPATIENT TREATMENT PROGRAM APPROVED BY THE COURT. IN ADDITION, THE PERSON MAY BE FINED NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS (\$750.00). THE JUDGE MAY SUSPEND PART OR ALL OF THE DISCRETIONARY PORTION OF AN IMPRISONMENT SENTENCE UNDER THIS SUBSECTION AND PLACE THE DEFENDANT ON PROBATION ON CONDITION THAT THE DEFENDANT PURSUES AND COMPLETES AN ALCOHOL EDUCATION OR TREATMENT PROGRAM AS PRESCRIBED BY THE JUDGE.

Section 2:

That Section 10.52.080 of the Casper Municipal Code shall be amended to read as follows:

In the event the complaint, information or citation alleges a conviction of Section 10.52.030, or a conviction for a violation of the law prohibiting driving while under the influence within ~~five~~ TEN years of the charge of a violation of Section 10.52.030, the trial on the charged violation shall proceed as in other cases. If the defendant is convicted of the charged violation, and does not plead guilty to the charge of the previous conviction, he shall be tried ~~immediately by the same judge~~ on the charge of the previous conviction. In a trial where a previous conviction is alleged, a duly authenticated copy of the record of previous conviction and judgment against the defendant of any court are prima facie evidence of the previous conviction and may be used in evidence against the defendant.

Section 3:

That Section 10.52.090 of the Casper Municipal Code shall be amended to read as follows:

A conviction under a law prohibiting driving while under the influence, which occurred within ~~five~~-TEN years before the effective date of the ordinance codified in this chapter, may be alleged in a complaint, information or citation and considered by the court for the purpose of enhancing the penalty for a violation of Section 10.52.030, as provided in Section 10.52.060.

Section 4:

This ordinance shall be in full force and effect upon its passage and publication.

PASSED on 1st reading the 19th day of February, 2013.

PASSED on 2nd reading the _____ day of _____, 2013.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the _____ day of _____, 2013.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Kenyne Schlager
Mayor

1st Offense DUI Penalty

- ◆ Fined \$750.00
- ◆ Assessed \$100.00 Victim's Compensation and \$10.00 Court costs
- ◆ Sentenced to 180 days in Jail [or CAC if desired, and if space is available, at Defendant's expense]
- ◆ Suspend \$200.00 of the fine and _____ days of the incarceration on condition that the Defendant complete 6 month supervised probation in the alcohol court program under the following terms and conditions:
 1. Lead a worthy and law abiding life.
 2. Not violate any state, local, or federal laws.
 3. Complete all requirements of the Casper Municipal Court alcohol court program including all required check-ins and Court appearances.
 4. Not consume or possess any alcohol or illegally use any controlled substances.
 5. Participate in the random drug and alcohol testing program at the Drug Testing Services at Defendant's expense; report by 4:00 p.m. the next business day following sentencing or release from jail to enroll in the program.
 6. Undergo an ASI criteria alcohol evaluation and provide proof of having done so to the Court within 60 days.
 7. Complete any recommended follow-up education or counseling and provide proof to the Court of having done so within 5 months. It is the Defendant's responsibility, not the Counselor's responsibility to get the proof of the evaluation in to the Court.
 8. Take a copy of the charging document and your driving record to the alcohol evaluation.
 9. Attend a victim impact panel/Alive @ 25 program and provide proof to the court of attendance.
 10. Notify the Court within 10 days of any change of address or employment.
 11. Complete AA or group therapy or such other counseling as recommended by the Case Coordinator on a schedule to be set by the Case Coordinator.
 12. Pay all fines and assessments on time or come into Court by 8:00 a.m. on the due date to make other arrangements.

Determine an appropriate payment schedule for the unsuspended fine.

2nd or Subsequent Offense DUI Penalty

- ◆ Fined \$750.00
- ◆ Assessed \$100.00 Victim's Compensation and \$10.00 Court costs
- ◆ Sentenced to 180 days in the Natrona County Detention Center [or CAC if desired, and if space is available, at Defendant's expense]
- ◆ Suspend _____ days of the incarceration on condition that the Defendant complete 6 month supervised probation in the alcohol court program under the following terms and conditions:

1. Lead a worthy and law abiding life.
2. Not violate any state, local, or federal laws.
3. Not consume or possess any alcohol or controlled substances without a prescription from a licensed health care provider.
4. Participate in the random drug and alcohol testing program at the Day Reporting Center at Defendant's expense; report by 4:00 p.m. the next business day following sentencing or release from custody to enroll in the program.
5. Undergo an ASI criteria alcohol evaluation and provide proof of having done so to the Court within 60 days.
6. Complete any recommended follow-up education or counseling and provide proof to the Court of having done so within 5 months. It is the Defendant's responsibility, not the Counselor's responsibility to get the proof of the evaluation in to the Court.
7. Take a copy of the charging document and your driving record to the alcohol evaluation.
8. Attend Victim Impact Panel.
9. Complete all requirements of the Casper Municipal Court alcohol court program including all required check-ins and Court appearances.
10. Complete AA or group therapy or such other counseling as recommended by the Case Coordinator on a schedule to be set by the Case Coordinator.
11. Notify the Court within 10 days of any change of address or employment.
12. Pay all fines and assessments on time or come into Court by 8:00 a.m. on the due date to make other arrangements.

Determine an appropriate payment schedule for the fine and assessments through the Court staff..

DUI ORDINANCE AMENDMENTS

William C. Luben
City Attorney

Gary Way
Assistant City Attorney



MUNICIPAL COURT JURISDICTION

The Municipal Court is a Court of limited jurisdiction. It's jurisdiction is limited by Statute as follows:

- Fine of \$00.00 to maximum of \$750.00.
- Jail sentence of up to six (6) months.
- Court costs of \$10.00.



PROBATION

Under Wyoming Case Law, court's of limited jurisdiction can not grant probation for a term longer than the term it has the power to incarcerate an individual.

Thus, the Municipal Court can only grant probation for up to six (6) months for DUI cases.



CURRENT DUI ORDINANCE

A person convicted of violating [Section 10.52.030](#) is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars and/or imprisonment of not more than six months, to which may be added court costs allowed by law. On a subsequent conviction of [Section 10.52.030](#), within **FIVE YEARS** after a conviction for a violation of [Section 10.52.030](#) or other law prohibiting driving while under the influence, said person shall be punished by imprisonment for not less than seven days nor more than six months and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven days in jail. In addition, the person shall be fined not less than two hundred dollars nor more than seven hundred fifty dollars, to which may be added court costs as allowed by law. The judge may, as a condition for suspension of all or part of the discretionary portion of an imprisonment sentence under this section, require the defendant to pursue and complete an alcohol education or treatment program as prescribed by the judge.

(Ord. 5-94 (part), 1994)

NOTE: State law now allows for a ten (10) year penalty enhancement period.

CURRENT STATE DUI LAW

1st Offense DUI

W.S. Section 31-5-233(e): Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the offender. Except as otherwise provided in this subsection or subsection (h) or (m) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for **not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.**

CURRENT STATE DUI LAW

2ND Offense DUI

On a second offense resulting in a conviction within **ten (10) years** after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person may be fined **not less than two hundred dollars (\$200.00)** nor more than seven hundred fifty dollars (\$750.00).

CURRENT STATE DUI LAW

3rd Offense DUI

On a third offense resulting in a conviction **within ten (10)** years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment **for not less than thirty (30)** days nor more than six (6) months, shall receive a substance abuse assessment pursuant to W.S. 7-13-1302 and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least **thirty (30) days in jail** except that the court shall consider the substance abuse assessment and may order the person to undergo outpatient alcohol or substance abuse treatment during any mandatory period of incarceration. **The minimum period of imprisonment for a third violation shall be mandatory**, but the court, having considered the substance abuse assessment and the availability of public and private resources, may suspend up to fifteen (15) days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the offender completes an inpatient treatment program approved by the court. In addition, the person may be fined **not less than seven hundred fifty dollars (\$750.00) nor more than three thousand dollars (\$3,000.00)**. The judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge. ~~Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall not exceed three (3) years for up to and including a third conviction.~~

NOTE: Municipal Court does not have jurisdiction to render a three (3) year probation, so this stricken provision is not included in the ordinance amendment.

STATE DUI LAW

4th Offense DUI

~~On a fourth offense resulting in a conviction or subsequent conviction within ten (10) years for a violation of this section or other law prohibiting driving while under the influence, he shall be guilty of a felony and fined not more than ten thousand dollars (\$10,000.00), punished by imprisonment for not more than seven (7) years, or both.~~

NOTE: Municipal Court does not have jurisdiction over felony level cases. These cases are referred to the District Attorney's Office.



ADDITIONAL DELETED STATE LAW SECTIONS REGARDING LICENSE SUSPENSION AND INTERLOCK DEVICES

The following provisions of the State Law are not included in our ordinance amendment due to the fact they apply to State Department of Transportation procedures:

- (f) Any person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed:
- (i) Have his driver's license suspended or revoked pursuant to W.S. 31-7-127 or 31-7-128. The court shall forward to the department a copy of the record pertaining to disposition of the arrest or citation;
- (ii) For a first conviction where the department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;
- (iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year;
- (iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years;
- (v) For a fourth or subsequent conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for the remainder of the offender's life, except five (5) years from the date of conviction and every five (5) years thereafter, the offender may apply to the court for removal of the ignition interlock device required by this paragraph. The court may, for good cause shown, remove the ignition interlock device requirement if the offender has not been subsequently convicted of driving a motor vehicle in violation of this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).



ADDITIONAL DELETED STATE LAW SECTIONS REGARDING JAIL RELEASE FOR SCHOOL OR EMPLOYMENT PURPOSES

(g) ~~The court may, upon pronouncement of any jail sentence under subsection (e) of this section, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school. Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the sheriff.~~

NOTE: The City already has a similar provision in the City Code.



ADDITIONAL DELETED STATE LAW SECTIONS REGARDING DUI CASES INVOLVING SERIOUS BODILY INJURY

- ~~(h) As used in this subsection, "serious bodily injury" means bodily injury which creates a reasonable likelihood of death or which causes miscarriage or serious permanent disfigurement or protracted loss or impairment of any bodily member or organ. Whoever causes serious bodily injury to another person resulting from the violation of this section shall be punished upon conviction as follows:~~
- ~~(i) If not subject to the penalty under paragraph (ii) of this subsection, by a fine of not less than two thousand dollars (\$2,000.00) nor more than five thousand dollars (\$5,000.00), imprisonment for not more than ten (10) years, or both;~~
 - ~~(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than twenty (20) years; and~~
 - ~~(iii) Any person convicted under this subsection shall have his driver's license revoked as provided in W.S. 31-7-127.~~

NOTE: Municipal Court does not have jurisdiction to render these sentences, so these provisions are not included in the ordinance amendment. These cases are referred to the District Attorney's Office.



ADDITIONAL DELETED STATE LAW SECTIONS REGARDING JAIL RELEASE FOR SCHOOL OR EMPLOYMENT PURPOSES

- ~~(j) Any person charged under this section or a municipal ordinance which substantially conforms to the provisions of this section shall be prosecuted under this section or the ordinance and not under a reduced charge or dismissed unless the prosecuting attorney in open court moves or files a statement to reduce the charge or dismiss, with supporting facts, stating that there is insufficient evidence to sustain the charge.~~
- ~~(k) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with [W.S. 31-6-105\(a\)](#).~~
- ~~(m) Any person eighteen (18) years of age or older who has a child passenger in the vehicle during a violation of this section shall be punished upon conviction as follows:
 - ~~(i) For a first conviction under this subsection, by imprisonment for not more than one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both;~~
 - ~~(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than five (5) years.~~~~

NOTE: Municipal Court does not have jurisdiction to render these sentences, so these provision are not included in our ordinance amendment. These cases are referred to the District Attorney's Office.



PROPOSED ORDINANCE AMENDMENT

1st Offense DUI

A person convicted of violating Section 10.52.030 shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the Department of Health pursuant to [W.S. 9-2-2701\(c\)](#) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the defendant. A person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Note: No change on penalty, but this amendment does add the substance abuse assessment language of the State Statute.



PROPOSED ORDINANCE AMENDMENT

2nd Offense DUI

On a second offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the Department of Health pursuant to [W.S. 9-2-2701\(c\)](#) at or before sentencing at the defendant's cost and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00).

NOTE: This amendment adds the seven day minimum jail sentence for second offense DUI, the alcohol assessment at the defendant's cost, and the ten (10) year penalty enhancement period of State law.



PROPOSED ORDINANCE AMENDMENT

3rd Offense DUI

On a third offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months, shall receive a substance abuse assessment conducted by a substance abuse provider certified by the Department of Health pursuant to [W.S. 9-2-2701\(c\)](#) at the defendant's cost at or before sentencing, and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least thirty (30) days in jail except that the court shall consider the substance abuse assessment and may order the person to undergo outpatient alcohol or substance abuse treatment at the defendant's cost during any mandatory period of incarceration. The minimum period of imprisonment for a third violation shall be mandatory, but the court, having considered the substance abuse assessment and the availability of public and private resources, may suspend up to fifteen (15) days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the defendant, at the defendant's cost, completes an inpatient treatment program approved by the court. In addition, the person may be fined not less than seven hundred fifty dollars (\$750.00). The judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge.

NOTE: This amendment adds the thirty day minimum jail sentence for third offense DUI, the alcohol assessment provisions at the defendant's cost, and the ten (10) year penalty enhancement period of State law.



AMENDMENT TO SECTION 10.52.080

In the event the complaint, information or citation alleges a conviction of Section 10.52.030, or a conviction for a violation of the law prohibiting driving while under the influence **within five TEN years** of the charge of a violation of Section 10.52.030, the trial on the charged violation shall proceed as in other cases. If the defendant is convicted of the charged violation, and does not plead guilty to the charge of the previous conviction, he shall be tried ~~immediately by the same judge~~ on the charge of the previous conviction. In a trial where a previous conviction is alleged, a duly authenticated copy of the record of previous conviction and judgment against the defendant of any court are prima facie evidence of the previous conviction and may be used in evidence against the defendant.

NOTE: This amendment adds the ten (10) year penalty enhancement language of State law. This amendment further deletes the requirement that the enhancement hearing be held by the same judge hearing a given case, which is not required by law and is unnecessary.



AMENDMENT TO SECTION 10.52.090

A conviction under a law prohibiting driving while under the influence, which occurred within ~~five~~ **TEN** years before the effective date of the ordinance codified in this chapter, may be alleged in a complaint, information or citation and considered by the court for the purpose of enhancing the penalty for a violation of Section 10.52.030, as provided in Section 10.52.060.

NOTE: This amendment adds the State law ten (10) year penalty enhancement period.

MUNICIPAL COURT SENTENCING GUIDELINES

1ST OFFENSE DUI

1st Offense DUI Penalty

- ◆ Fined \$750.00
- ◆ Assessed \$100.00 Victim's Compensation and \$10.00 Court costs
- ◆ Sentenced to 180 days in Jail [or CAC if desired, and if space is available, at Defendant's expense]
- ◆ Suspend \$200.00 of the fine and _____ days of the incarceration on condition that the Defendant complete 6 month supervised probation in the alcohol court program under the following terms and conditions:

1. Lead a worthy and law abiding life.
2. Not violate any state, local, or federal laws.
3. Complete all requirements of the Casper Municipal Court alcohol court program including all required check-ins and Court appearances.
4. Not consume or possess any alcohol or illegally use any controlled substances.
5. Participate in the random drug and alcohol testing program at the Drug Testing Services at Defendant's expense; report by 4:00 p.m. the next business day following sentencing or release from jail to enroll in the program.
6. Undergo an ASI criteria alcohol evaluation and provide proof of having done so to the Court within 60 days.
7. Complete any recommended follow-up education or counseling and provide proof to the Court of having done so within 5 months. It is the Defendant's responsibility, not the Counselor's responsibility to get the proof of the evaluation in to the Court.
8. Take a copy of the charging document and your driving record to the alcohol evaluation.
9. Attend a victim impact panel/Alive @ 25 program and provide proof to the court of attendance.
10. Notify the Court within 10 days of any change of address or employment.
11. Complete AA or group therapy or such other counseling as recommended by the Case Coordinator on a schedule to be set by the Case Coordinator.
12. Pay all fines and assessments on time or come into Court by 8:00 a.m. on the due date to make other arrangements.

Determine an appropriate payment schedule for the unsuspended fine.

MUNICIPAL COURT SENTENCING GUIDELINES

2nd OFFENSE DUI

2nd or Subsequent Offense DUI Penalty

- ◆ Fined \$750.00
- ◆ Assessed \$100.00 Victim's Compensation and \$10.00 Court costs
- ◆ Sentenced to 180 days in the Natrona County Detention Center [or CAC if desired, and if space is available, at Defendant's expense]
- ◆ Suspend _____ days of the incarceration on condition that the Defendant complete 6 month supervised probation in the alcohol court program under the following terms and conditions:

1. Lead a worthy and law abiding life.
2. Not violate any state, local, or federal laws.
3. Not consume or possess any alcohol or controlled substances without a prescription from a licensed health care provider.
4. Participate in the random drug and alcohol testing program at the Day Reporting Center at Defendant's expense; report by 4:00 p.m. the next business day following sentencing or release from custody to enroll in the program.
5. Undergo an ASI criteria alcohol evaluation and provide proof of having done so to the Court within 60 days.
6. Complete any recommended follow-up education or counseling and provide proof to the Court of having done so within 5 months. It is the Defendant's responsibility, not the Counselor's responsibility to get the proof of the evaluation in to the Court.
7. Take a copy of the charging document and your driving record to the alcohol evaluation.
8. Attend Victim Impact Panel.
9. Complete all requirements of the Casper Municipal Court alcohol court program including all required check-ins and Court appearances.
10. Complete AA or group therapy or such other counseling as recommended by the Case Coordinator on a schedule to be set by the Case Coordinator.
11. Notify the Court within 10 days of any change of address or employment.
12. Pay all fines and assessments on time or come into Court by 8:00 a.m. on the due date to make other arrangements.

Determine an appropriate payment schedule for the fine and assessments through the Court staff.

February 21, 2013

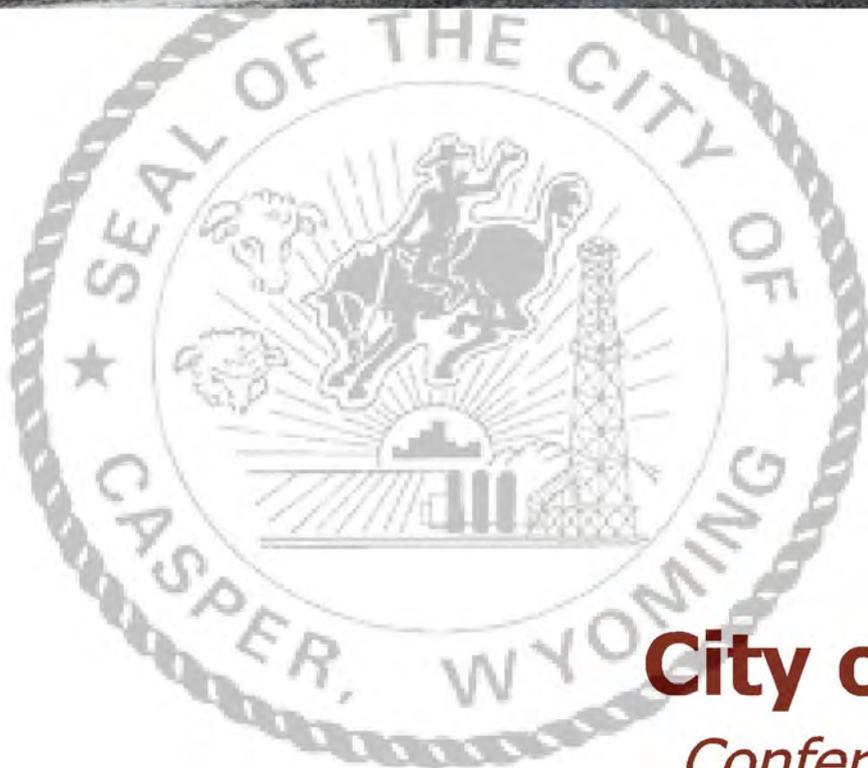
MEMO TO: Her Honor, The Mayor, and Members of City Council

FROM: John C. Patterson, City Manager

SUBJECT: Conference Center

There will be a presentation of the conference center market study at the Tuesday, February 26, 2013, Council work session. A printed, bound copy of the study will be distributed at that meeting. However, in the meantime, the study is available on the City's website for your review.

If you have question or concerns, please let me know.



StrategicAdvisoryGroup

Navigating the Road Ahead

City of Casper

*Conference Center
Market Study*

February 2012

Why We Are Here



- City perceived opportunity to expand Casper’s market to host state and regional conferences and conventions
- Engaged SAG to “...to conduct a market study to examine the potential usage for a conference center located in the downtown core of Casper.”
 - With an adjacent hotel
 - A conference center located within two miles of existing hotels

Research Steps



- Interviewed local officials and business leaders
- Toured Casper area and facilities and conducted interviews
- Analyzed community attributes
- Toured 20+ competitive state/regional facilities, interviews
- Surveyed meeting planners
 - Local, state, regional, national
- Analyzed multiple Smith Travel Research Reports regarding hotel average daily rate and occupancy
- Developed project cash flows

Stakeholder Meetings/Interviews



- City of Casper City Council and various City staff
- Convention & Visitors Bureau
- Chamber of Commerce
- Casper Events Center
- Central Wyoming Fair & Rodeo
- Hospitality sector:
 - Parkway Plaza Hotel
 - Best Western Ramkota
 - Ramada Plaza Riverside
 - JJM Group Hotels
- Casper College
- Various others

What We Heard: First Week



- Seeking higher end meeting product for Casper
 - Existing meeting hotels aging, poor space configuration
 - Can't currently effectively address the potential market
- Capacity to host 1,200 to 2,000
- Seeking economic impact
- Breakeven financially
- City prefers not to own or operate another facility in the long term
- Previous solicitation for project left City unsure of correct direction

Industry Trends

(national perspective)

Facility Types



Stand-alone conference centers are rarely built because they are not ideal

Hotel Conference Center

- Higher end meeting space (ballroom, meeting rooms)
- Prevalent and popular
- Vast majority of meetings
- Many examples around state
- Hotel rooms, F&B make project financially feasible

Stand-Alone Conference Center

- Same space, no hotel
- Only seen in specific settings
- Not popular for most groups (often heavy local usage)
- Weather becomes a factor
- No hotel to provide operational, financial support to conference space

Multi-Purpose Venue (civic center, convention center, arena, etc.)

- Adds larger exhibit and/or arena component
- Not popular for professional meetings
- Role filled by Casper Events Center

Meetings Industry



The meetings industry is large.....

Meetings Market Size			
	<i>Number of Meetings</i>	<i>Meeting Attendance</i>	<i>Average Attendance</i>
Corporate	1,080,400	84,068,000	78
Association	227,000	37,473,000	165
Conventions	<u>13,700</u>	<u>19,681,000</u>	1,437
Total	<u>1,321,100</u>	<u>141,222,000</u>	

1.3 million vs 14,000

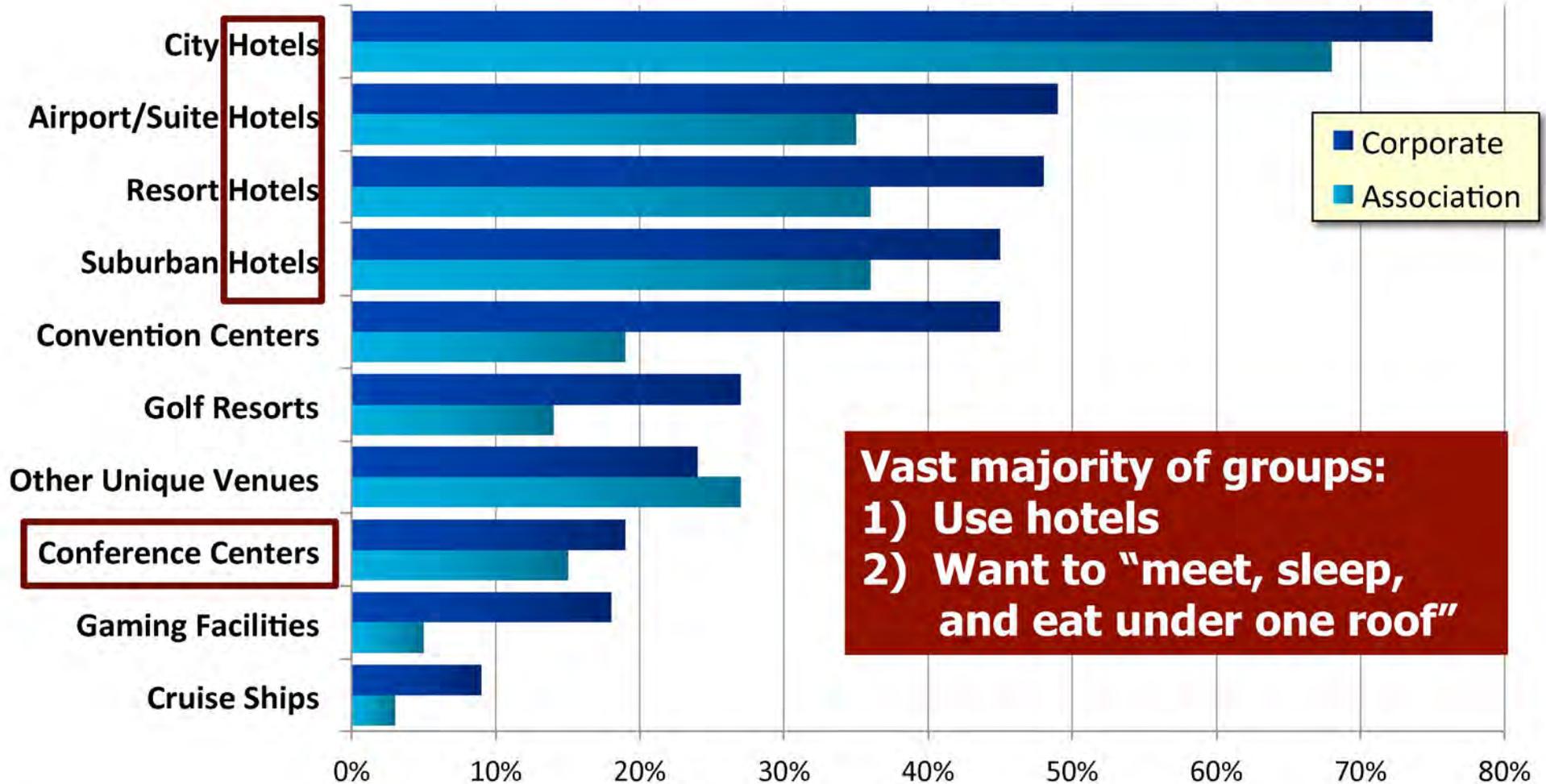
Source: Meeting & Conventions Meetings Market Report. Center for Exhibition Industry Research.

Types of Facilities Used



....and prefers to utilize hotels and resorts

Types of Facilities Used in Past Year



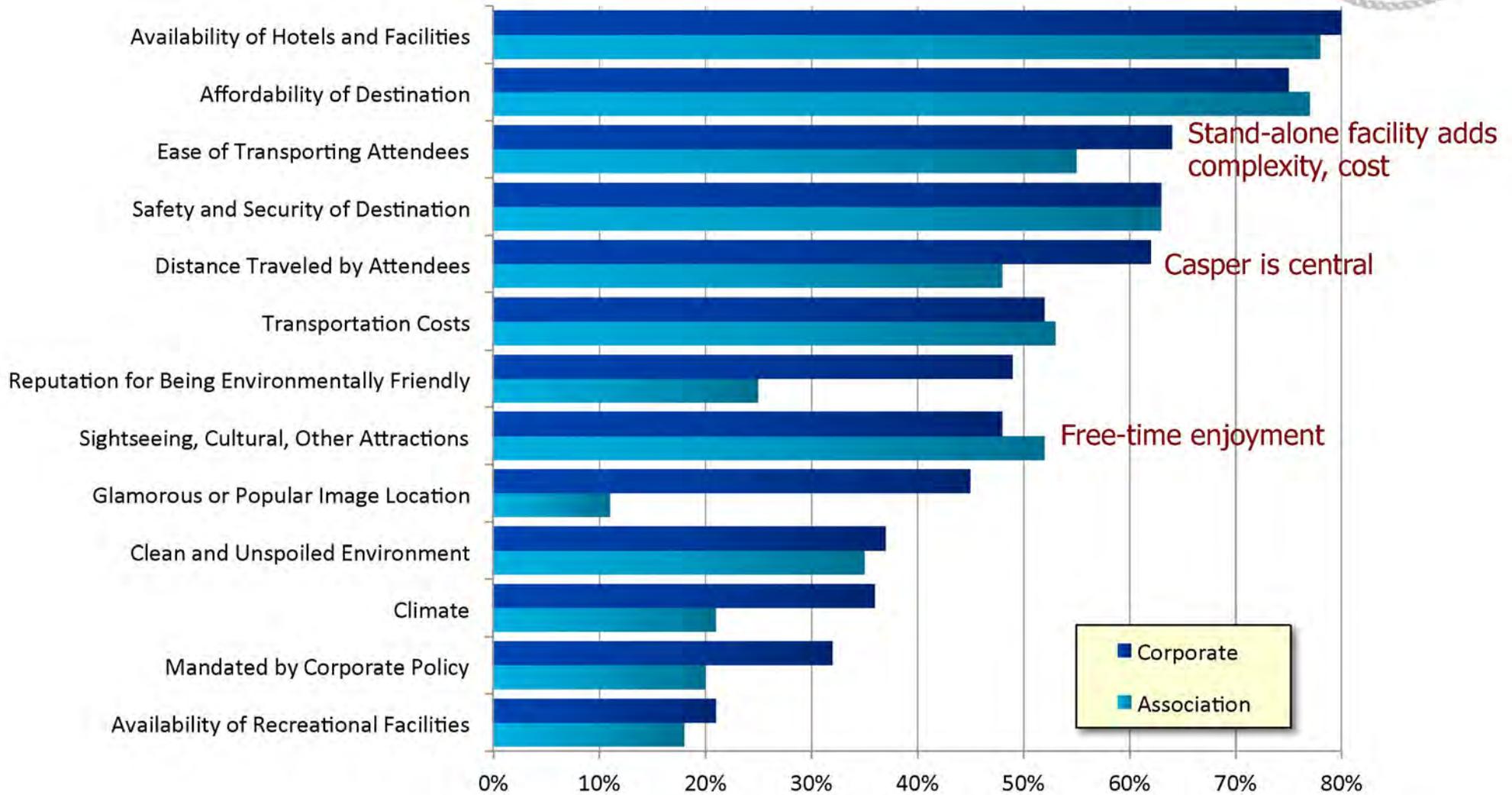
**Vast majority of groups:
1) Use hotels
2) Want to "meet, sleep,
and eat under one roof"**

Source: Meeting & Conventions Meetings Market Report.

Destination Selection Criteria



Destinations best addressing meeting planner needs will win

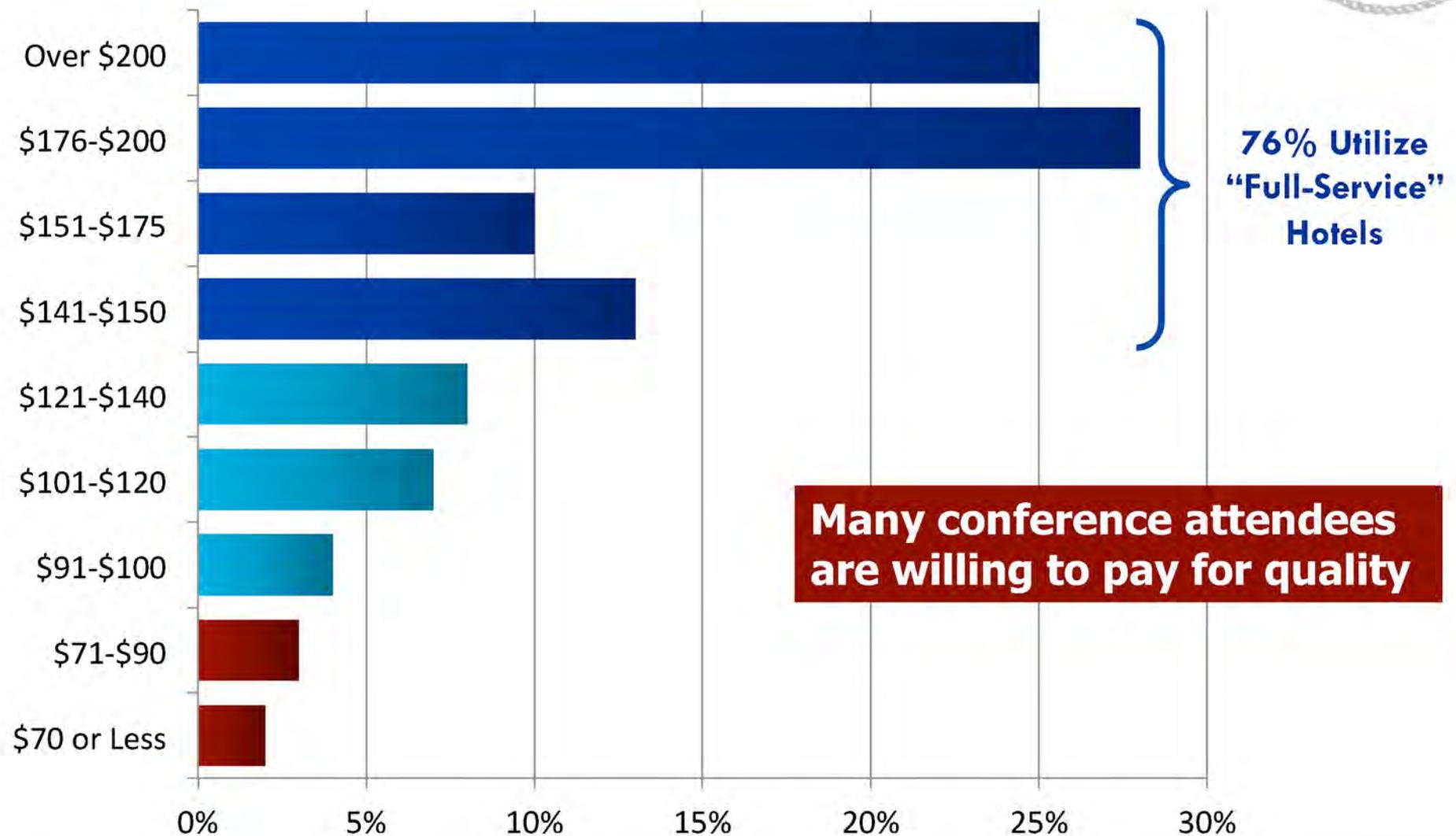


Source: Meeting & Conventions Meetings Market Report.

Hotel Product Utilized



Full-service hotels are the venue of choice

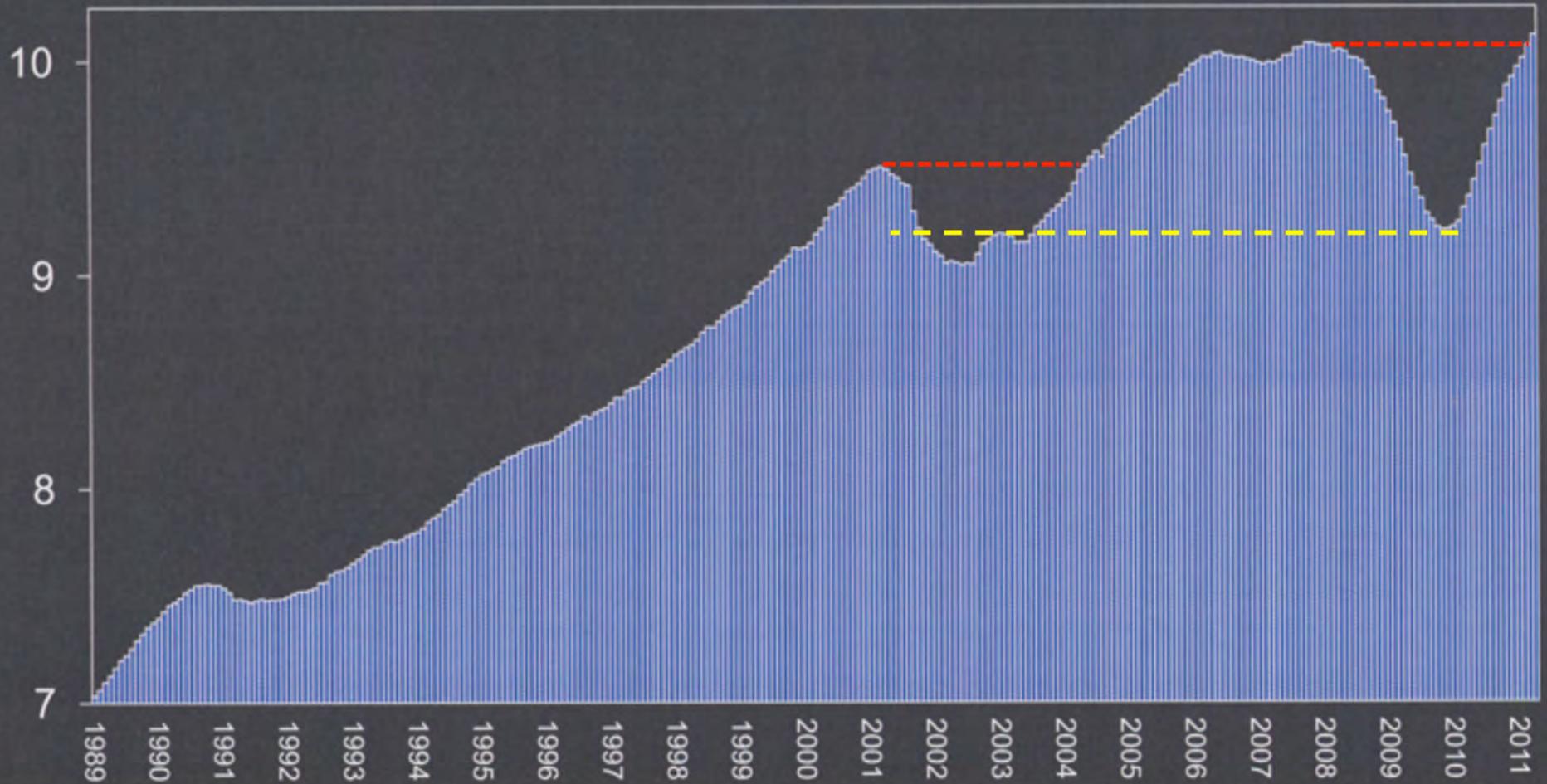


Source: Meeting & Conventions Meetings Market Report.

Total United States

Room Nights Sold – 12 Month Moving Average (000,000,000)

January 1989 – April 2011



Source: 2011 Smith Travel Research, Inc.



Industry Economic Factors



- Potential slow economic growth
 - High unemployment
 - Impact of high global deficits (Europe, etc.)
 - Tight credit for business expansion
 - Usage of online meetings
 - Greater competition for marketing dollars
 - Thinner organizer margins may result in industry shrinkage
-
- Exhibitions, meetings still considered the best venue for face-to-face interaction

Conclusions



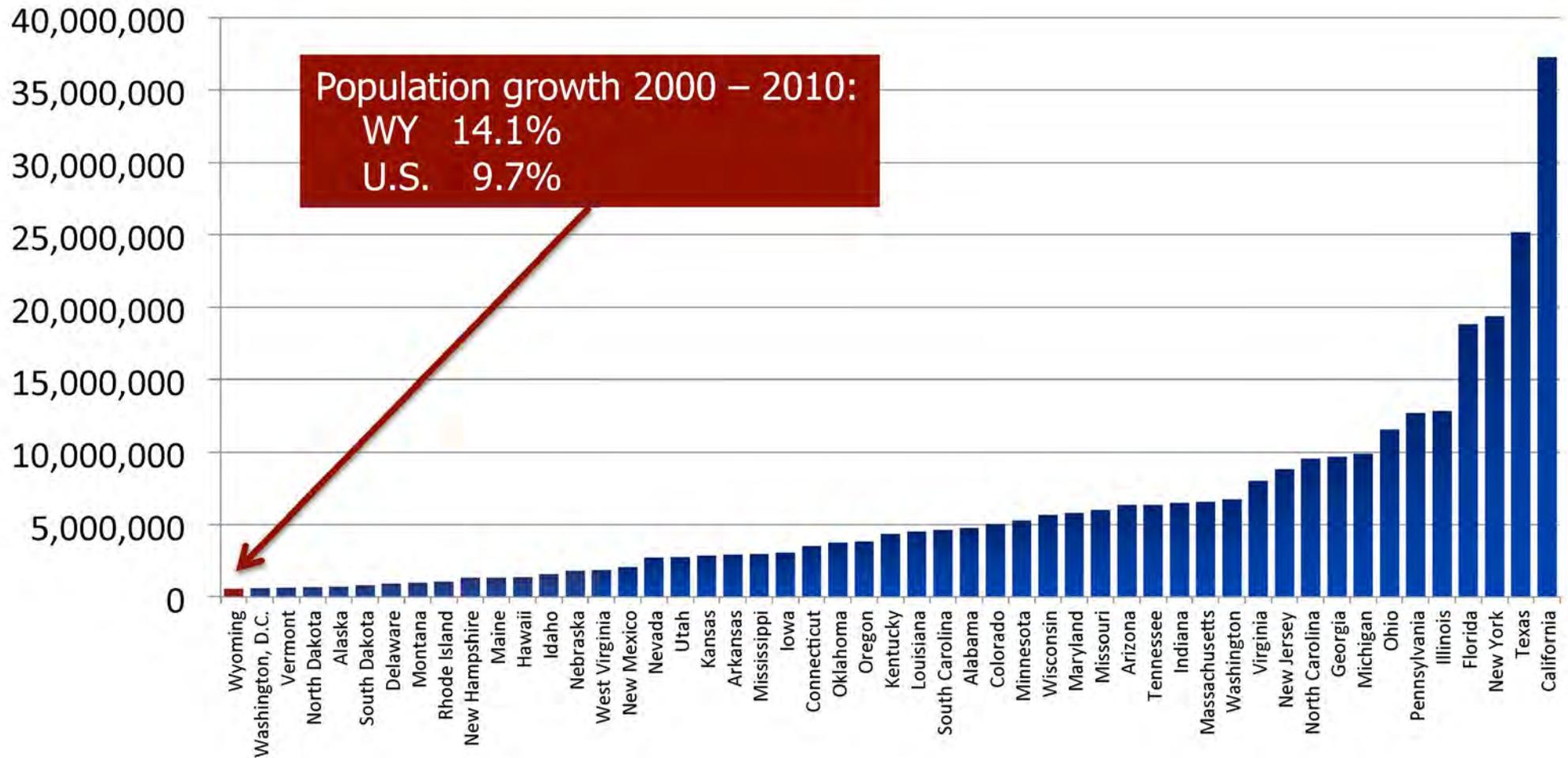
- There are a vast number of smaller meetings
- Larger conventions, tradeshows will seek larger markets
- By far, hotels with meeting space are the meeting venue of choice
 - Full-service most popular
- Affordable, easily accessible destinations with strong destination appeal are preferred
- Climate is a factor, but not for state/regional groups

Community Attributes

State Population



Wyoming has the smallest population in the U.S., which in itself is a limiting factor.



Source: U.S. Census Bureau.

Wyoming Business Overview



Natural resource extraction and health care are important economic drivers.

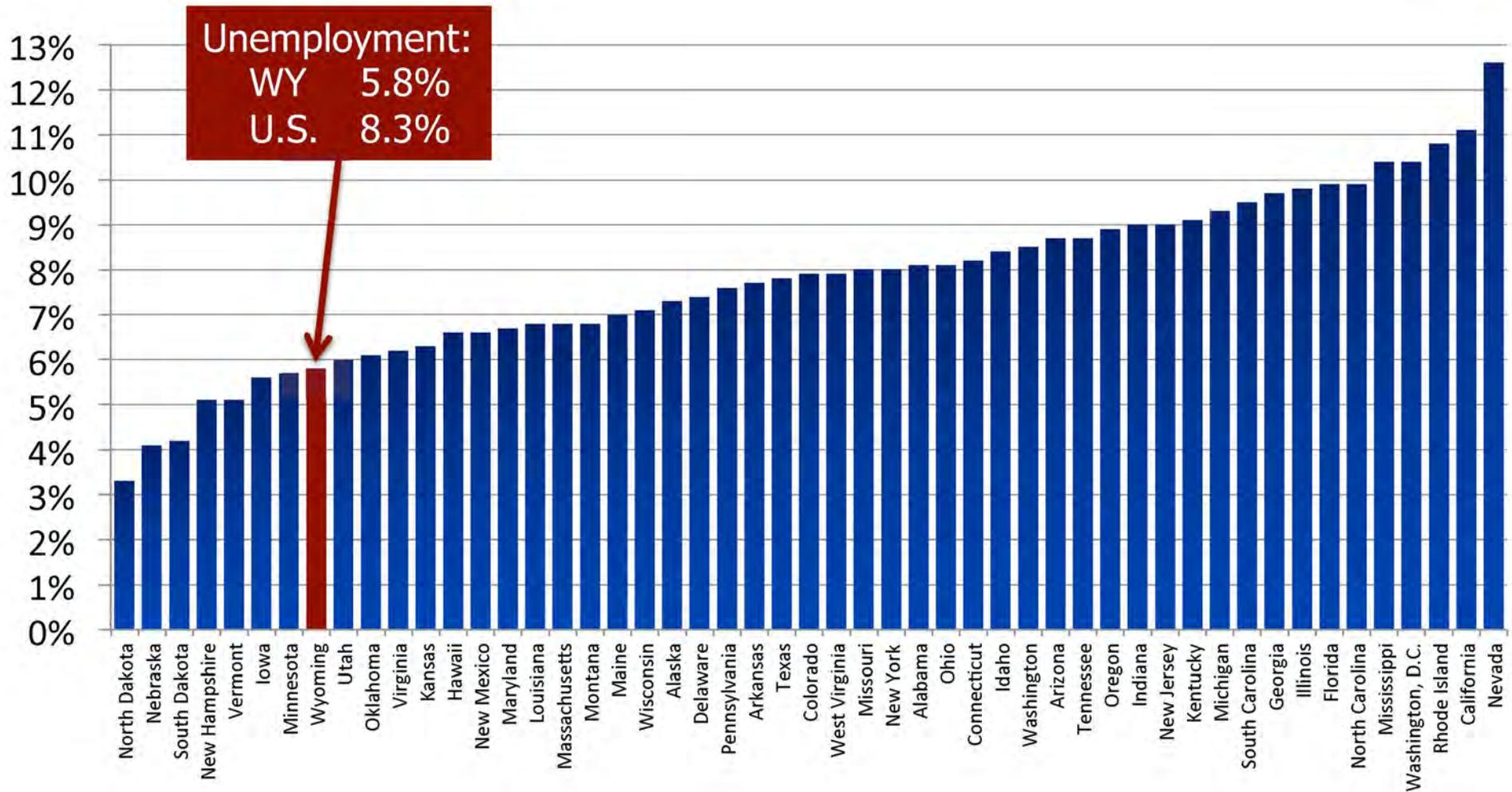
	<u>Number of Establishments</u>	<u>Number of Employees</u>	<u>Annual Payroll</u>	<u>Average Payroll per Employee</u>
Mining, quarrying, and oil and gas extraction	852	24,682	\$1,662,027,000	\$67,338
Health care and social assistance	1,760	30,963	1,252,228,000	40,443
Construction	2,895	19,751	886,595,000	44,889
Retail trade	2,788	31,960	769,293,000	24,070
Manufacturing	541	10,453	538,072,000	51,475
Accommodation and food services	1,723	27,607	441,033,000	15,975
Wholesale trade	822	8,456	430,028,000	50,855
Professional, scientific, and technical services	1,985	9,322	419,286,000	44,978
Transportation and warehousing	928	9,874	408,860,000	41,408
Finance and insurance	1,010	7,176	311,621,000	43,425
Other services (except public administration)	1,799	8,875	234,660,000	26,441
Utilities	124	2,455	186,001,000	75,764
Administrative/support/waste management	939	6,808	171,284,000	25,159
Real estate and rental and leasing	1,071	4,393	157,935,000	35,952
Information	313	4,151	152,997,000	36,858
Arts, entertainment, and recreation	420	4,425	86,900,000	19,638
Management of companies and enterprises	84	1,183	75,397,000	63,734
Educational services	172	1,831	52,071,000	28,439
Agriculture, forestry, fishing and hunting	81	n/a	6,410,000	n/a
Industries not classified	53	124	1,632,000	13,161
Total for all sectors	20,360	214,715	8,244,330,000	\$38,397

Source: U.S. Census Bureau.

State Unemployment



Wyoming unemployment is relatively low.

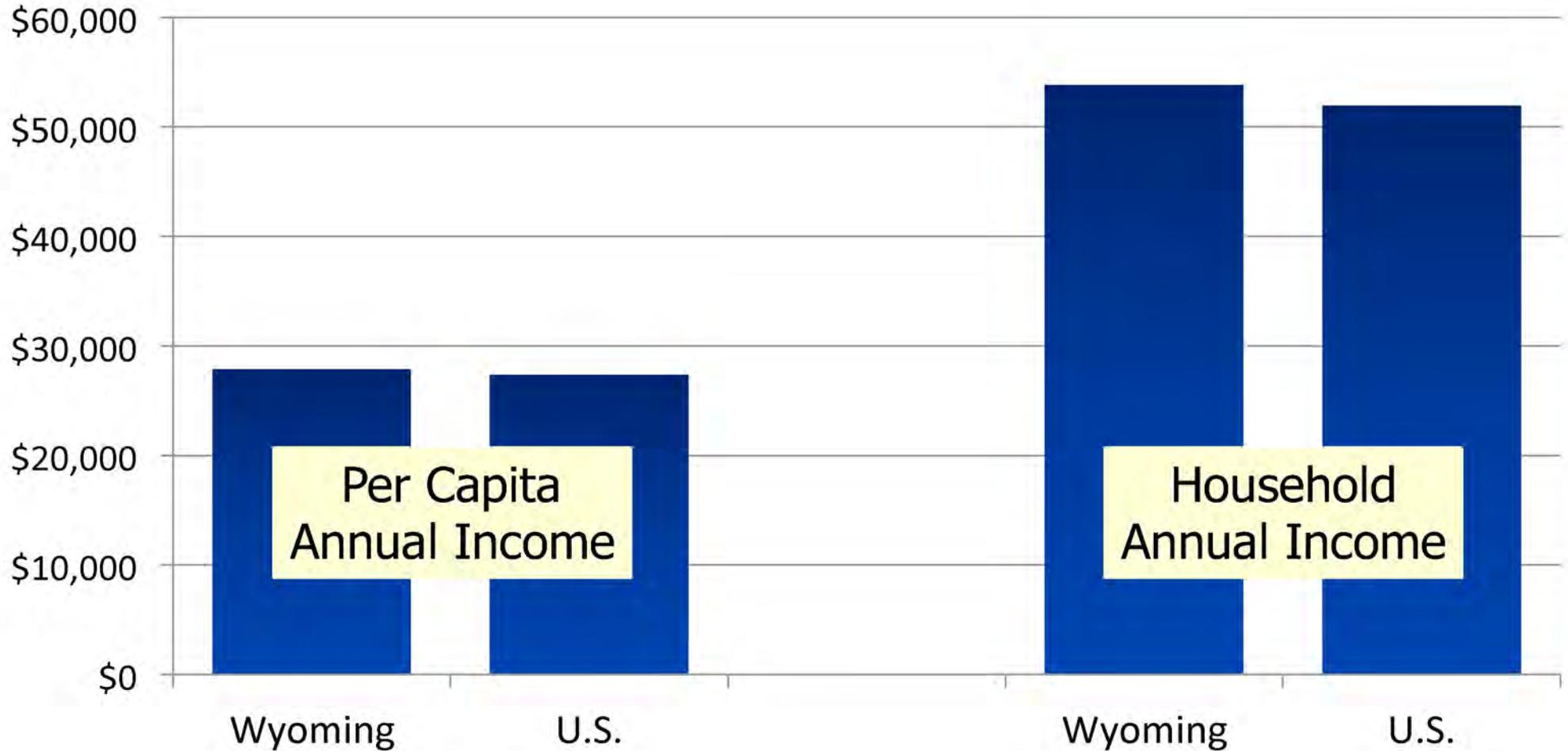


Source: U.S. Bureau of Labor Statistics.

Income



Wyoming income is consistent with overall U.S.



Source: U.S. Census Bureau.

Other Economic/Demographic Facts

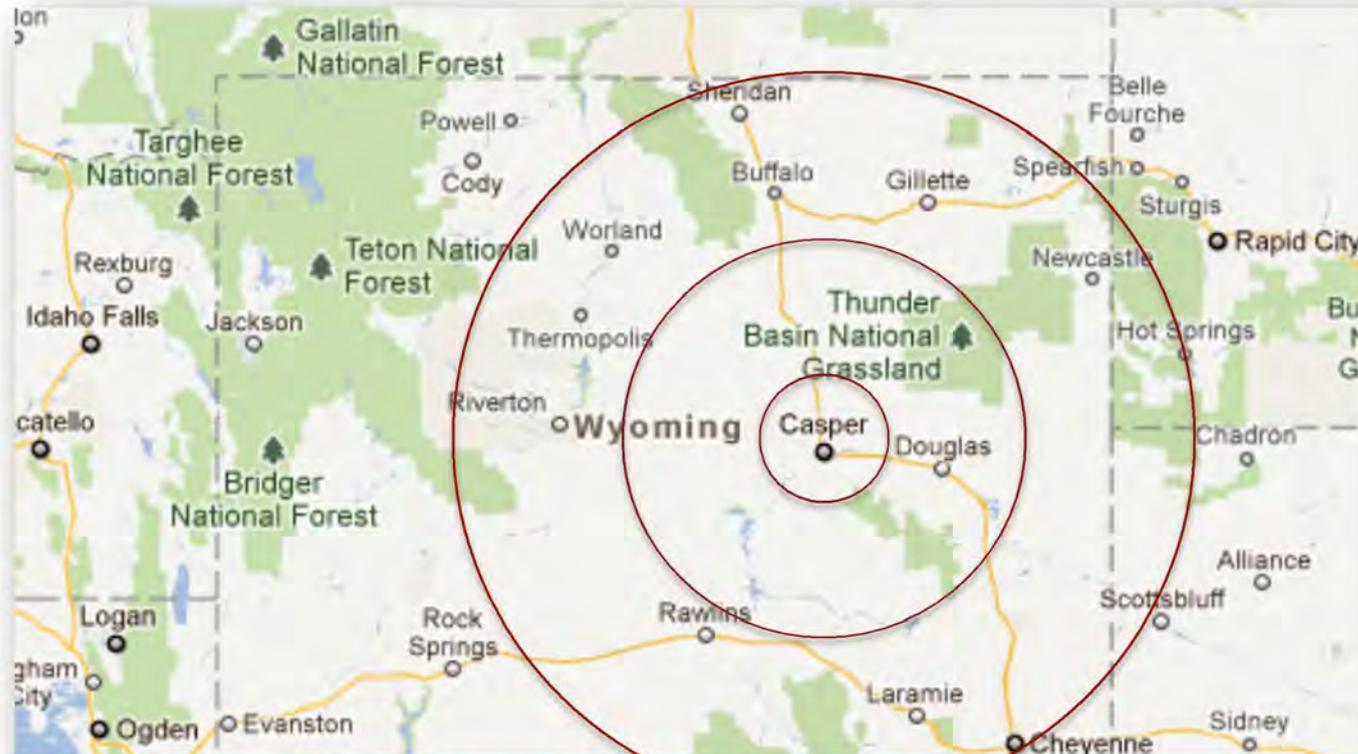


- Relative lack of ethnic diversity
 - About 10% non-white (vs 28% U.S.)
 - Small percent foreign born
- Limited opportunity for ethnic/cultural event programming

Location



Casper's central location within Wyoming is a strong competitive advantage for state meetings.



From the Home Schoolers of Wyoming website:

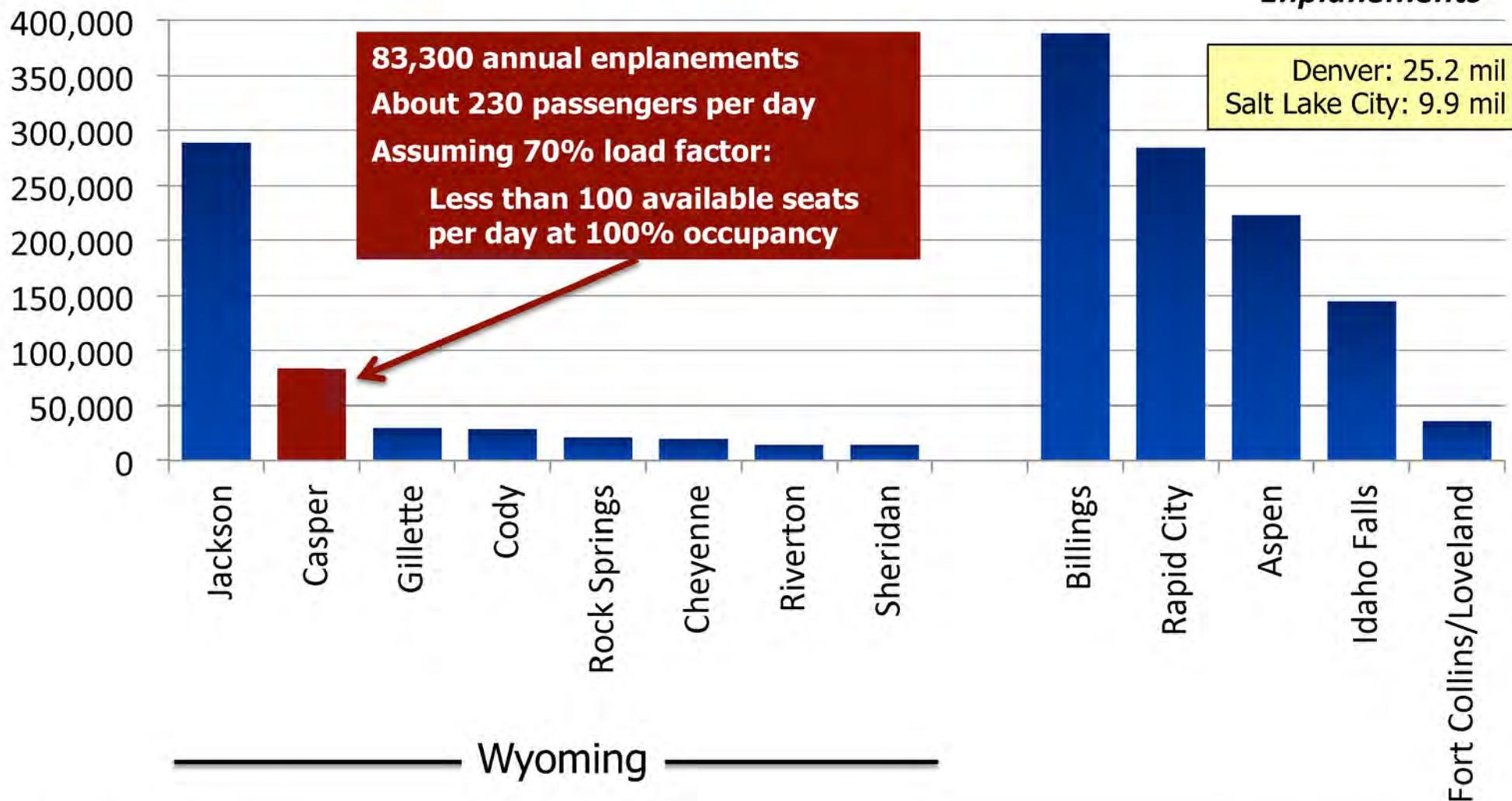
*"Last year several people mentioned that having the convention in a **MORE CENTRAL LOCATION** would be a good idea. This year the convention will be at College Heights Baptist Church, in Casper. We are excited about the possibilities that a new location will bring!"*

Air Access



Casper's air access is good for Wyoming, but not sufficient to attract large events requiring significant air travel

Enplanements

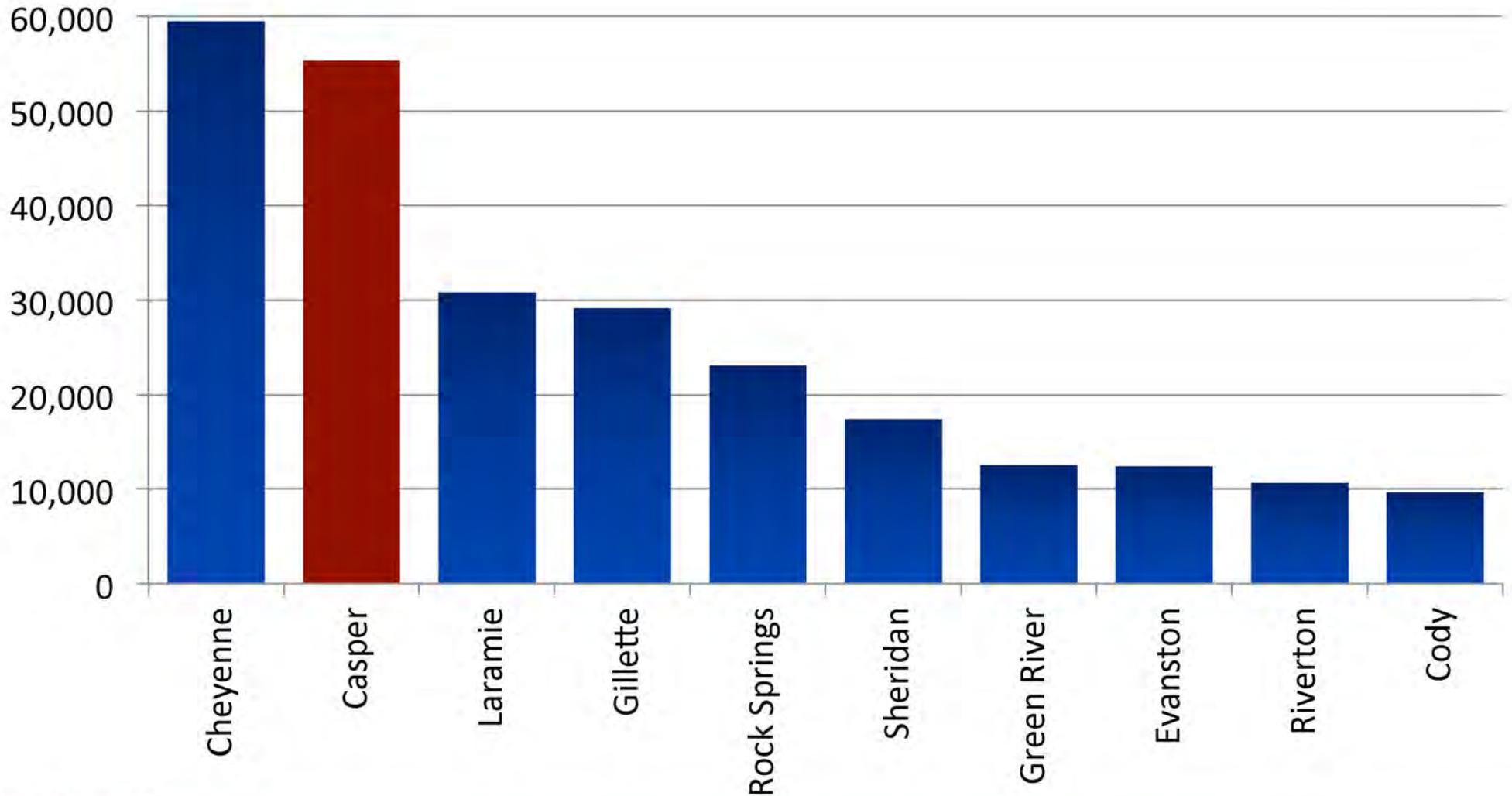


Source: Federal Aviation Administration.

Wyoming Population by City



Casper is the second largest city in Wyoming.



Source: Geoname.org.

Casper Employers



Casper has a relatively limited employment base for local corporate meetings

	<u>Employees</u>
Natrona County School District	2,500
Wyoming Medical Center	1,422
City of Casper	969
Wal-Mart	689
Casper College	486
Wyoming Machinery	400
Natrona County	335
Shepard of the Valley Care Center	250
True Companies	200
Mountain View Regional Hospital	180

Source: Casper Area Economic Development Alliance.

Community Attributes



- Outdoor recreation opportunities
 - Skiing, hiking, fishing, golf, watersports, sightseeing
- Historical
 - Museums and historical sites
- Arts and Cultural
 - Art & science museums, theatre, symphony, dance, Broadway
- Shopping and entertainment
 - Big box, family and boutique
- Events
 - College Nat'l Finals Rodeo, sports, concerts, shows, fair, festivals
- Downtown
 - Improving with good pedestrian experience in downtown core

Overall...

- **An enjoyable destination package for state, regional events**
- **Improving**

Market Analysis

Understanding Ballroom Sizing



	Banquet Capacity SF Required	
	<u>@ 13 SF/person</u>	<u>@ 16 SF/person</u>
<i>Seating</i>	<i>(tight)</i>	<i>(realistic)</i>
1,200	15,600	19,200
2,000	26,000	32,000

Little America ballroom (13,260 SF):
(largest in WY; 2nd largest in region)

<i>seating</i>	1,020	829
----------------	-------	-----

Casper Events Center arena floor (28,200 SF):

<i>seating</i>	2,169	1,763
----------------	-------	-------

Casper Events Center 2011 Utilization



The Casper Events Center hosts a fairly typical event mix for an arena in a smaller community...

	Number of Events	Event Days		Attendance	
		Total	Average	Total	Average
Sports	29	42	1.4	128,000	4,400
Concert	8	8	1.0	25,300	3,200
Family Show	1	1	1.0	500	500
Broadway	4	4	1.0	6,700	1,700
Commencement	5	5	1.0	11,200	2,200
Consumer/Trade Show	10	27	2.7	39,800	4,000
Conference/Banquet - Multi-Day	6	17	2.8	9,300	1,600
Conference/Banquet - Single-Day	8	8	1.0	4,500	600
Local Meeting/Event	49	58	1.2	17,500	400
Outdoor Event	11	23	2.1	9,900	900
Total	131	193		252,700	

Source: Casper Events Center. A small portion of information has been estimated. Amounts are rounded.

Casper Events Center 2011 Utilization by Venue



However, occupancy attributable to conference/banquet is not suggestive of the need for more space.

	Event Days						
	Arena	Summit	Mormon	Oregon	Bridger	Conference	Outdoor
Sports	42	15	15	15	15	15	0
Concert	8	0	0	0	0	0	0
Family Show	1	0	0	0	0	0	0
Broadway	4	0	0	0	0	0	0
Commencement	5	0	0	0	0	0	0
Consumer/Trade Show	27	12	12	12	12	12	3
Conference/Banquet - Multi-Day	12	8	5	5	5	5	0
Conference/Banquet - Single-Day	5	3	1	1	1	1	0
Local Meeting/Event	17	34	14	17	14	10	0
Outdoor Event	0	0	0	0	0	0	23
Total	121	72	47	50	47	43	26
Event Day Occupancy	33%	20%	13%	14%	13%	12%	7%
Conference/Banquet Occupancy	5%	3%	2%	2%	2%	2%	0%

Source: Casper Events Center. A small portion of information has been estimated. Amounts are rounded.

Casper Events Center 2011 Utilization by Venue



However, occupancy attributable to conference/banquet is not suggestive of the need for more space.

	Event Days						
	Arena	Summit	Mormon	Oregon	Bridger	Conference	Outdoor
Sports	42	15	15	15	15	15	
Concert	8						
Family Show	1						
Broadway	4						
Commencement	5						
Consumer/Trade Show	27						3
Conference/Banquet - Multi-Day	12	8	5	5	5	5	
Conference/Banquet - Single-Day	5	3	1	1	1	1	
Local Meeting/Event	17	34				10	0
Outdoor Event							23
Total	121	72	47	50	47	43	26
<i>Event Day Occupancy</i>	33%	20%	13%	14%	13%	12%	7%
<i>Conference/Banquet Occupancy</i>	5%	3%	2%	2%	2%	2%	0%

5 events on Arena floor
• 1,800 average attendance

800 average attendance

Source: Casper Events Center. A small portion of information has been estimated. Amounts are rounded.

Casper Hotels



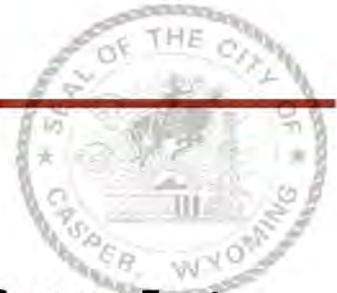
	<u>Sleeping Rooms</u>	<u>Meeting Square Feet</u>
Convention hotels w/ 200+ rooms		
Parkway Plaza	287	19,740
Best Western Ramkota	230	10,338
Ramada Plaza Riverside	200	6,820
Hotels w/ 100+ rooms*		
C'mon Inn	125	
Mainstay Suites	123	
Days Inn	121	
Hilton Garden Inn	121	
Holiday Inn	120	
La Quinta	120	
Motel 6	111	
Shilo Inn	101	
Courtyard by Marriott	100	
Hampton Inn	100	
All other hotels	801	
Total	2,660	

Room block:

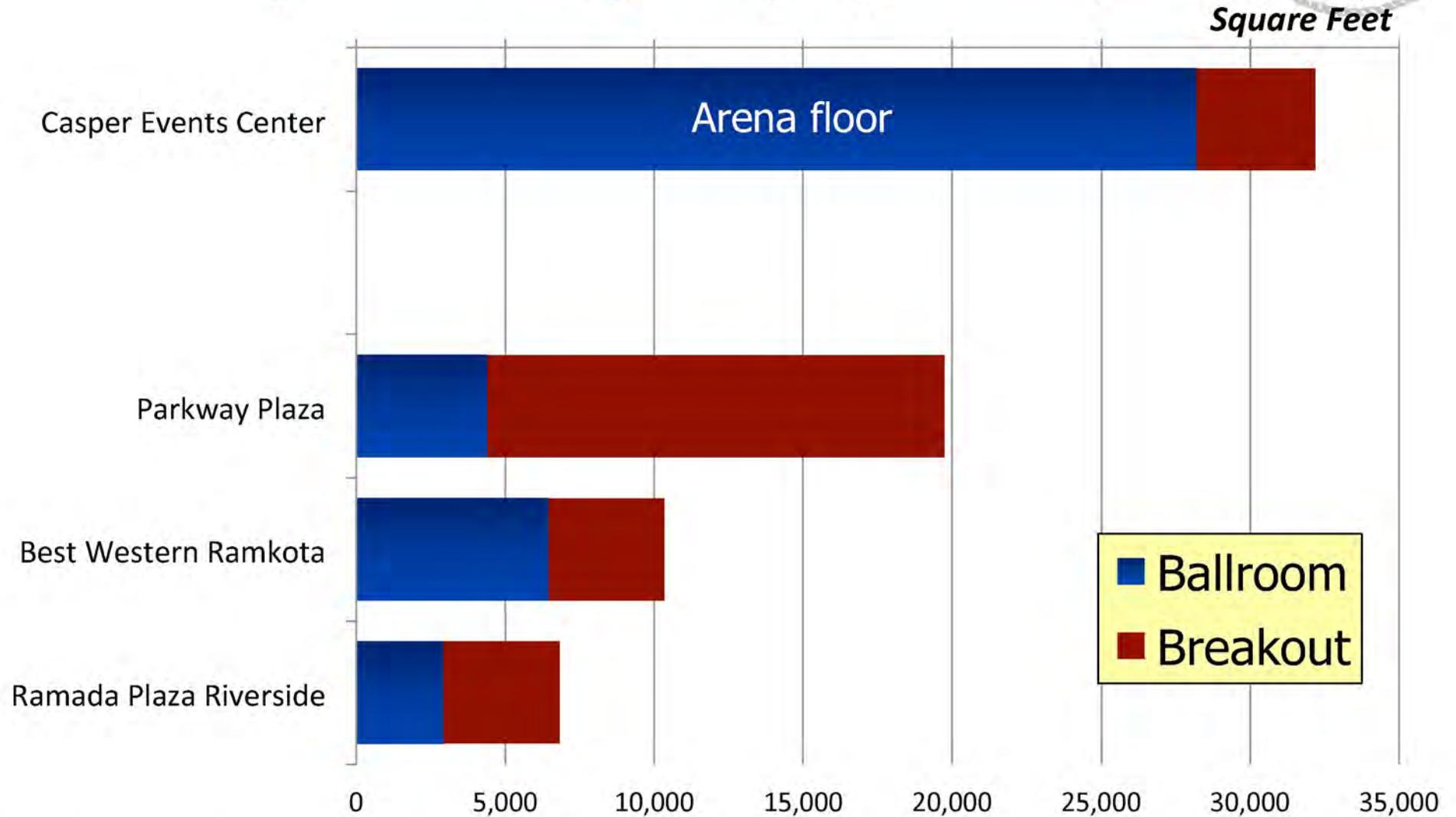
- Blocks of 200 – 500 easily achieved (bread and butter events)
- Larger groups require significant coordination with multiple hotels
- Users must accept Casper's quality and location characteristics
 - Mix of older, limited service and budget properties
 - Geographically dispersed

* Meeting space not listed.

Primary Meeting Space in Casper

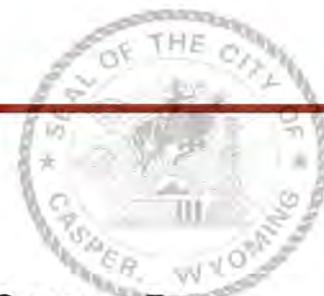


The Casper Events Center arena floor represents the largest single space in Casper.

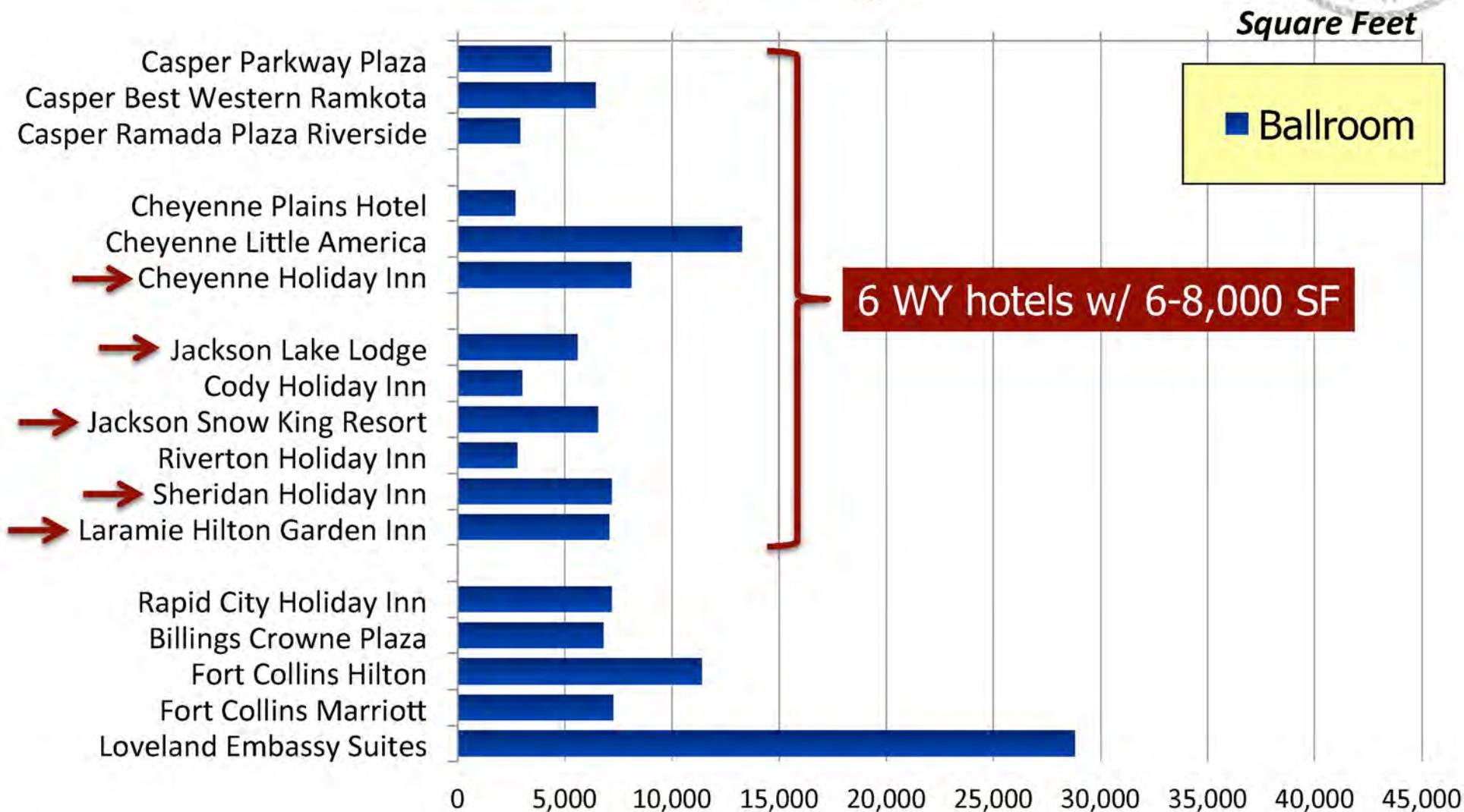


Source: Individual facilities. Excludes concourse space.

Meeting Space of Regional Hotels

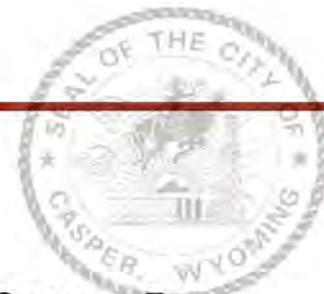


In the region, 10 hotels have larger ballrooms than Casper's largest

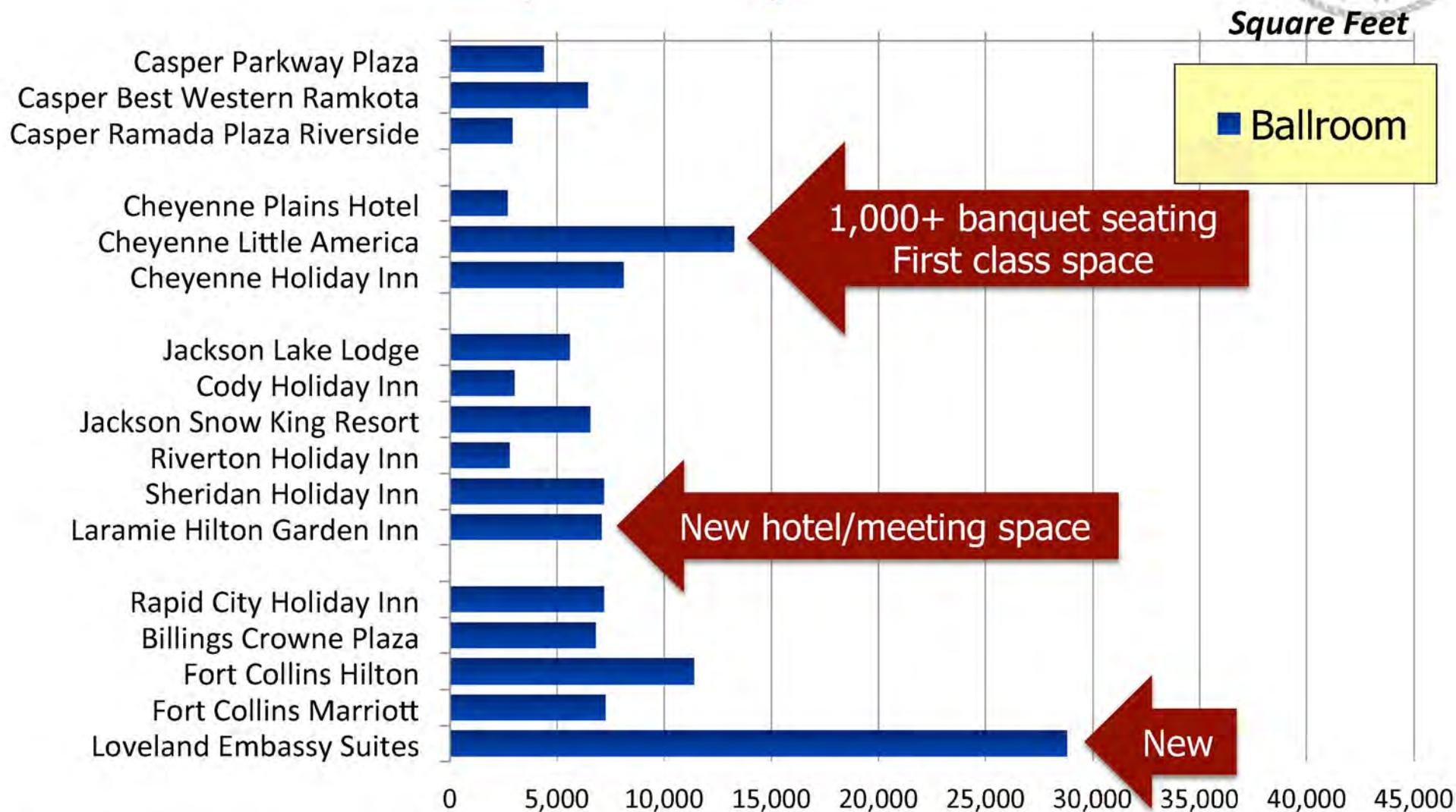


Source: Individual hotels.

Meeting Space of Regional Hotels



Little America offers the best meeting space and by far the largest ballroom

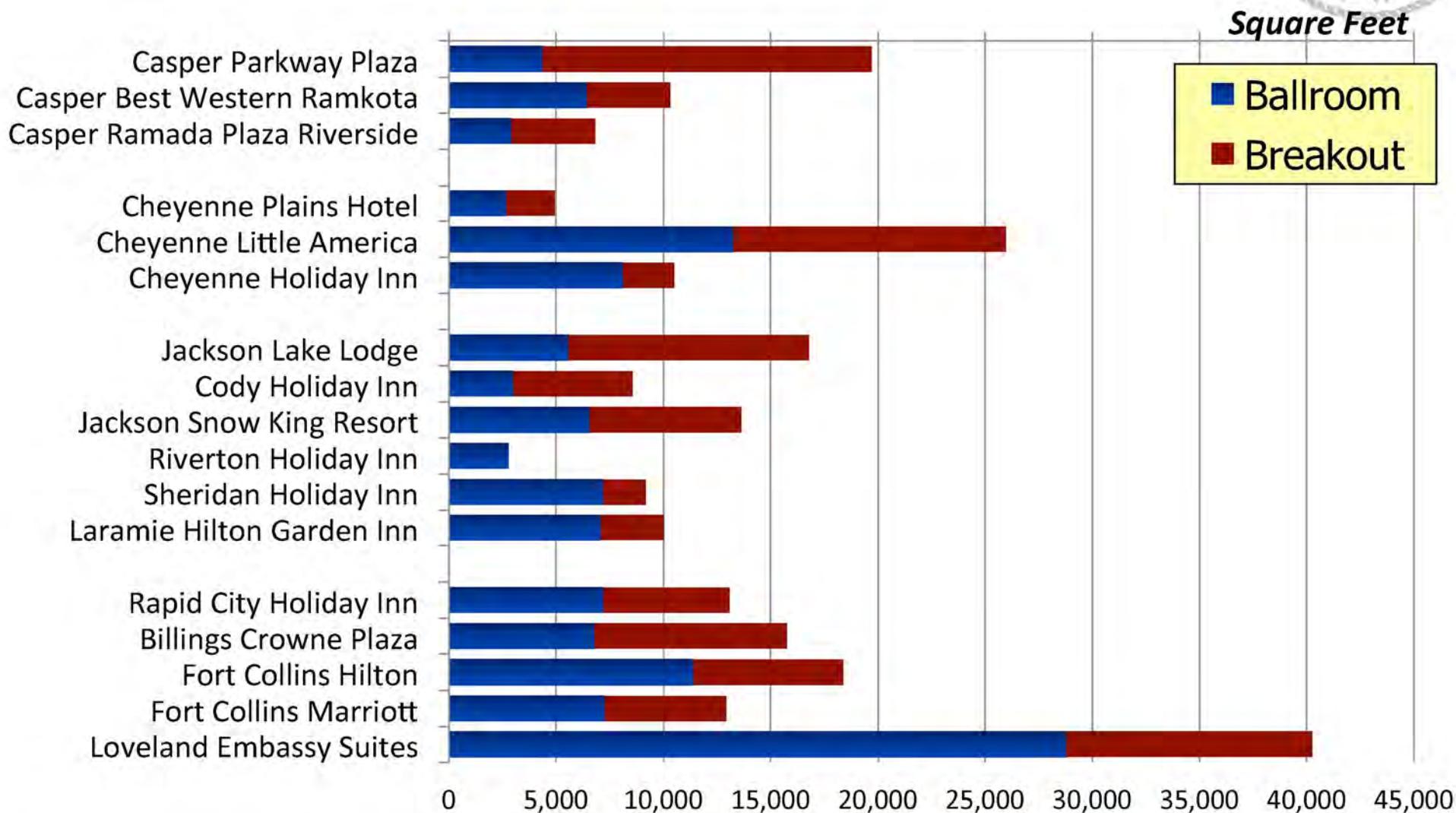


Source: Individual hotels.

Meeting Space of Regional Hotels

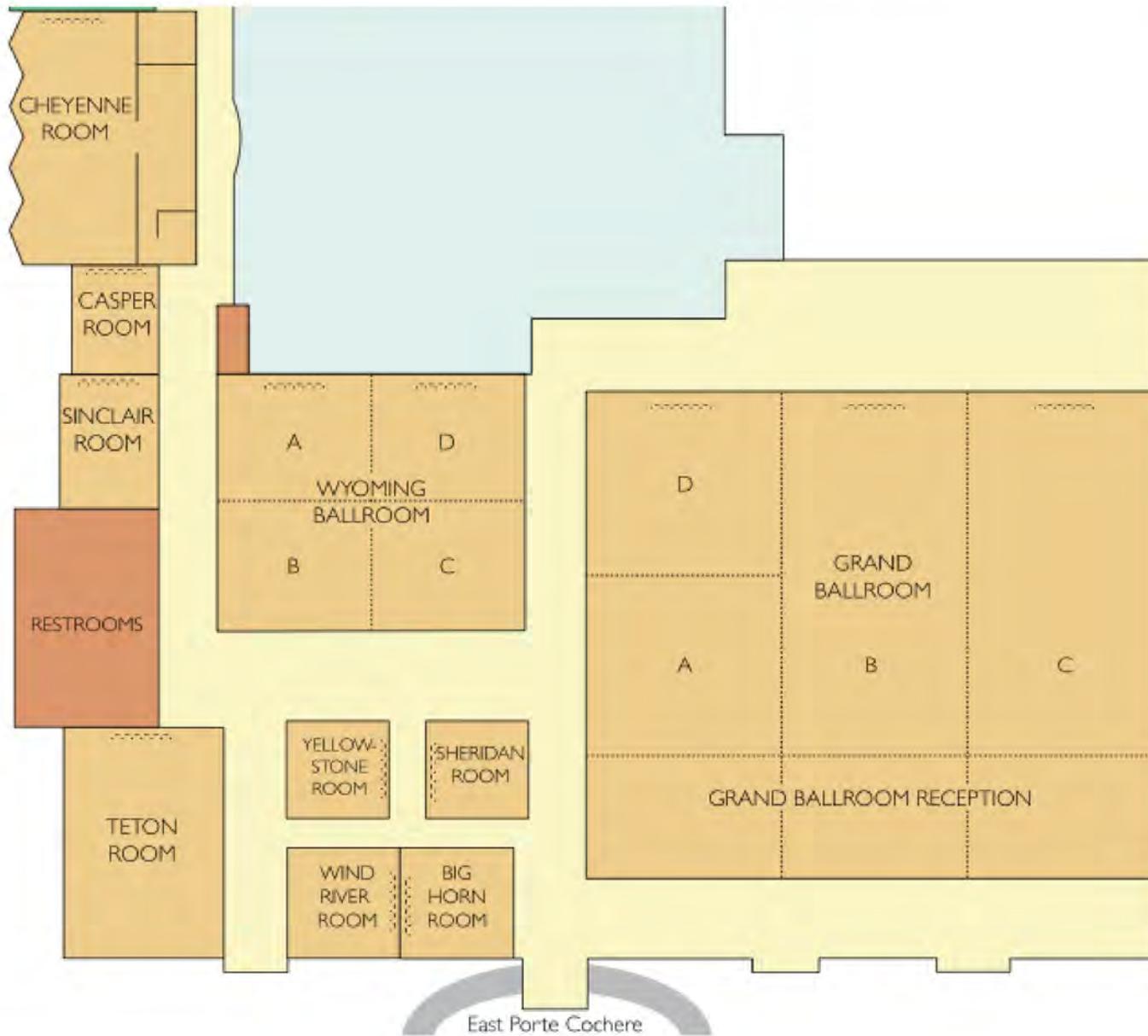


The Parkway Plaza has small and medium sized rooms



Source: Individual hotels.

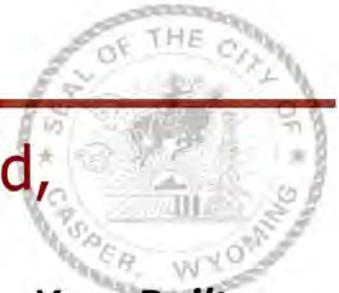
Cheyenne Little America Meeting Space



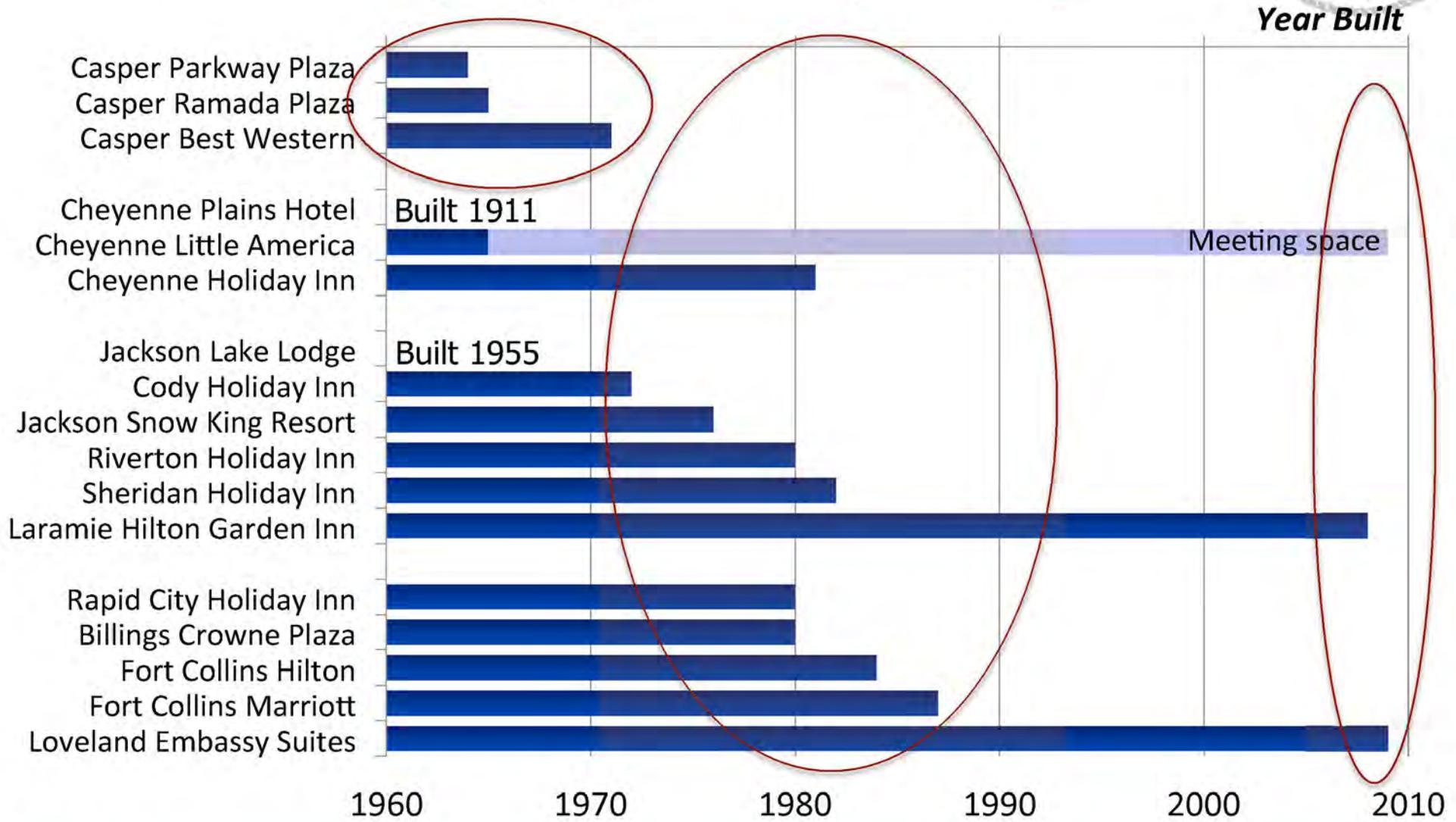
Cheyenne Little America Meeting Space



Age of State and Regional Hotels



Wyoming hotels/conference centers are relatively old, and Casper's properties are particularly old.



Source: Individual hotels.

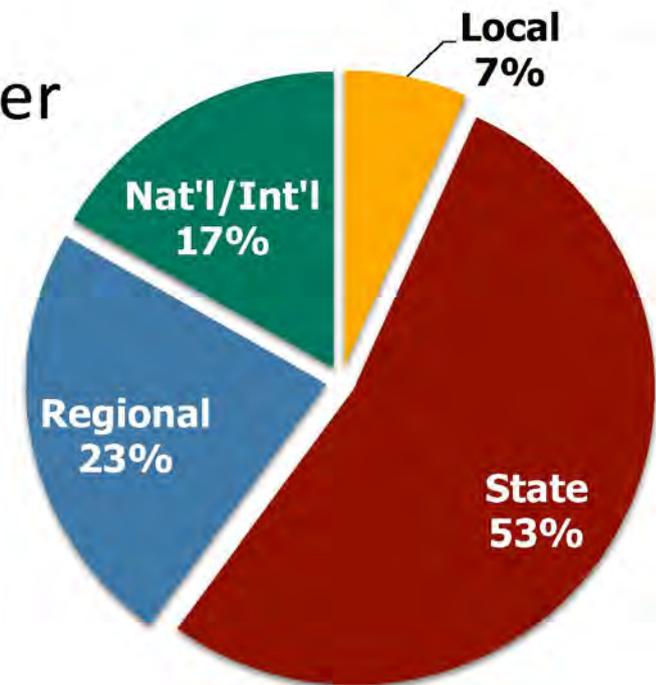
Meeting Planner Survey Results

Meeting Planner Survey Results



Overview

- Surveyed 240 groups
- Primarily association-type conferences, with and without tradeshow component
- Received 60 responses
- 57 (95%) expressed interest in Casper
 - Very strong result

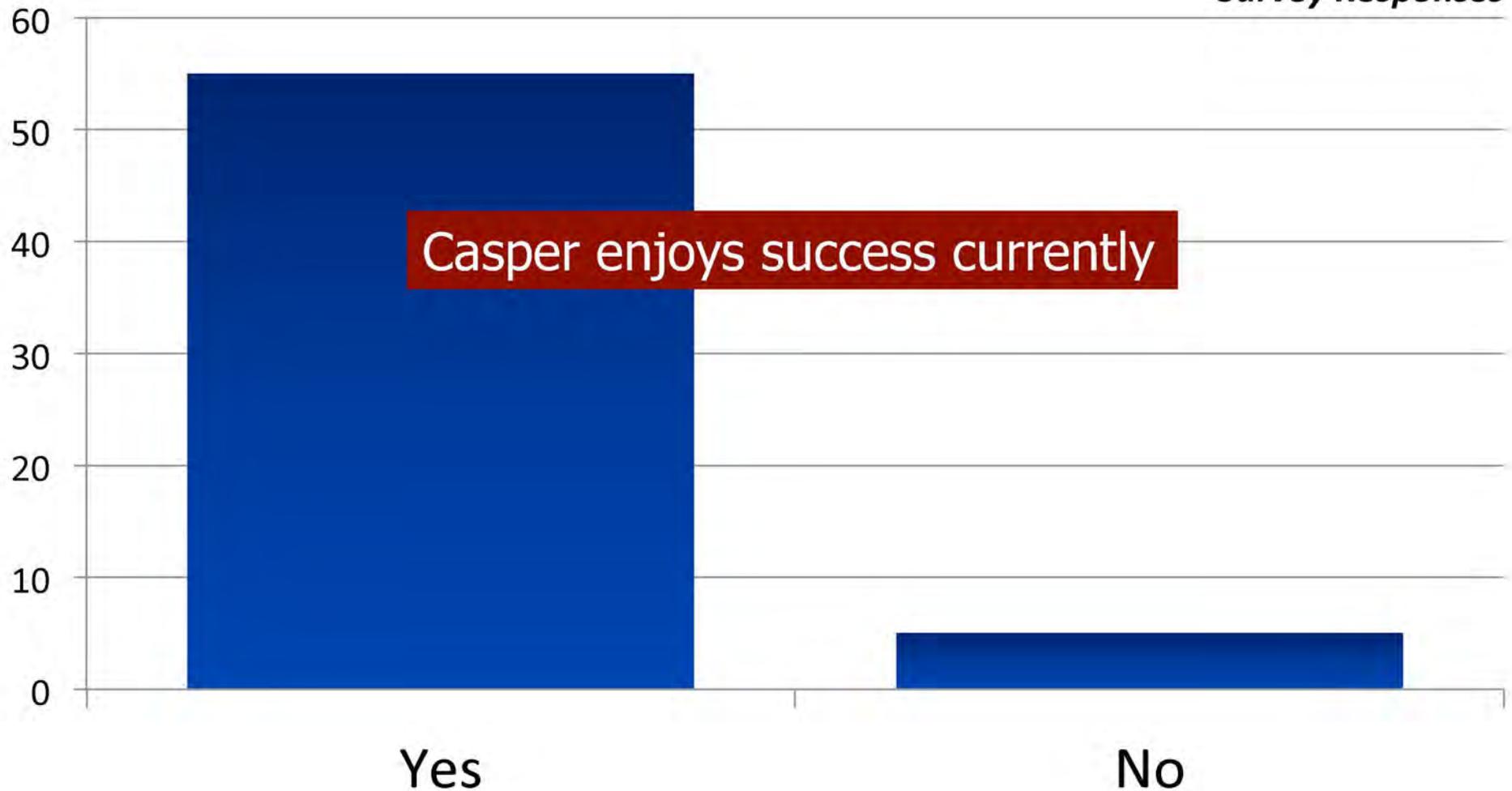


Meeting Planner Survey Results



Have you ever held a meeting or event in Casper before?

Survey Responses



Meeting Planner Survey Results



If you haven't met in Casper, why not?

- Comments from the 5 groups focused on:
 - Insufficient amount of meeting space
 - Poor quality/configuration of meeting space
 - Banquet presentation quality

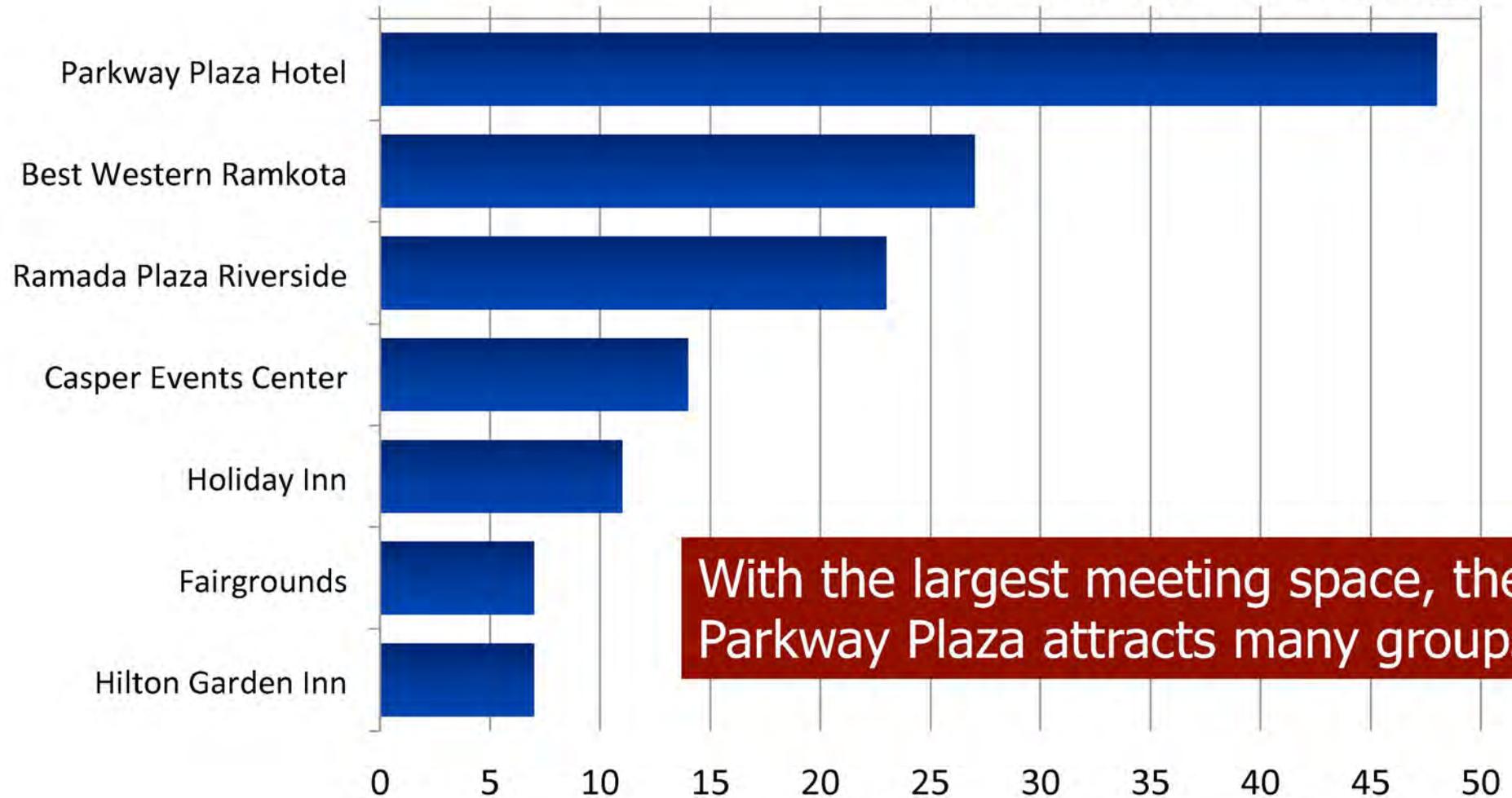
- Difficult to compete for some larger groups
 - Want “big city” amenities, larger and more hotels
 - **Example:** Rocky Mountain Psychological Assn (1,000+ delegates)
 - Casper could physically host them, but they seek larger market
 - 2012: 1,630 room **Reno** Peppermill Resort Spa Casino
 - 2013: 395 room **Denver** Renaissance Hotel
 - 2014: 342 room **Salt Lake City** Marriott City Center

Meeting Planner Survey Results



Where in Casper have you met in the past? (Select all that apply)

Number of Responses (60 groups)



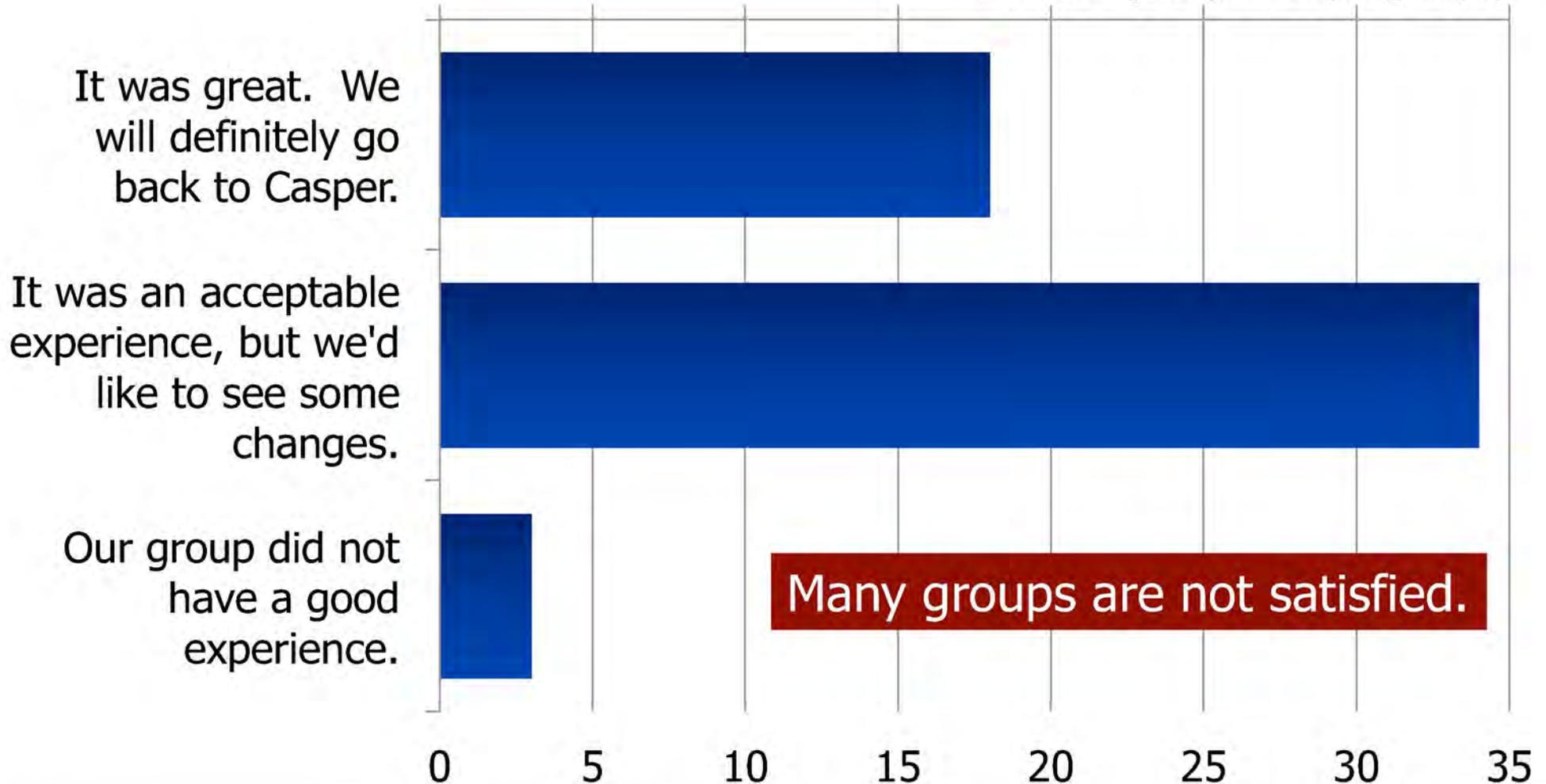
With the largest meeting space, the Parkway Plaza attracts many groups

Meeting Planner Survey Results



How would you characterize the experience?

Number of Responses (60 groups)



User Comments



In order for you to continue to select Casper as a regular meeting destination, what specific changes would you need to see occur?

- Desire more hotel rooms
- Desire updated/modern sleeping rooms
- Desire larger ballroom and meeting space
- Desire higher quality meeting space, with modern technology
- Meeting space should be flexible
- Capacity to feed 200 to 500 and breakouts
- Capacity to feed 1,000 to 1,500 and breakouts
- First class food and food service
- Improve wait staff
- Must address transportation
- Create better walkways between hotels
- Reasonable prices (mentioned several times)
- Some had needs met well and complimented Parkway Plaza, but most welcomed modernity
- Some very small meetings held in newer Casper properties
- Opportunity for outside activities for non-golfers

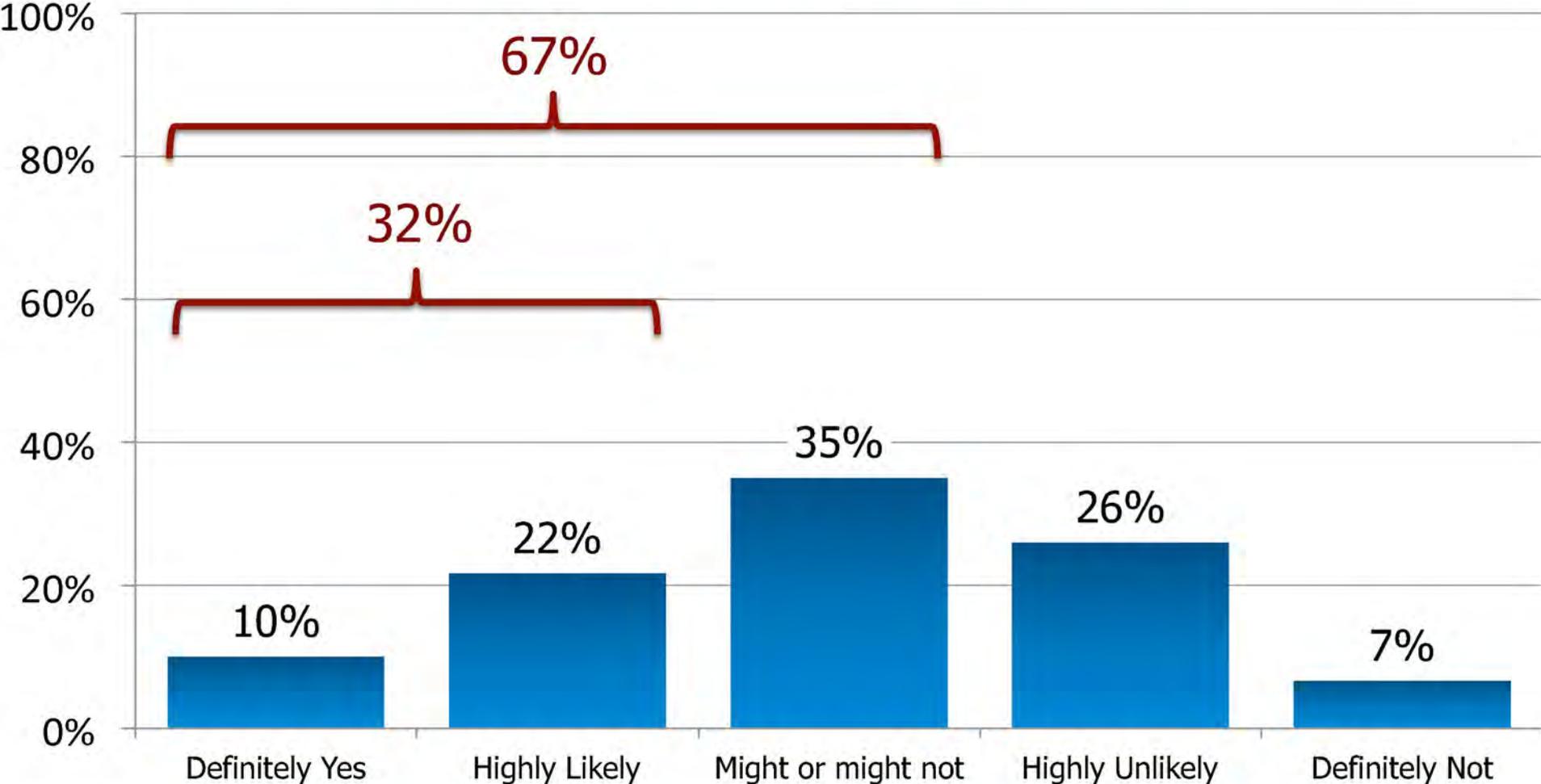
“Our national meeting was held in Casper one time. It has been held at the Crowne Plaza in Billings. The Casper meeting had the highest attendance ever held at 2,100 people.”

National County Agents Association

Meeting Planner Survey Results



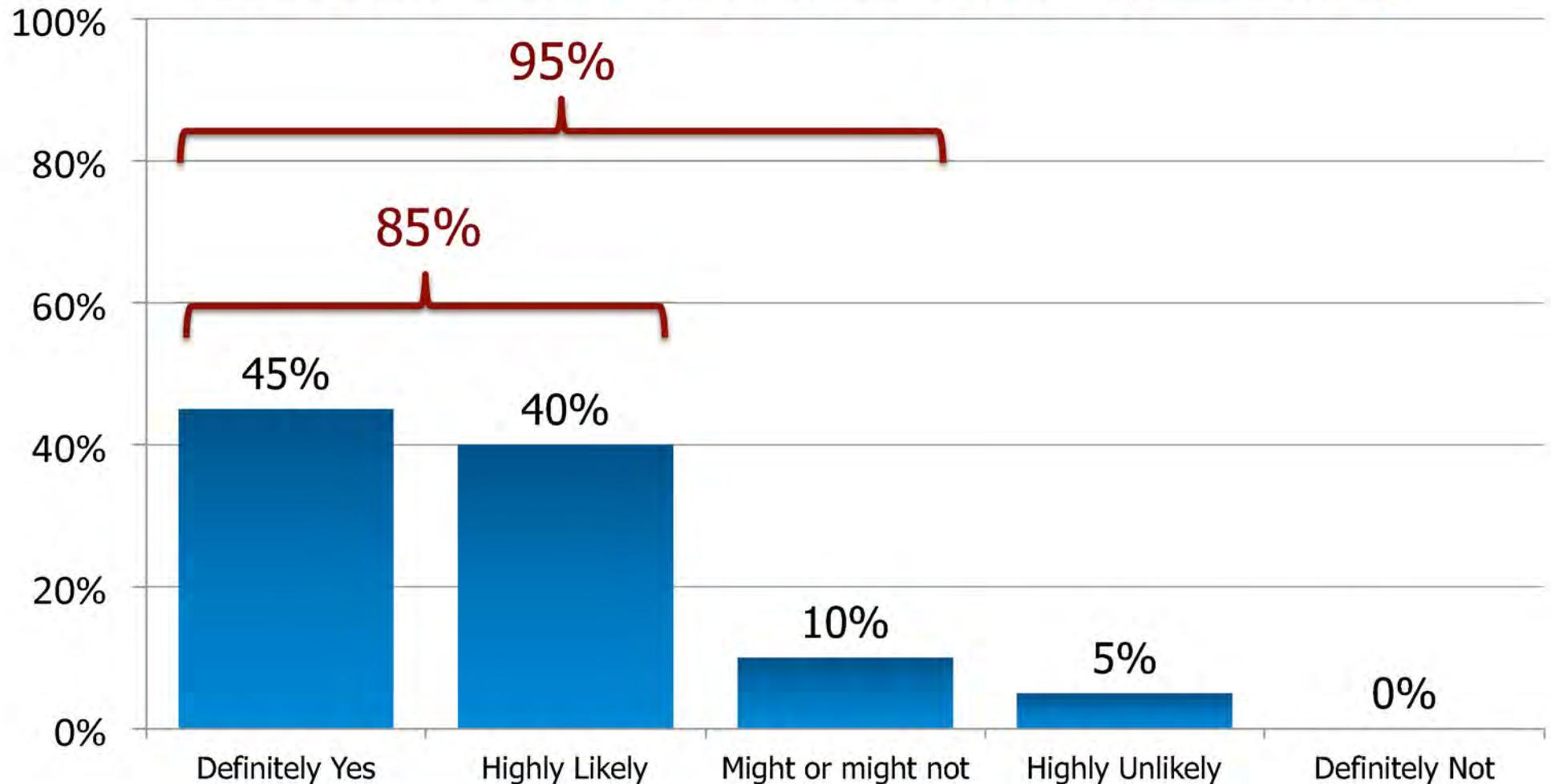
How would you characterize your likelihood of meeting in Casper if a NEW CONFERENCE CENTER ONLY were built that met your needs BUT WITH NO NEW HOTEL NOR ANY HOTELS WITHIN SHORT WALKING DISTANCE? (Select one)



Meeting Planner Survey Results



How would you characterize your likelihood of meeting in Casper if a **NEW CONFERENCE CENTER** were built that met your needs **ALONG WITH A NEW ATTACHED HOTEL?** (Select one)



Meeting Planner Survey Results



	<i>Definitely Yes Highly Likely</i>	<i>Definitely Yes Highly Likely Might or Might Not</i>
#1 Casper, WY	85%	95%
Athens, GA	81%	92%
Johnston County, NC	70%	85%
Tuscaloosa, AL	64%	70%
Wilmington, NC	54%	73%
Alton, IL	48%	82%
Topeka, KS	43%	71%
Williamsburg, VA	43%	57%
Liberty, MO	35%	50%
Schaumburg, IL	27%	47%

Meeting Planner Survey Results



	<i>Without Hotel</i>	<i>With Hotel</i>	<i>Change</i>
Highly Interested	32%	85%	+53%
On the Fence	35%	10%	-25%
Not Interested	33%	5%	-28%

Three green curved arrows are positioned to the right of the 'Change' column, pointing from the 'Without Hotel' column to the 'With Hotel' column for each row.

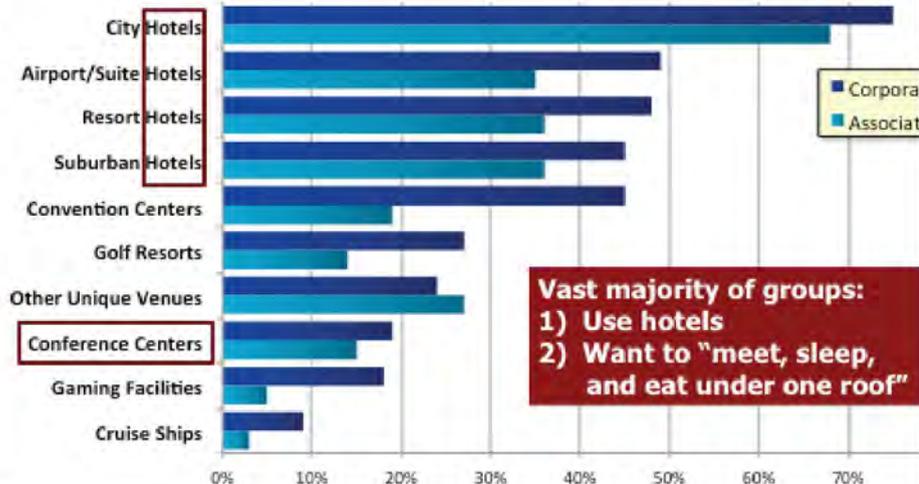
Initial Conclusion



Types of Facilities Used

....and prefers utilizing hotels and resorts

Types of Facilities Used in Past Year



Vast majority of groups:
 1) Use hotels
 2) Want to "meet, sleep, and eat under one roof"

Meeting Planner Survey Results

	<i>Without Hotel</i>	<i>With Hotel</i>	<i>Change</i>
Highly Interested	32%	85%	+53%
On the Fence	35%	10%	-25%
Not Interested	33%	5%	-28%

Source: Meeting & Conventions Meeting Market Report

City of Casper
 Conference Center Market Study

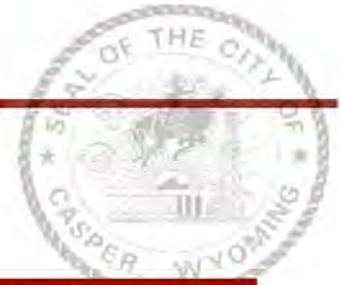
StrategicAdvisoryGroup

City of Casper
 Conference Center Market Study

StrategicAdvisoryGroup

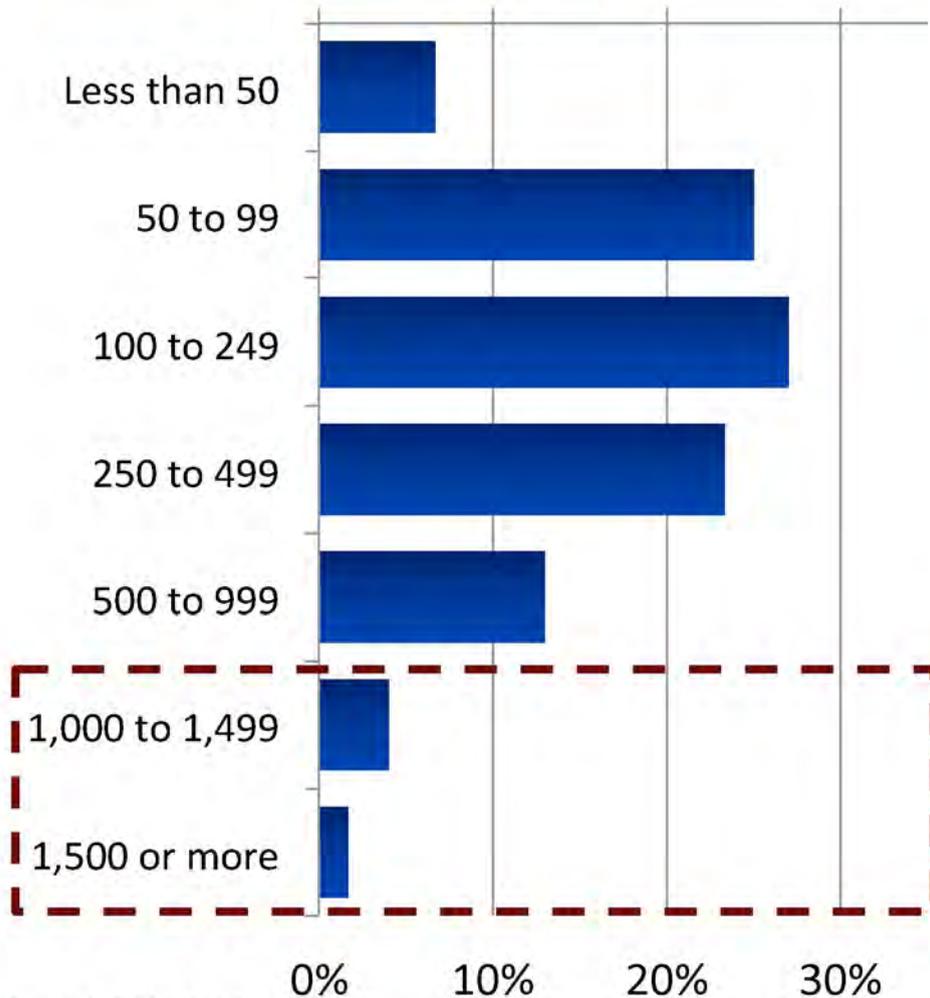
We do not recommend a stand-alone conference center

Meeting Planner Survey Results

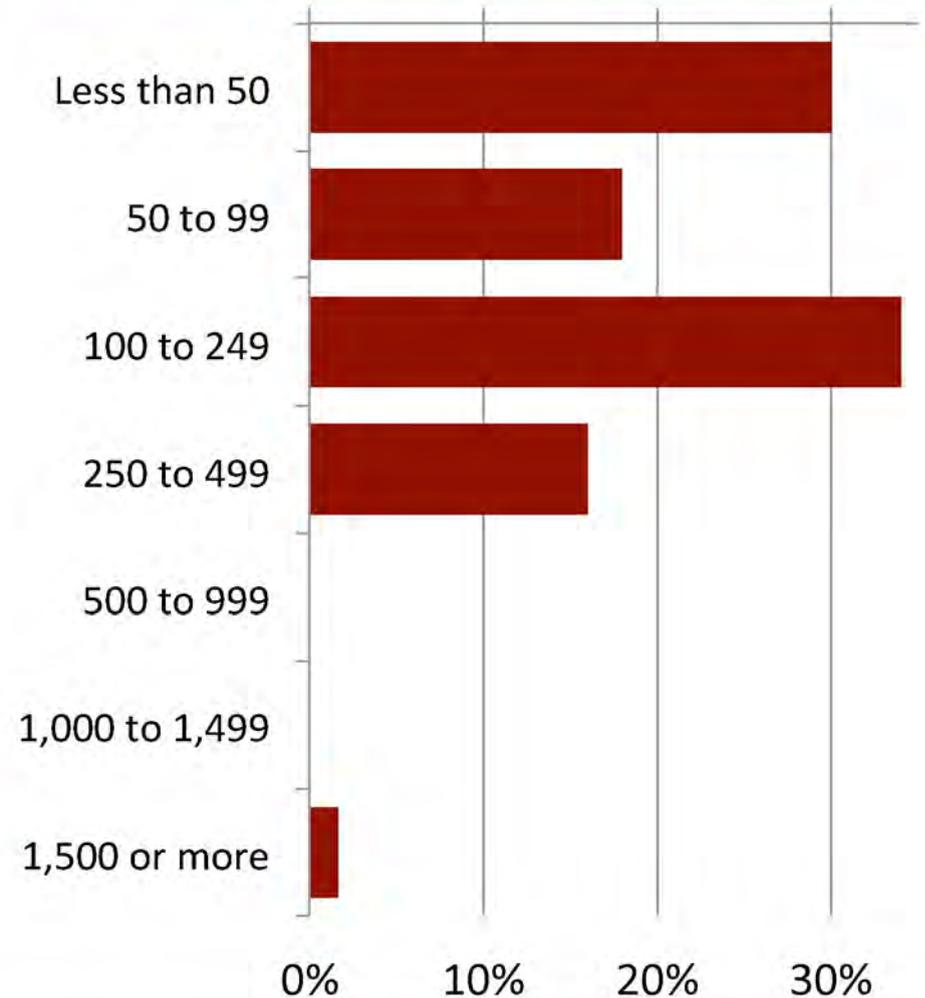


Attendance and Peak Hotel Room Nights

Attendance



Peak Hotel Room Nights



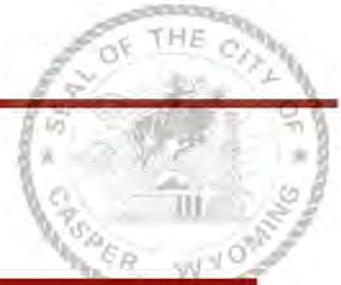
Source: Individual hotels.

Attendance Breakdown by Geographic Scope



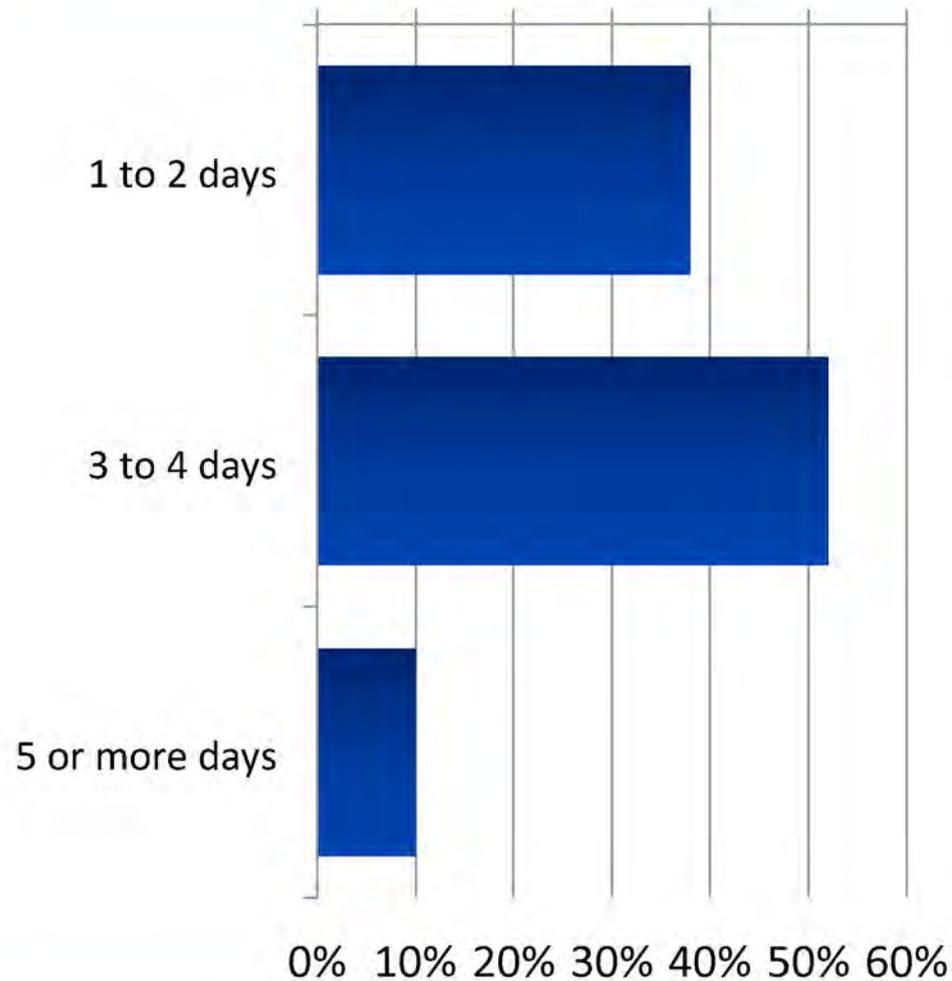
	<u>Local</u>	<u>State</u>	<u>Regional</u>	<u>Nat'l/Int'l</u>	<u>Total</u>
Less than 50		3	1		4
50 to 99		12	1	1	14
100 to 249	3	7	5	3	18
250 to 499	1	6	3	4	14
500 to 999		4	2	1	7
1,000 to 1,499			1	1	2
1,500 or more				1	1
Total	4	32	13	11	60

Meeting Planner Survey Results

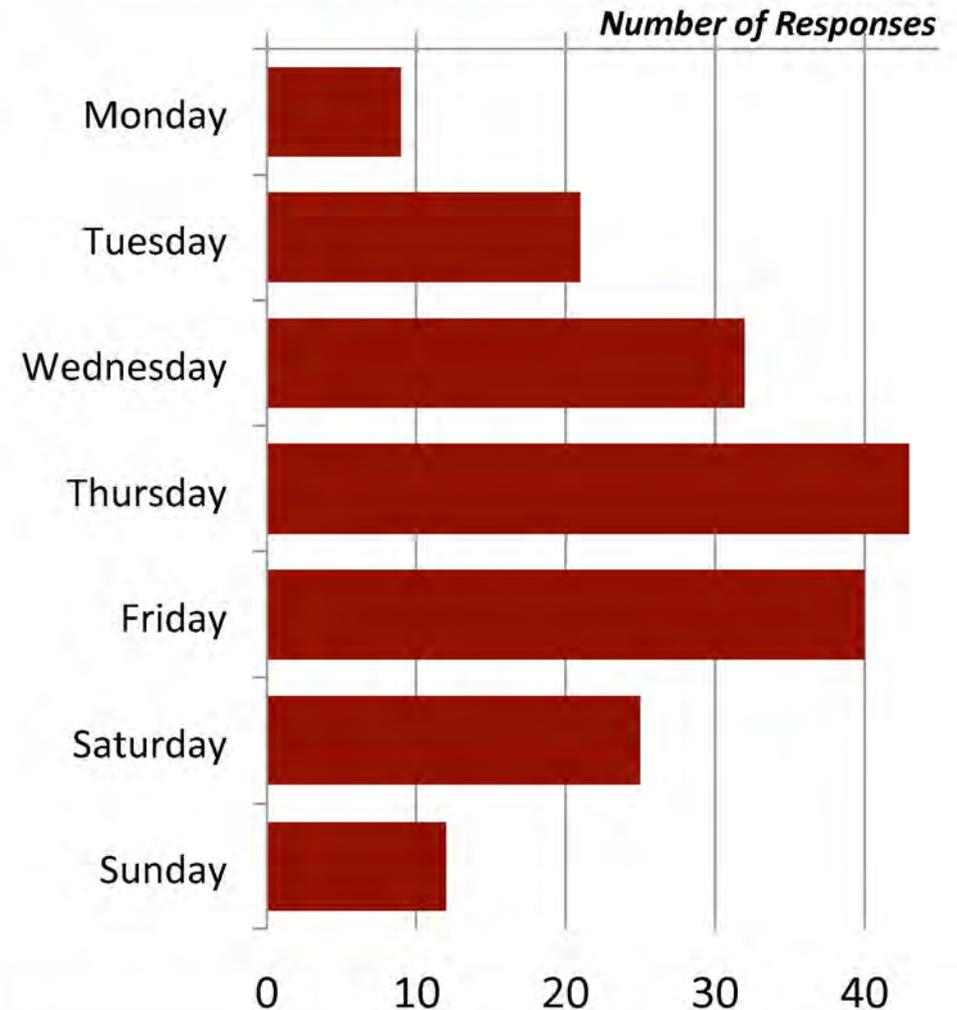


Length of Stay and Day of Week

Length of Stay



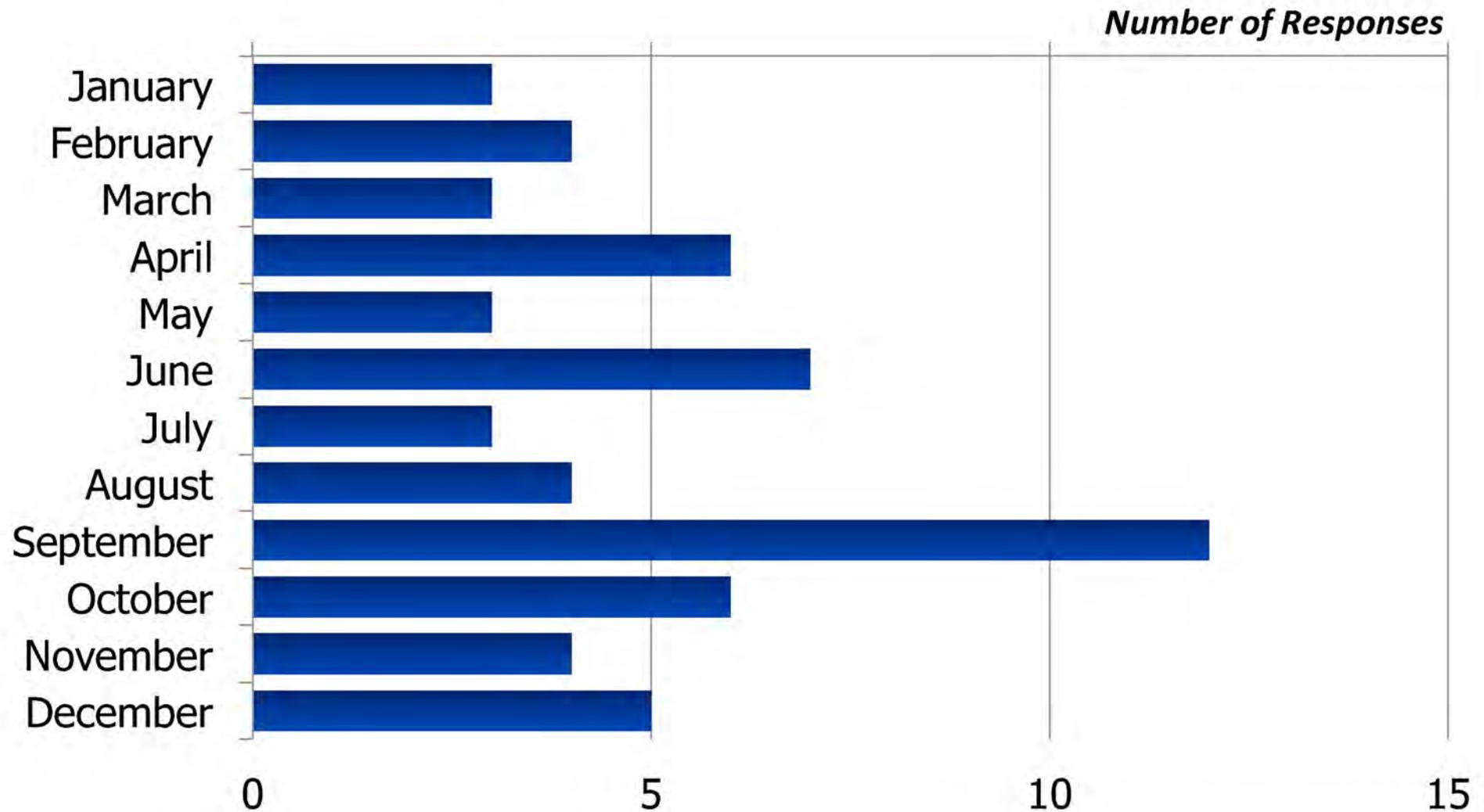
Day of Week



Meeting Planner Survey Results



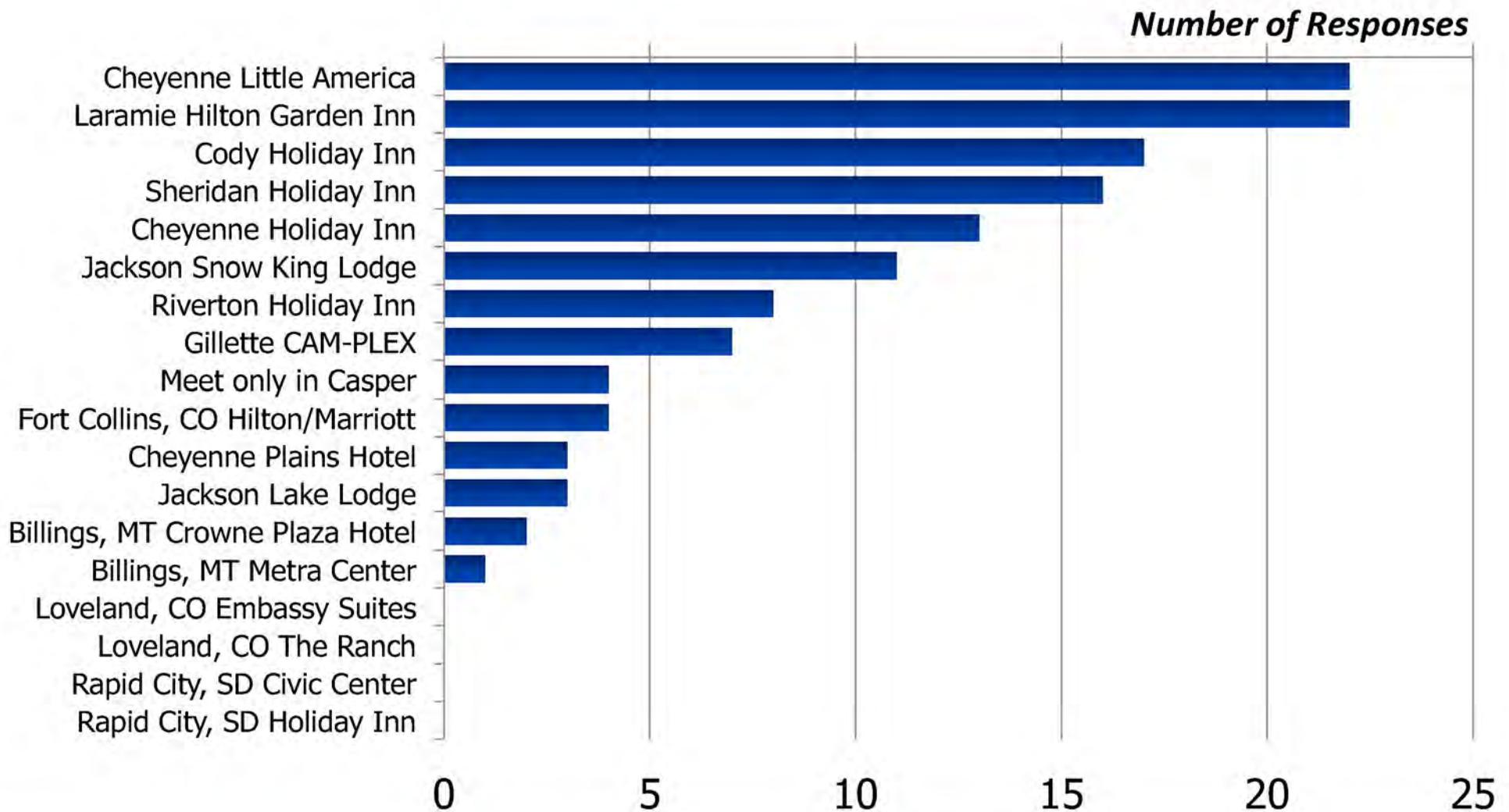
What month is the meeting held?



Meeting Planner Survey Results



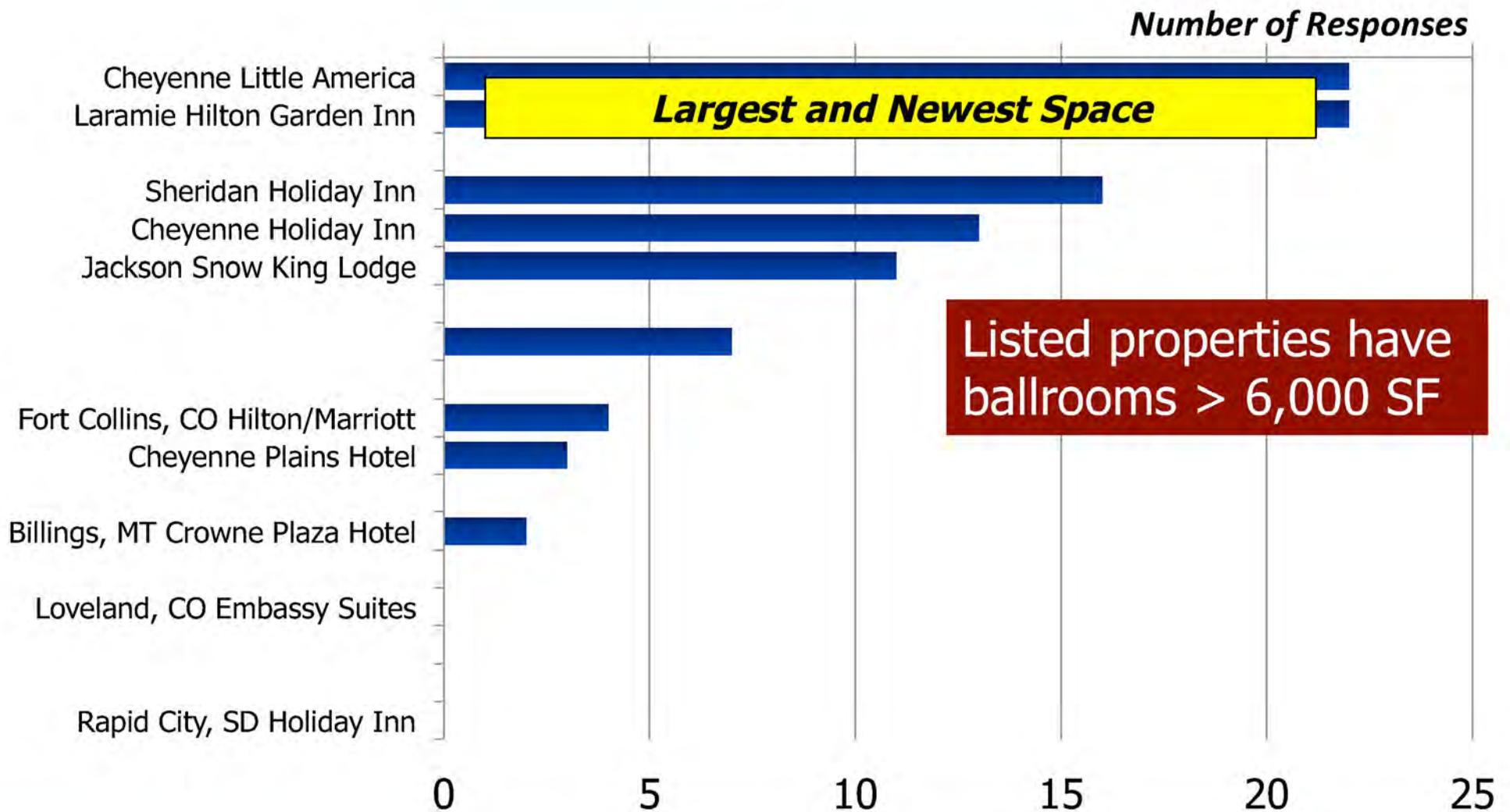
Which facilities NOT IN CASPER do you currently use on a regular basis to host your event? (Select all that apply)



Meeting Planner Survey Results



Which facilities NOT IN CASPER do you currently use on a regular basis to host your event? (Select all that apply)



Meeting Planner Survey Results



Banquet seating required

Interested Respondents (57 groups)

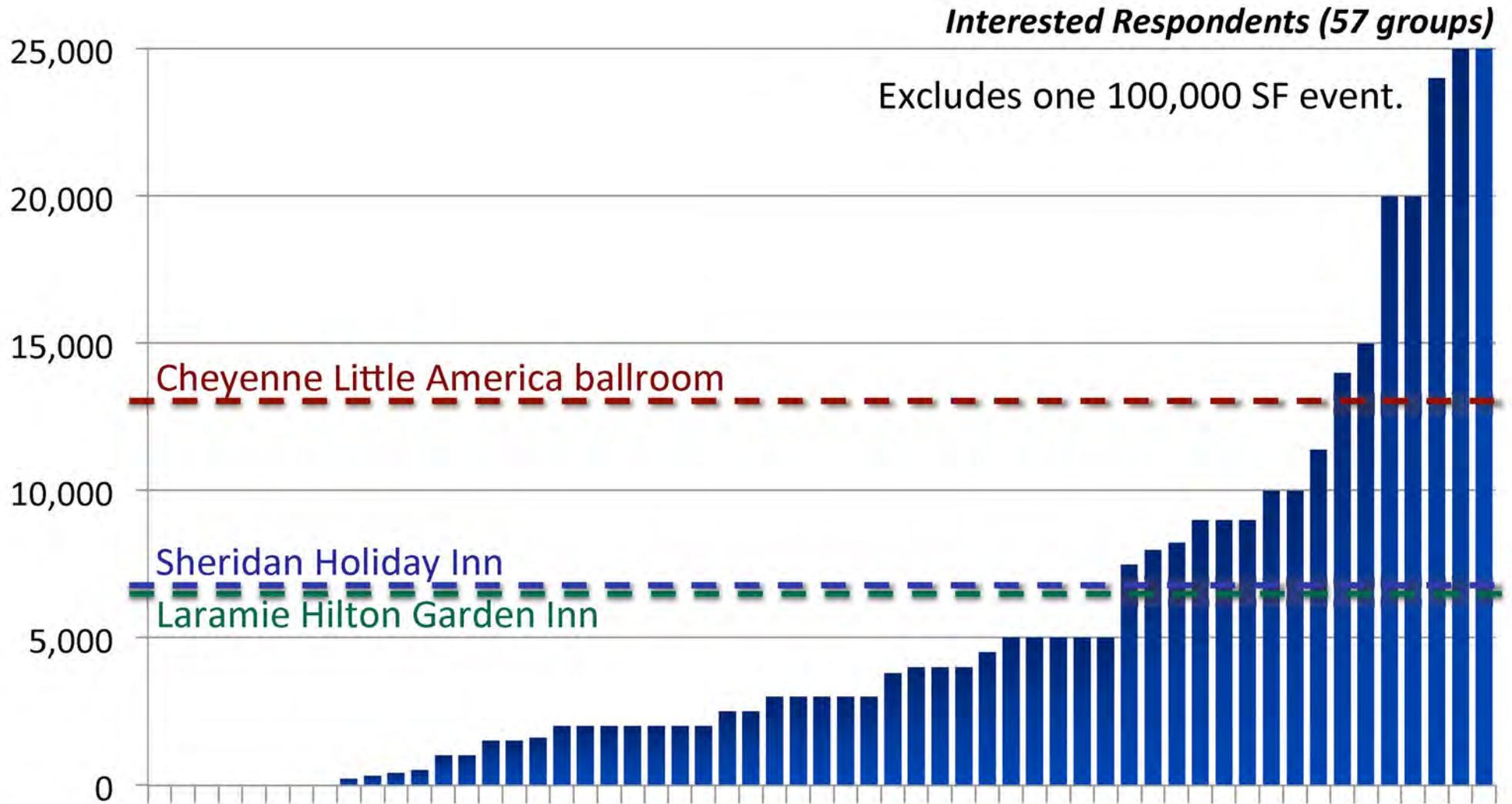
Loveland Embassy Suites ballroom capacity at 13 SF/person



Meeting Planner Survey Results



Exhibit space SF required

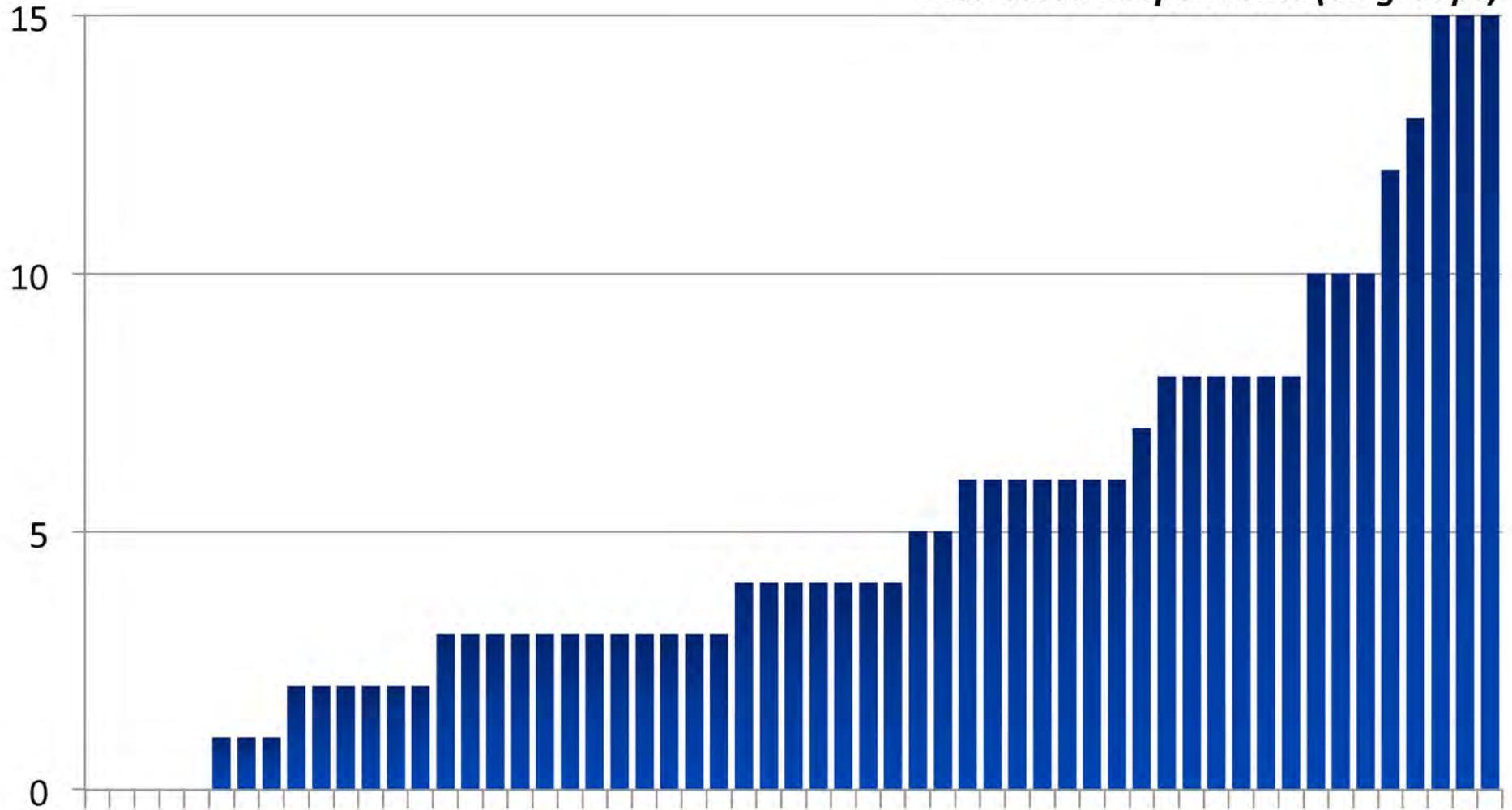


Meeting Planner Survey Results



Number of breakout meeting rooms required

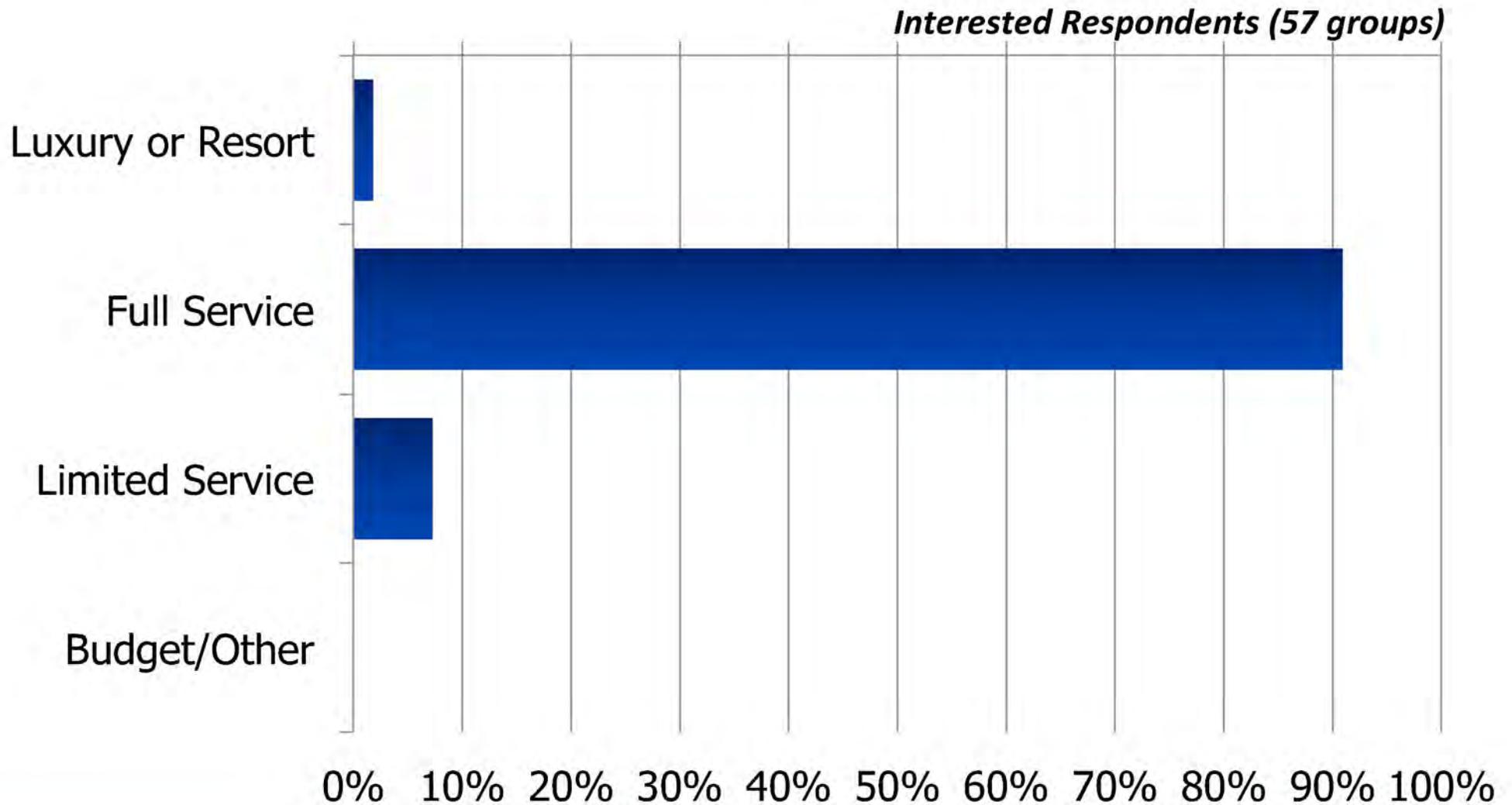
Interested Respondents (57 groups)



Meeting Planner Survey Results



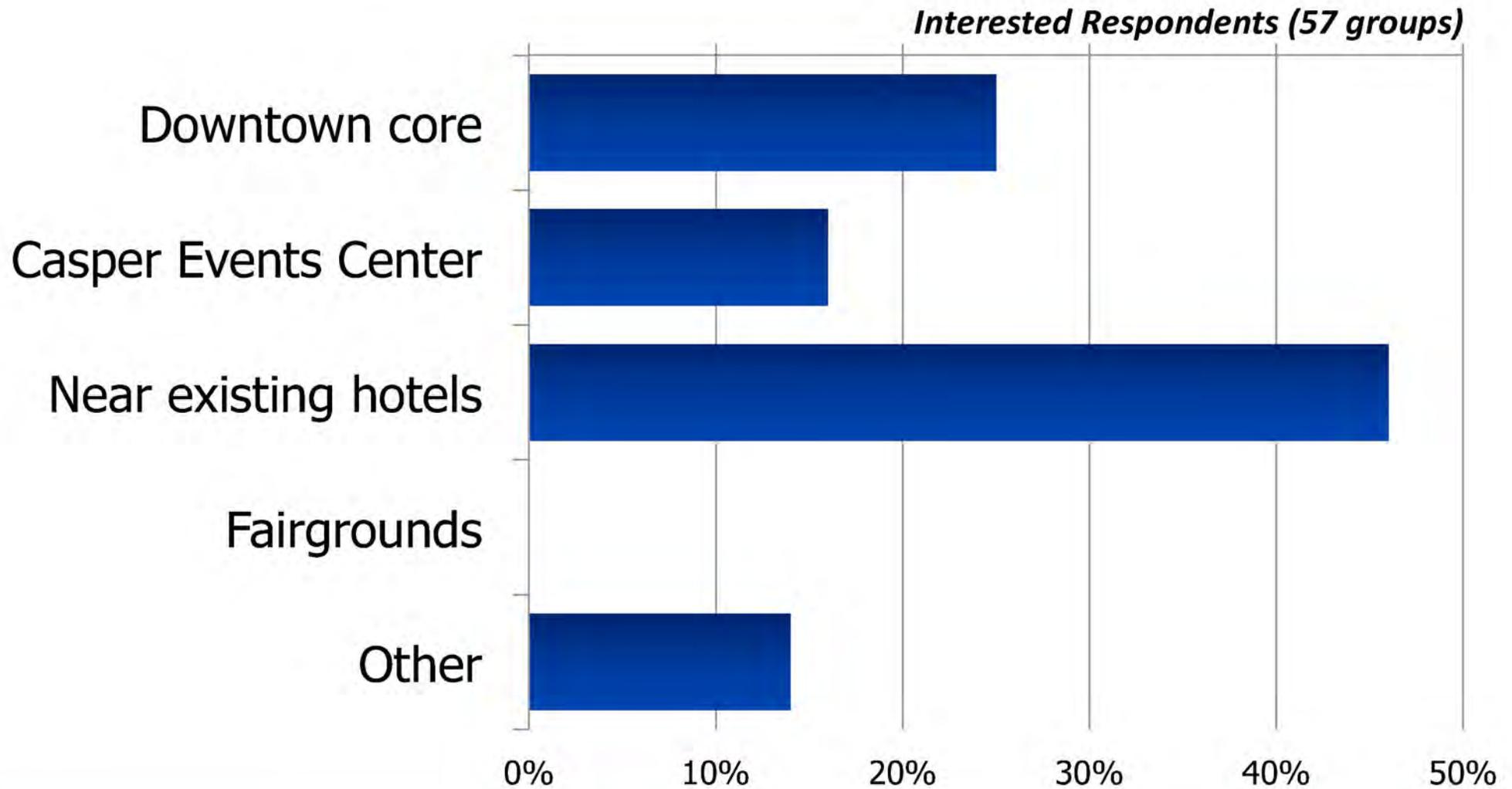
What quality/service level do you seek for your primary hotel?



Meeting Planner Survey Results



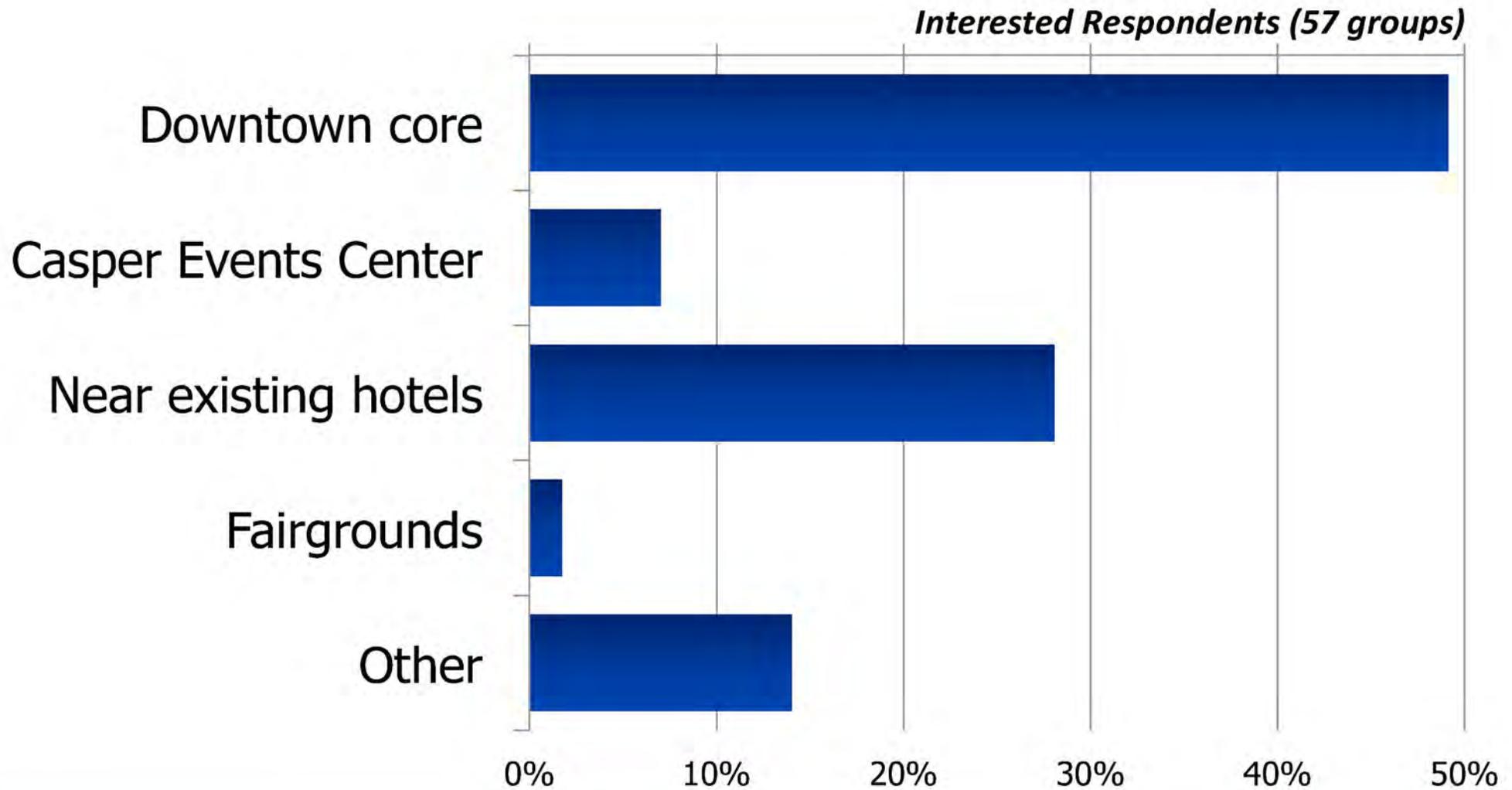
With respect to location, ASSUMING NO NEW HOTEL WERE BUILT, what type of location do you prefer? (Select one)



Meeting Planner Survey Results



ASSUMING A NEW CONFERENCE CENTER INCLUDED A NEW HOTEL,
what type of location do you prefer? (Select one)



Meeting Planner Survey Results



ASSUMING A NEW CONFERENCE CENTER INCLUDED A NEW HOTEL,
what type of location do you prefer? (Select one)



Downtown - In the heart of Casper's existing downtown within short walking distance to restaurants, shopping, theaters, etc. No other hotels would be within short walking distance.

Market Research Summary



- Casper can be a very strong competitor for state and regional meetings
- To be most competitive, project should:
 - Include a new full-service hotel
 - Offer meeting space comparable with Little America
 - Be located in the downtown core
- Some cannibalization will occur
 - A few events from the Casper Events Center
 - Larger and less price sensitive groups from existing hotels
- New and larger events will be won, delivering incremental room nights

Recommendations



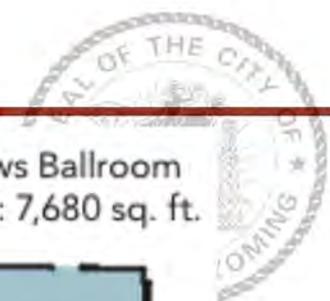
- Target 1,000+ for banquets
 - For marketing, be slightly larger than Little America (largest ballroom in Wyoming)
 - Use junior ballroom as satellite ballroom for larger banquets
- Flexible junior ballroom and flexible breakouts
- Best example for configuration: Loveland Embassy Suites



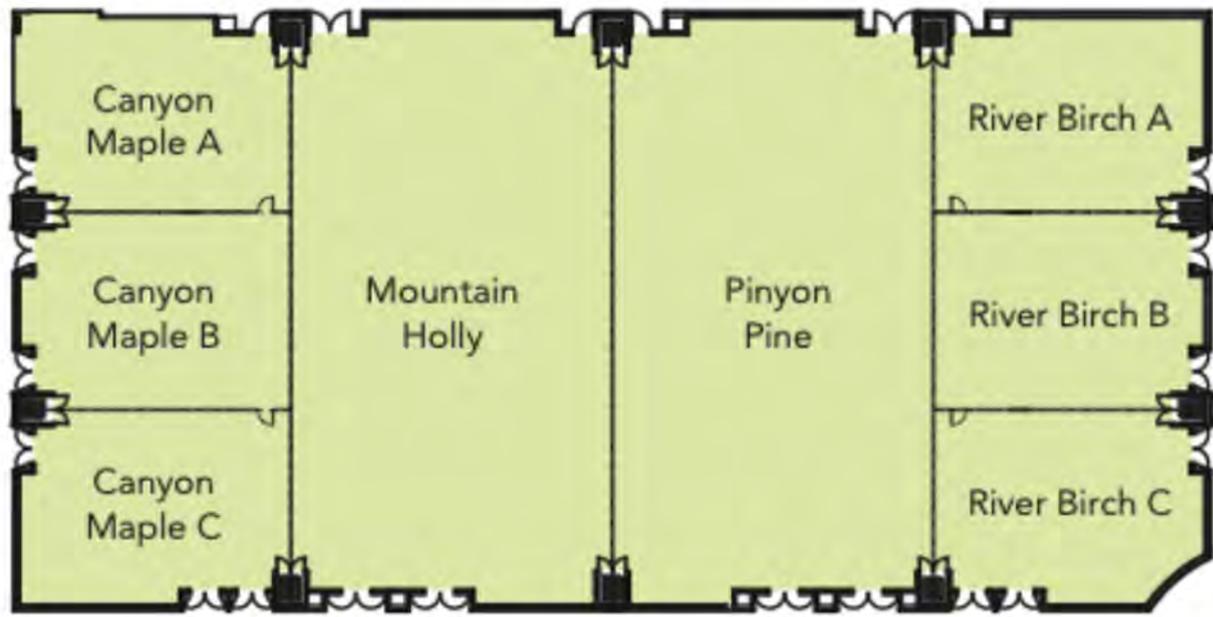
Loveland Embassy Suites Meeting Space



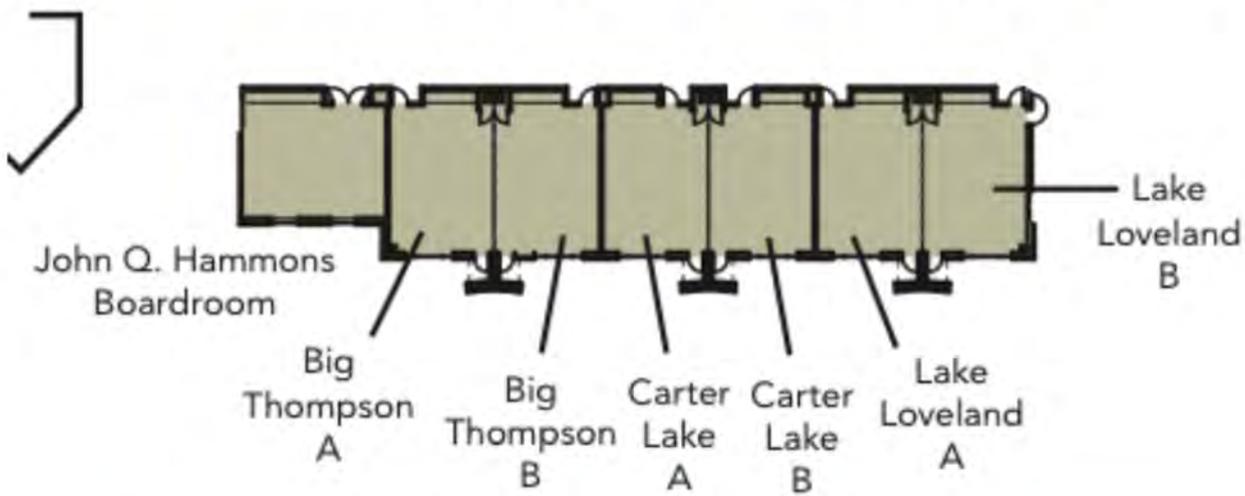
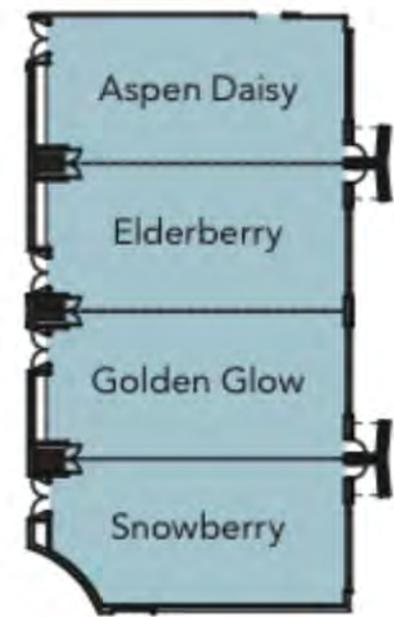
Loveland Embassy Suites Meeting Space



Front Range Ballroom
Total Capacity: 28,800 sq. ft.



High Meadows Ballroom
Total Capacity: 7,680 sq. ft.



Recommendations



Stand-alone conference center not recommended

- Does not meet important community goals
- Market wants a hotel attached
- Would not capture potential market share, foregoing significant economic impact
- Available existing hotels to partner with are either old and/or limited service
- No existing hotels are located in the downtown core, the market's preferred location
- Would likely need to be publicly-owned
- Would require a significant operating subsidy

Recommendations



From a market perspective,
a new hotel and conference center is recommended

- Hotel
 - 200 sleeping rooms
 - Lower end full-service recommended (Sheraton, Crowne Plaza, etc.)
- Conference Center
 - Physically integral to the hotel
 - Largest ballroom in WY: 13,300+ SF (1,000+ banquet seating)
 - Highly divisible into 8± sections
 - Flexible junior ballroom – 5,000± SF
 - Flexible breakouts – 5,000± SF
- Location
 - As close to the downtown pedestrian core as possible

Casper's Competitive Position



	<u>Loveland Embassy Suites</u>	<u>Casper Recommended</u>	<u>Cheyenne Little America</u>	<u>Fort Collins Hilton</u>	<u>Laramie Hilton Garden Inn</u>
Population	61,000	55,300	59,500	137,600	30,800
Sleeping Rooms	263	200	188	254	135
Ballroom SF	28,800	13,300	13,260	11,400	7,085
Meeting Space:					
Junior Ballroom	7,200	5,000	4,882	2,392	2,130
Other Breakout Space	4,261	5,000	7,848	4,600	816
Total Meeting SF	40,261	23,300	25,990	18,392	10,031
Ballroom Theater Seating @10 SF/person	2,880	1,330	1,326	1,140	709
Banquet Seating:					
@13 SF/person	2,215	1,023	1,020	877	545
@16 SF/person	1,800	831	829	713	443
% Ballroom to Total SF	72%	57%	51%	62%	71%
Ballroom SF/rooms	110	67	71	45	52

Casper's Competitive Position

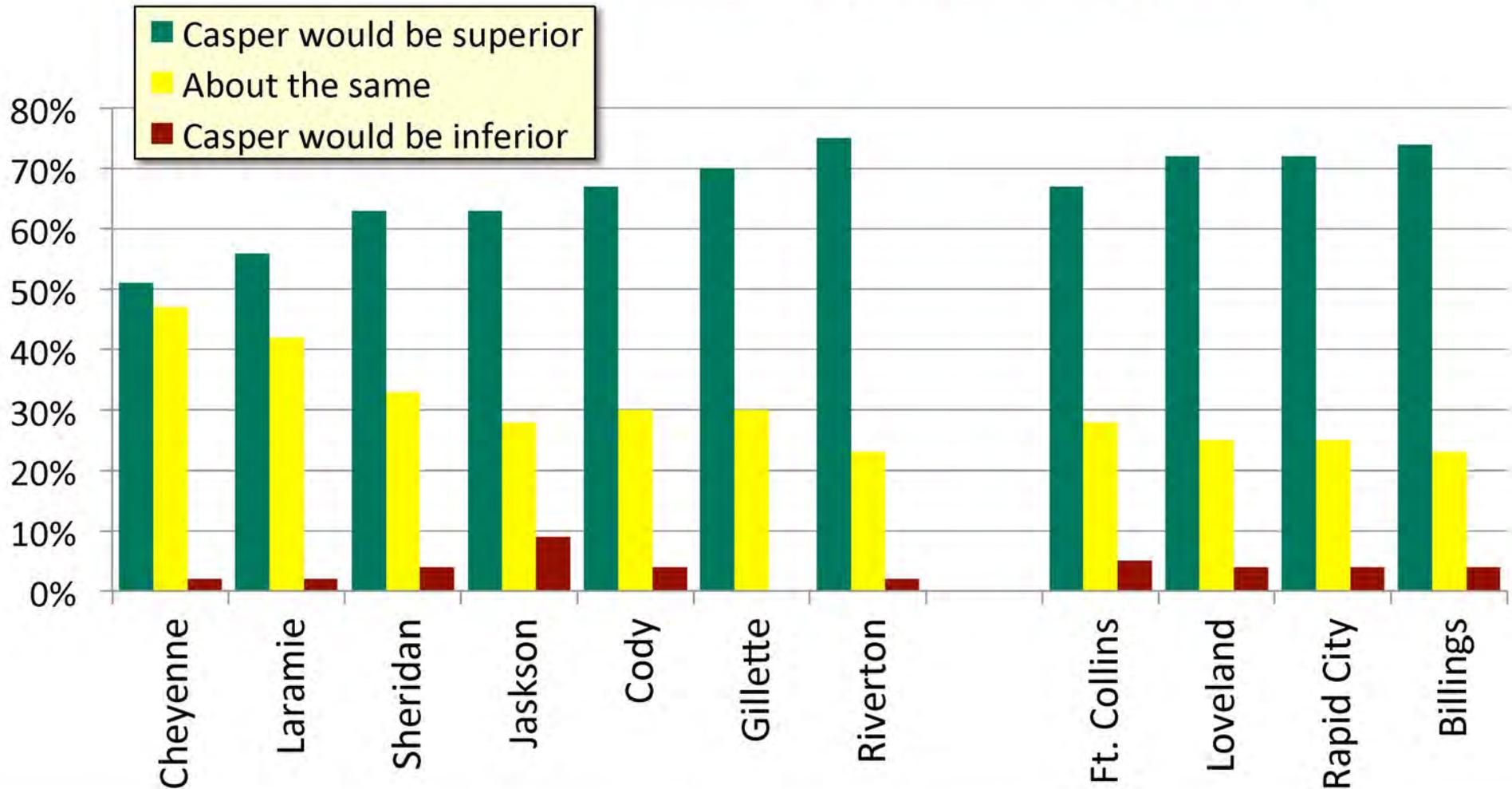


	<u>Casper</u>	<u>Cheyenne</u>	<u>Laramie</u>
Central location in state	✓	✗	✗
Modern meeting space	✓	✓	✓
Modern hotel rooms	✓	✗	✓
Full service hotel rooms	✓	LA	HGI
Pedestrian experience	Best	Worst	Not Bad
State capital	✗	✓	✗

Casper's Competitive Position

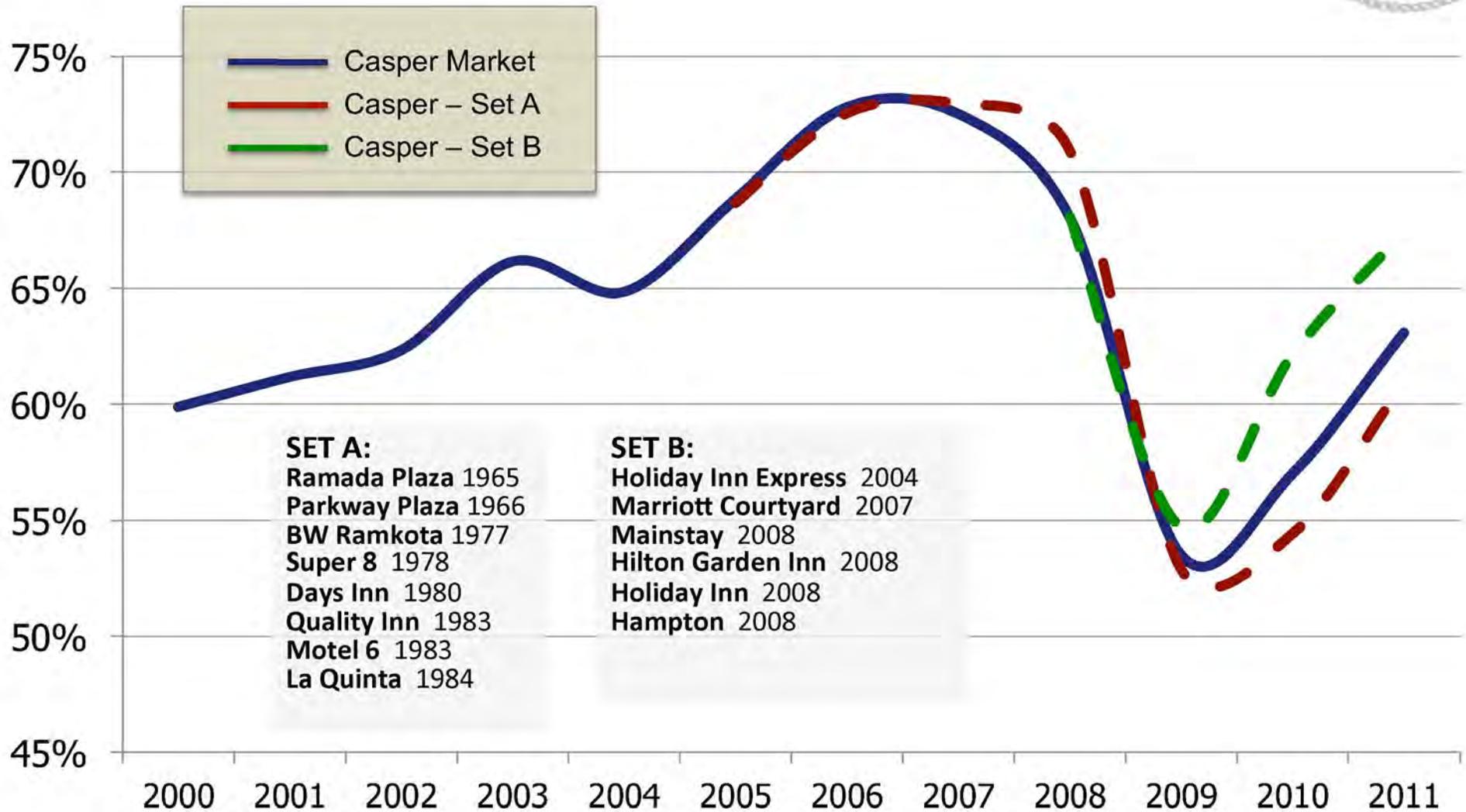


If Casper were to build a NEW FACILITY THAT MET YOUR NEEDS IN YOUR PREFERRED LOCATION, how would you compare Casper to other destinations/facilities based on your meeting needs?

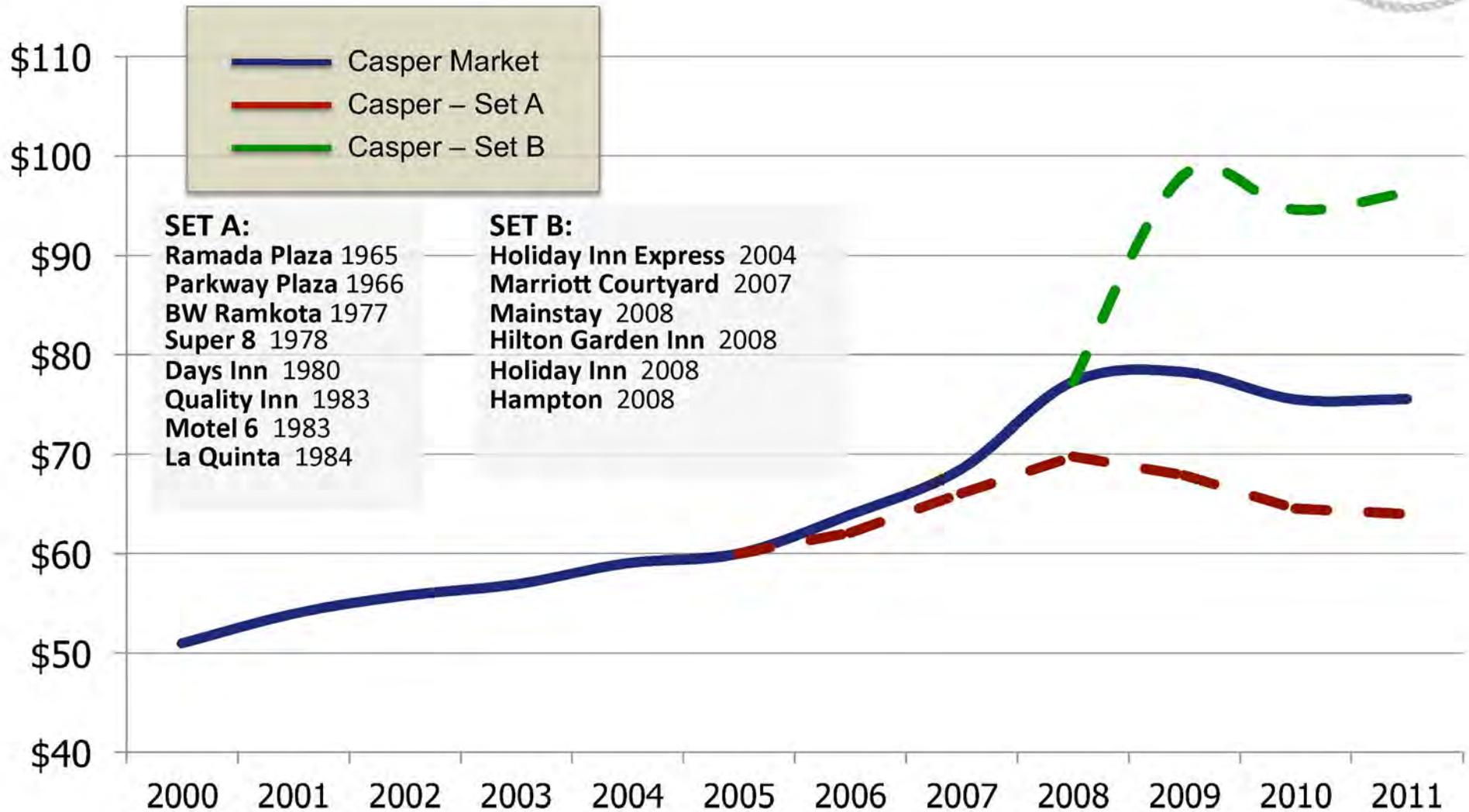


Hotel Market

Casper Hotel Market: Occupancy



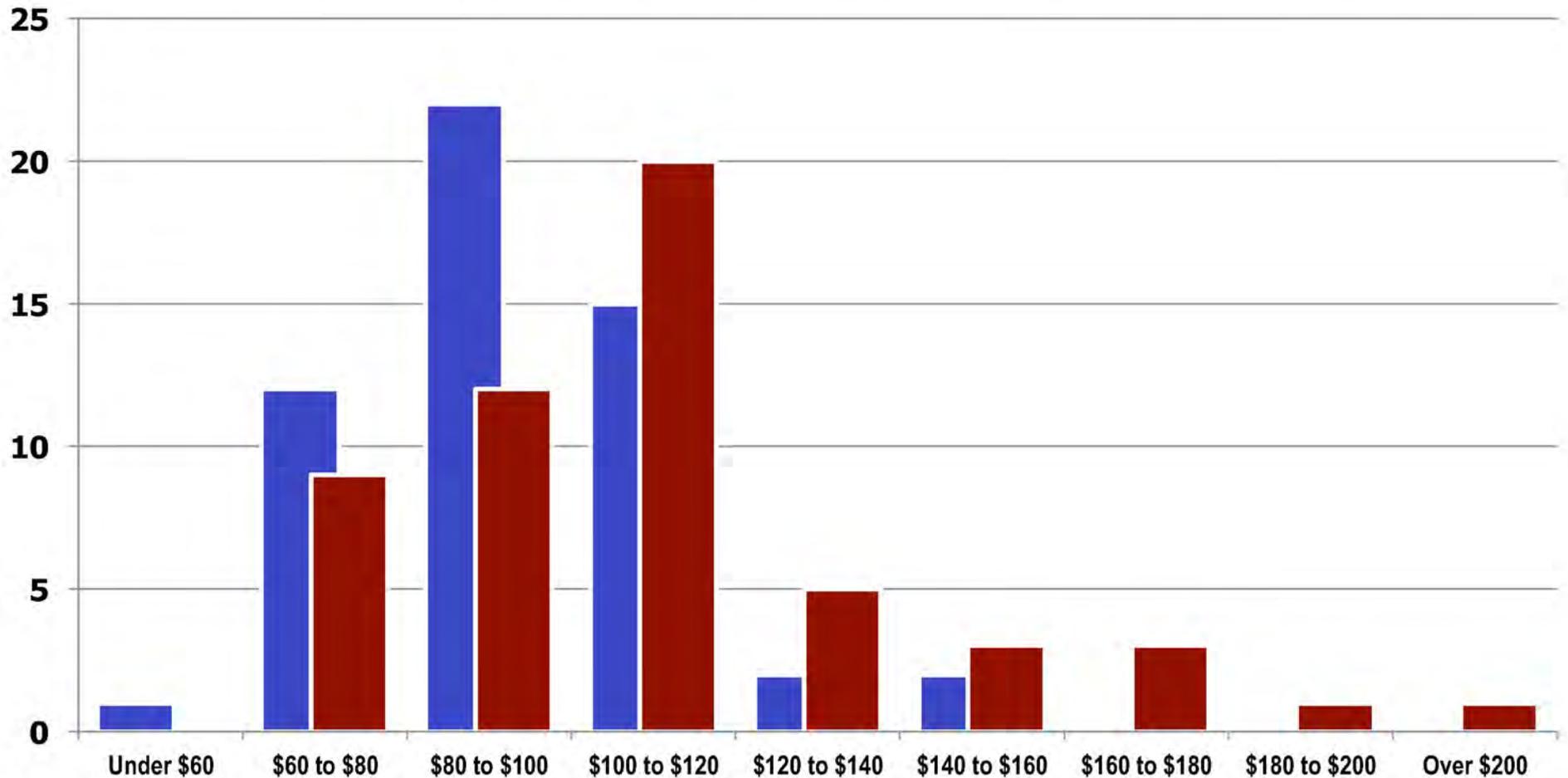
Casper Hotel Market: ADR



Meeting Planner Survey Results



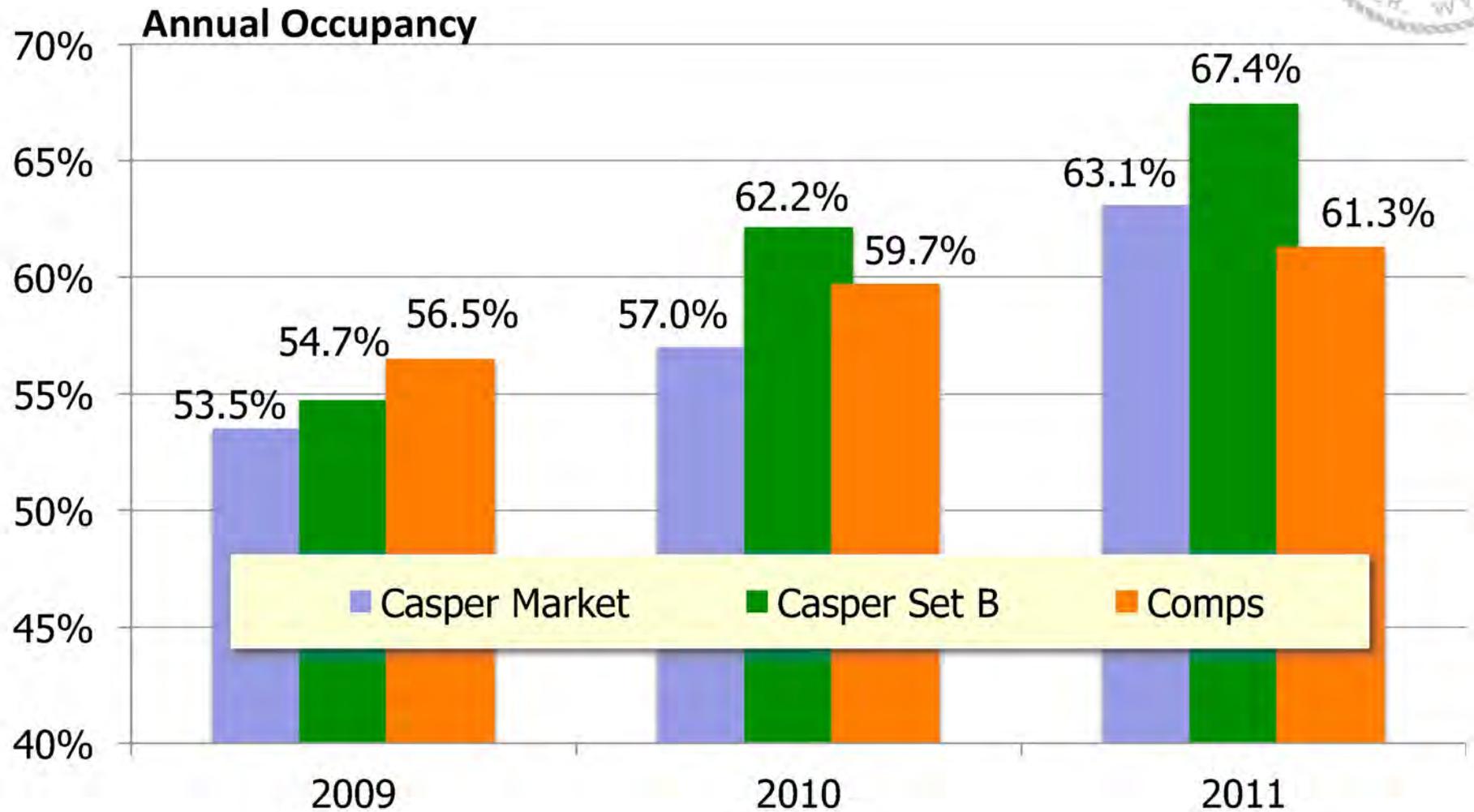
What would you EXPECT to pay for a hotel room?
What is the MAXIMUM you'd pay for a hotel room?



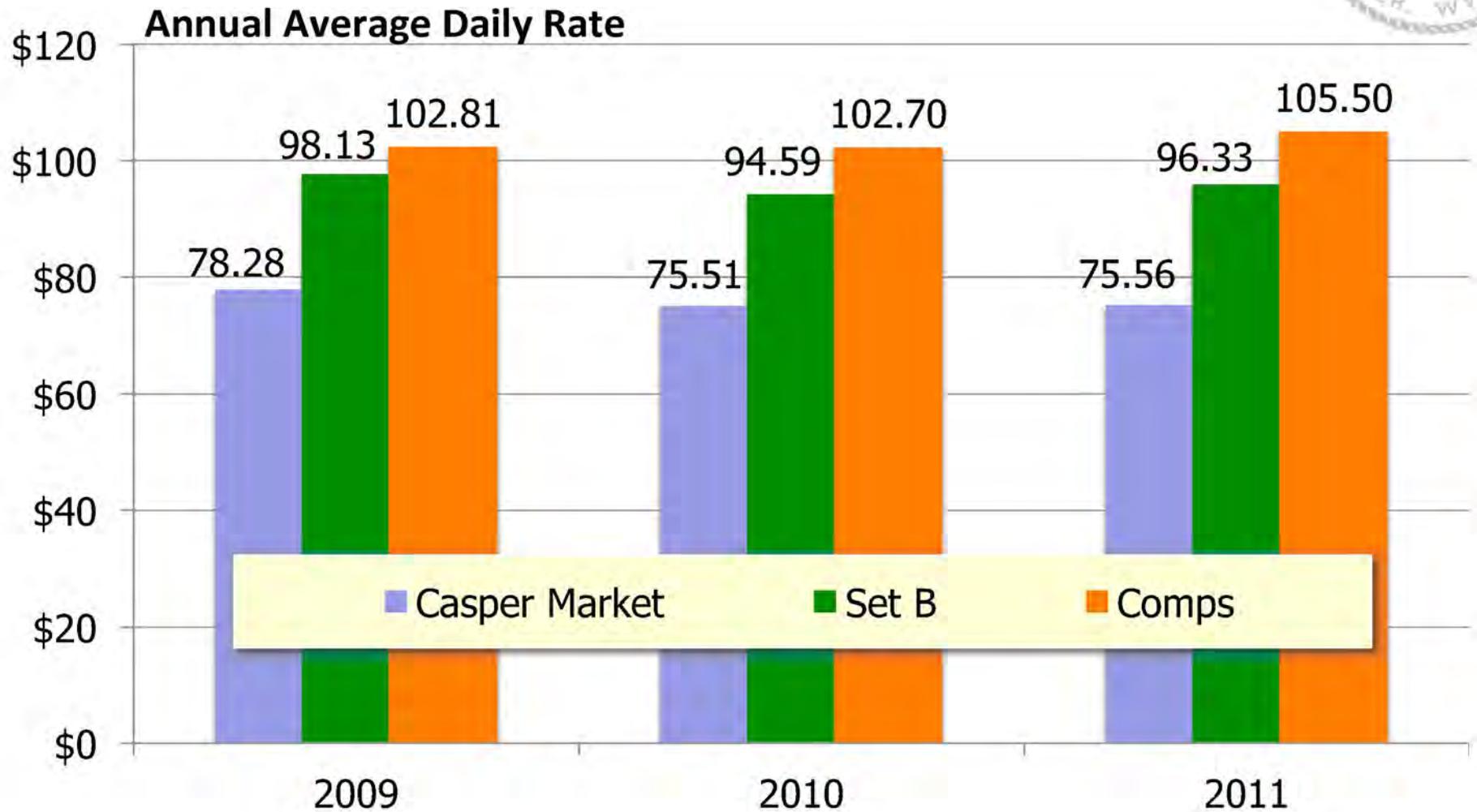
Regional Comparables



Regional Comps: Occupancy



Regional Comps: ADR

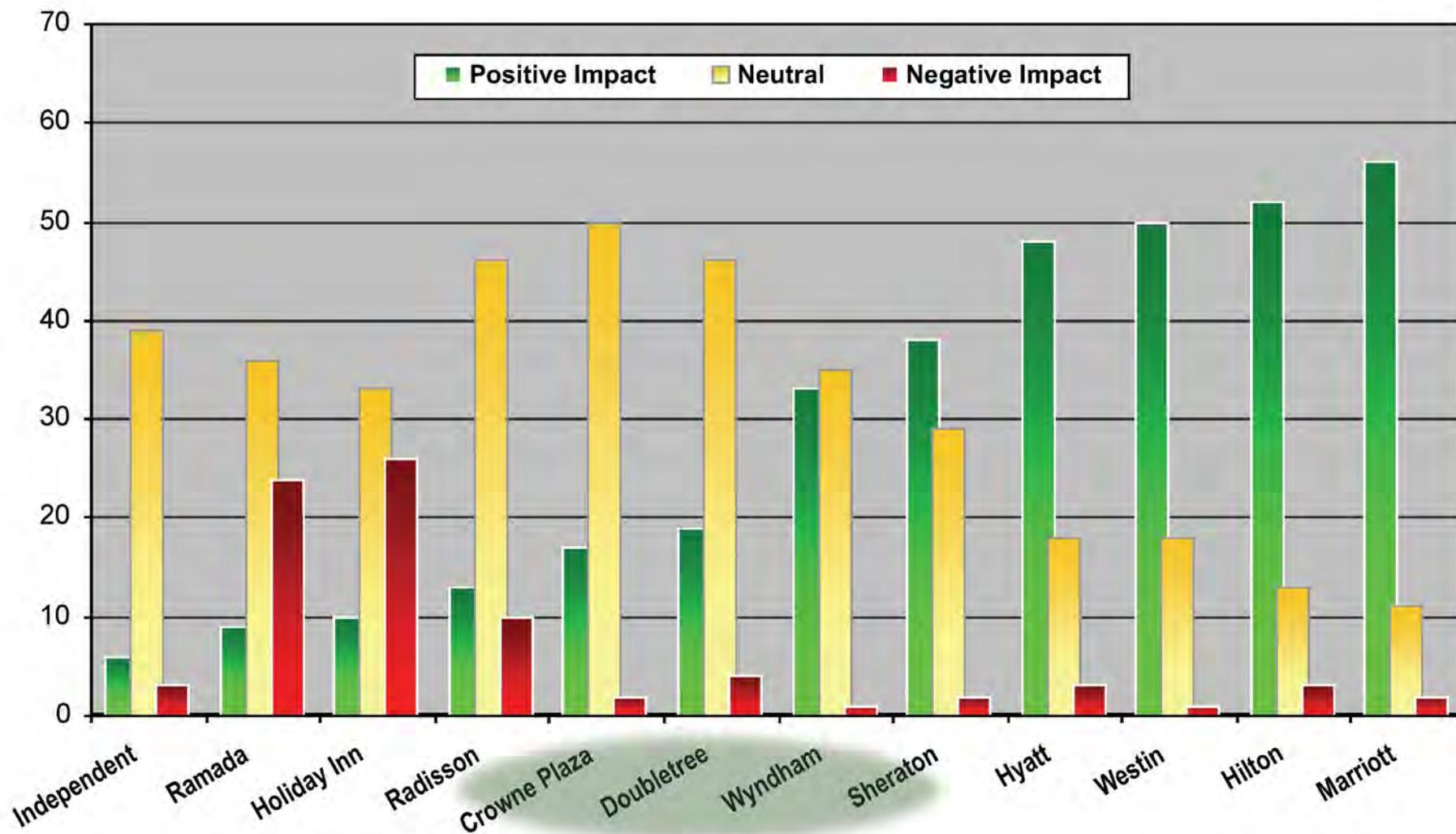


Development Scenario: *One Option*

Brand Impact: *Full-Service*



“When selecting a destination, do the following hotels have a positive, neutral, or negative impact on your decision making process?”



Source: SAG Meeting Planner Survey.

Sample Project: *Sheraton Hotel & Conference Center*



- Full-service Sheraton Hotel
- 194 rooms
- Approx. 7,000 SF Conference Space
- 162 employees with payroll of \$3.3M
- Development Cost = \$32M

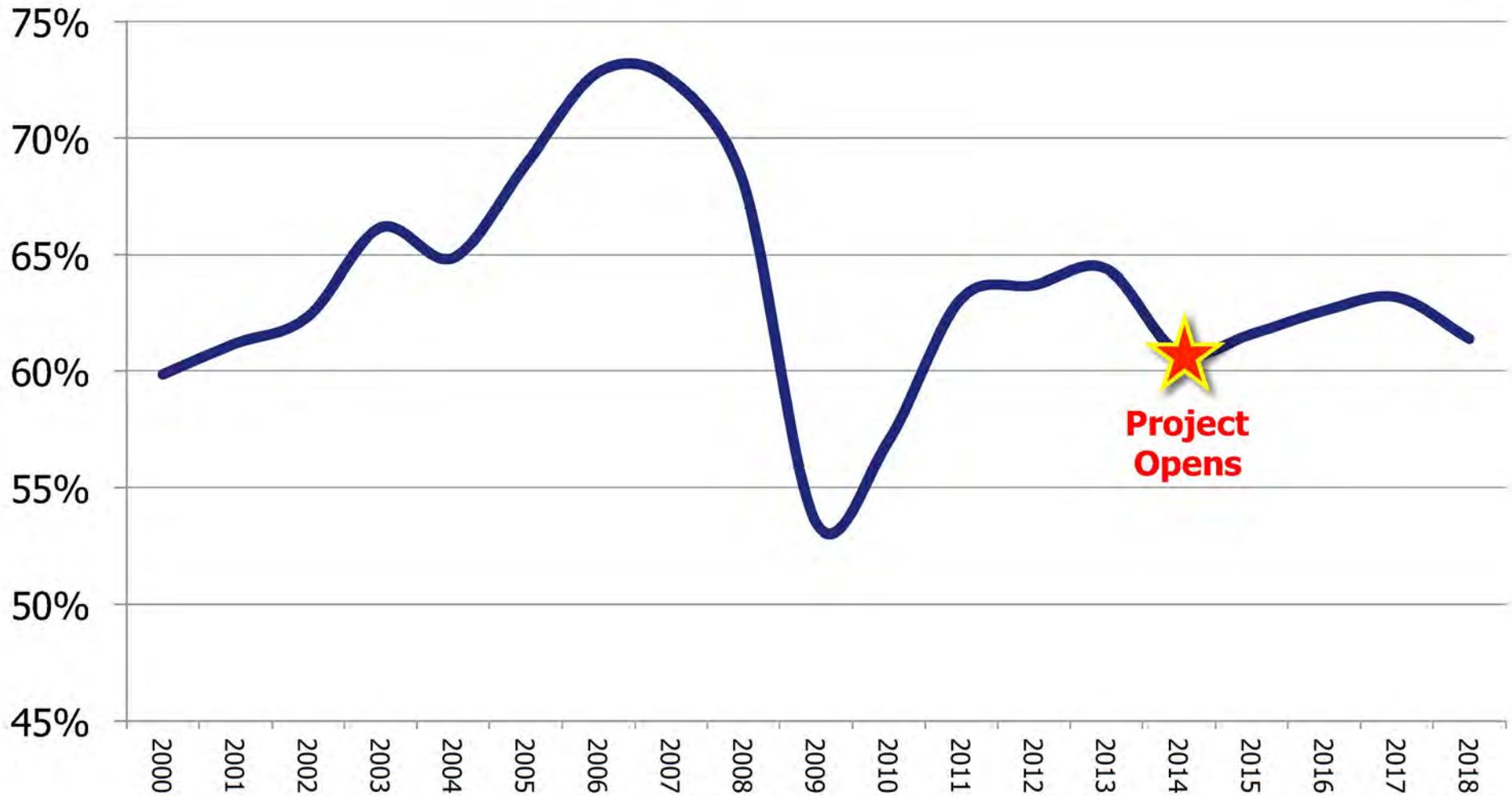
Financial Analysis: *One Scenario*



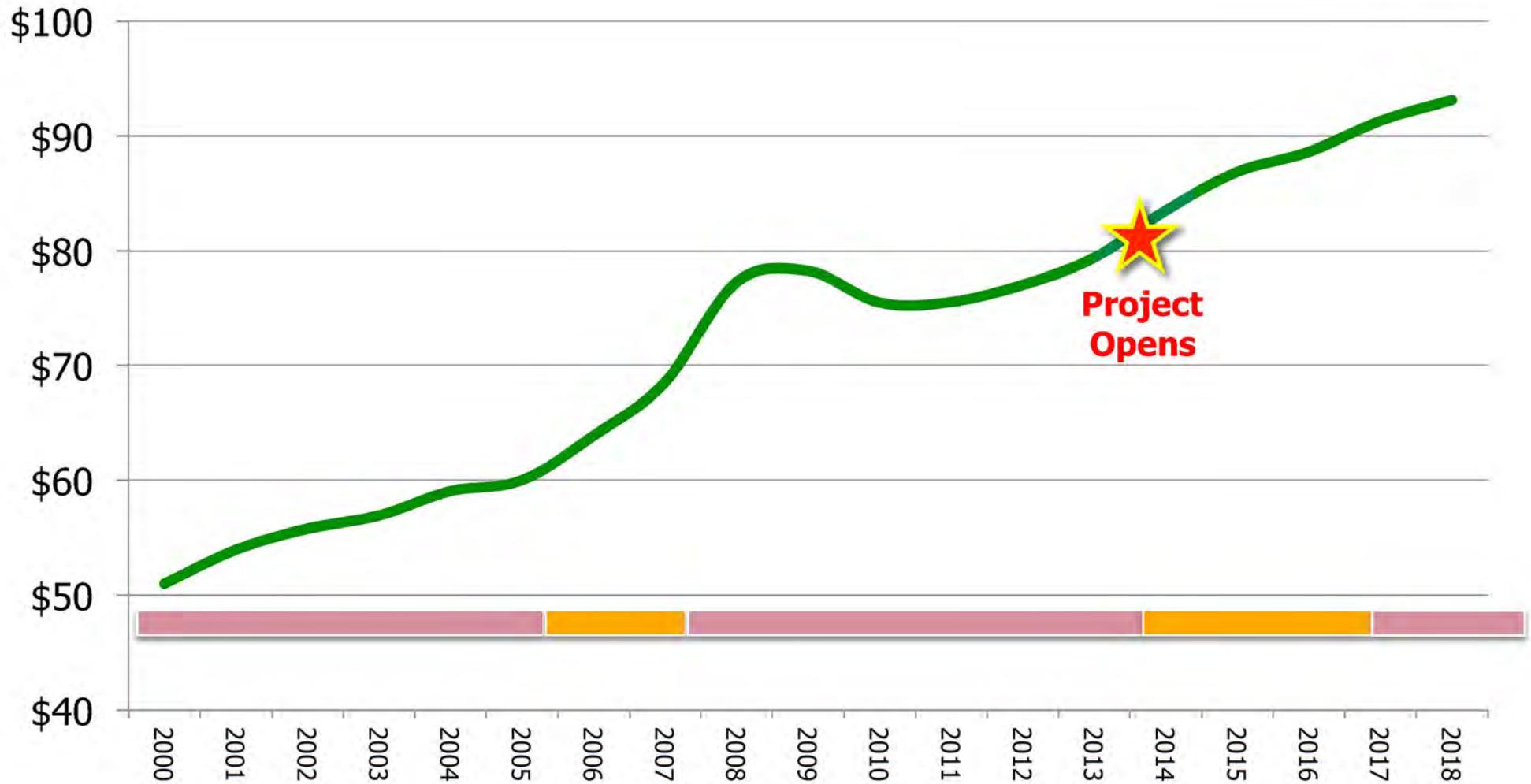
- 200-room full service hotel (Sheraton-quality)
 - 65% occupancy; \$125 ADR
 - Net Operating Income (NOI) = 15.5% of gross revenues
- Hotel Costs = \$30.0M [**Private Sector Investment**]
 - \$150,000 per key cost (hotel only)
 - Zero cost land and parking
- Conference Center Costs = \$12.0M [**Public Sector Investment**]
 - \$250 per GSF
 - Conference Center leased to Hotel for \$1 year
- Financing Assumptions:
 - 50% Debt at 7% for 25 years; 50% Equity
- Equity IRR = 11%

Takes \$5M Public hotel grant to reach 20% IRR

Casper Market: *Projected Occupancy w/ Project*



Casper Market: *Projected ADR w/ Project*



Strategic Location

Strategic Location



The View from:
Jackson Lake Lodge

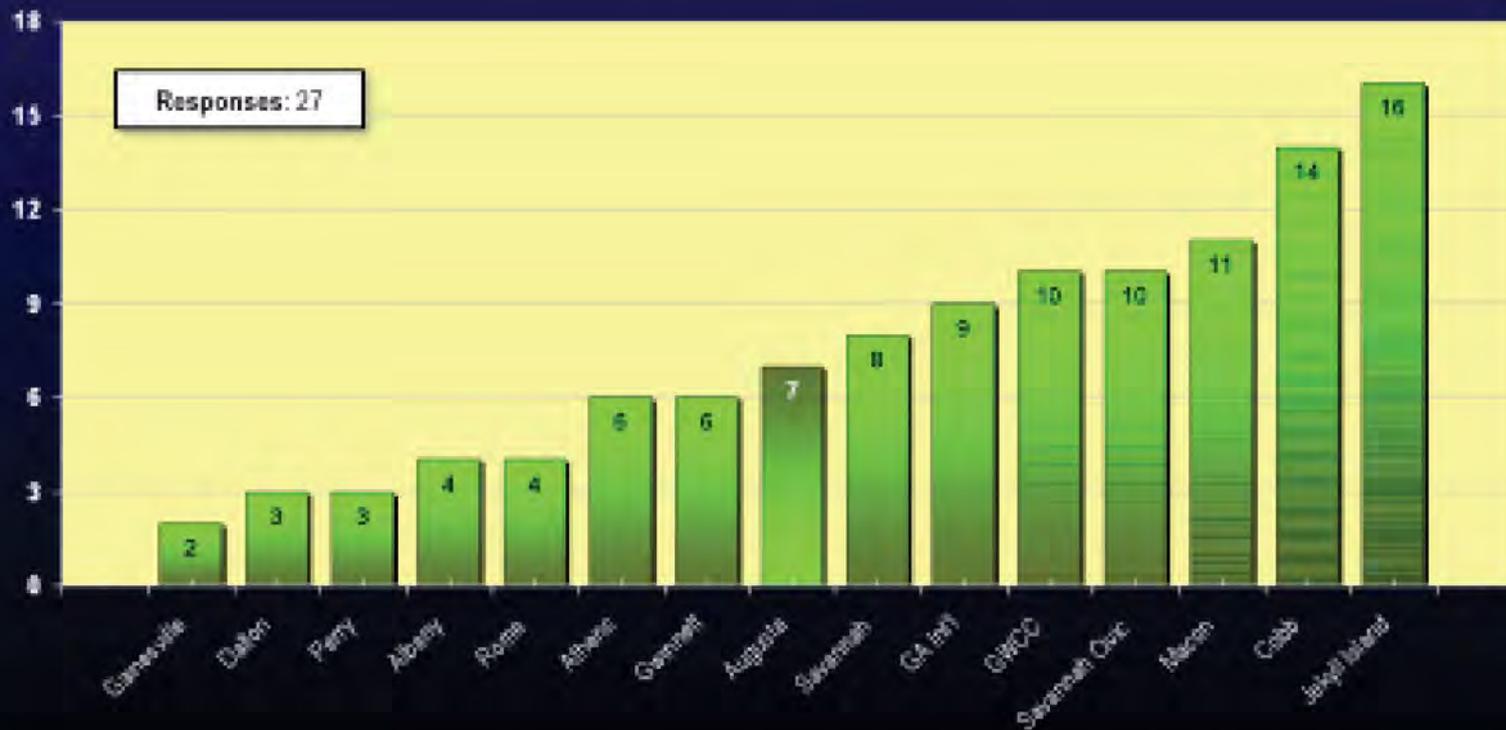
Strategic Location: Georgia



Strategic Location: *Georgia*



"Which destinations in Georgia have you used in the past or committed to using in the future?"



Case Study: Jekyll Island, GA



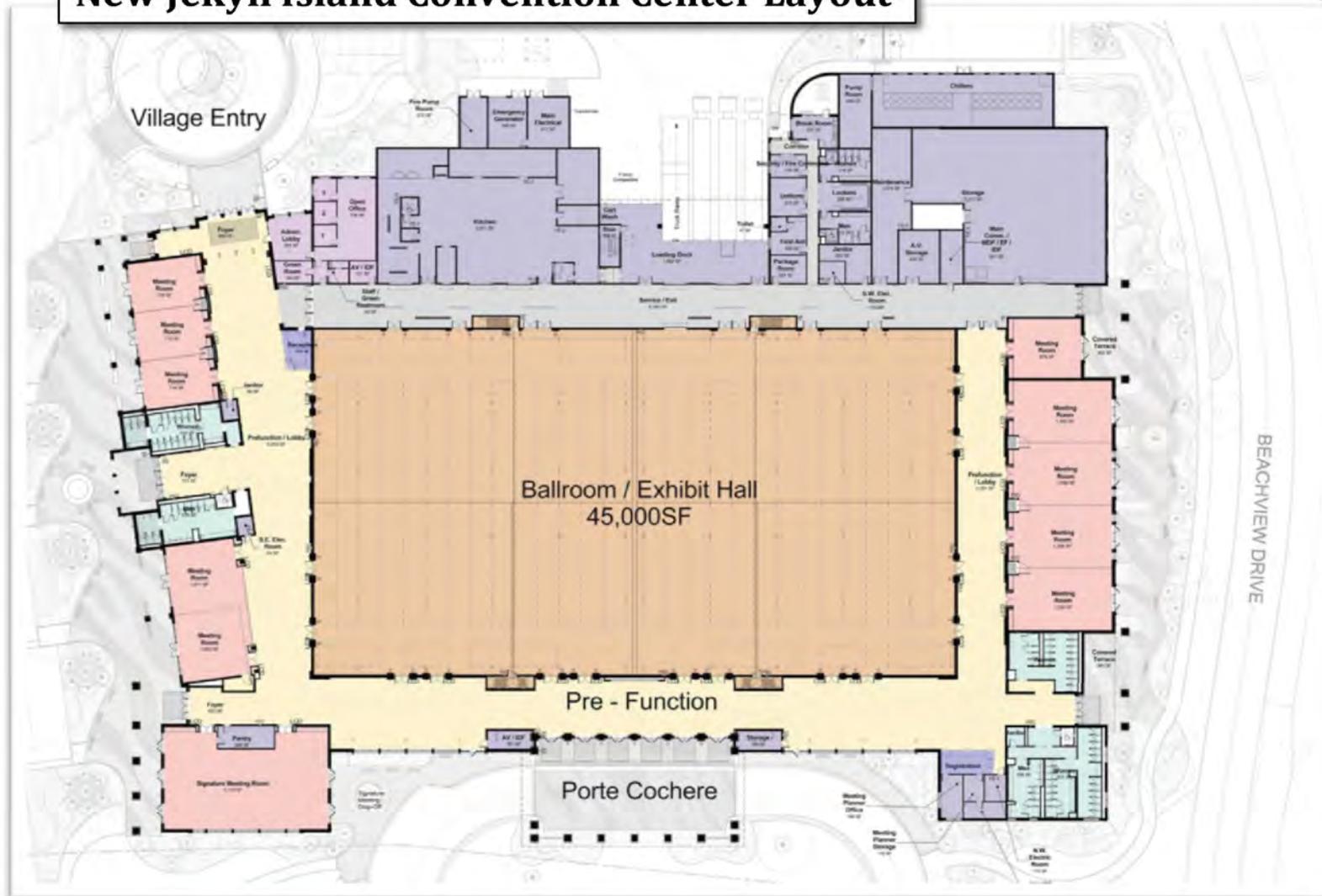
- The old convention center was razed, and a completely new, LEED certified, oceanfront complex will open in May 2012.
- The new facility will offer a 45,000 SF ballroom/exhibit hall, approximately 12,000 SF of break-out meeting space, and 19,000 SF of pre-function space.
- A new 134-room Hyatt Place select-service hotel will be built within close walking distance from the new facility and will also open in 2012.
- A new 134-room Hyatt Place select-service hotel will be built within close walking distance from the new facility and will also open in 2012.
- Anticipated to open in 2013: A full-service hotel featuring 200 rooms, 45K SF of entertainment-oriented retail area, and 63 loft condominiums, which with lock-outs will provide 96 new units available for convention and vacation guests. Great Dunes Park and a public village green will also be integrated to create a new, vibrant beachside destination.
- **Jekyll Island reports it has already booked 56 conventions for 2012; 70 for 2013; and expecting up to 90 for 2013.**



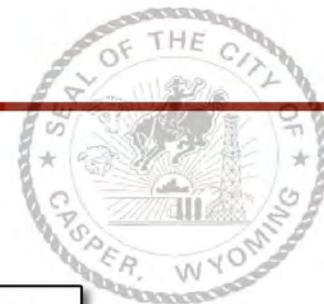
Case Study: Jekyll Island, GA



New Jekyll Island Convention Center Layout



Case Study: Jekyll Island, GA



New Jekyll Convention Complex



Summary Conclusions

Study Summary Conclusions



- Extremely positive market analysis
- Meeting planners were very clear in their desires, and consistent with national trends
- Due to strategic location, general lack of quality in region, downtown experience, barriers to entry; the potential exists for Casper to stake claim as ***the leading regional conference destination***
- Class-A conference space and full-service hotel will require public incentives
- Developed properly, the project can help support a healthy local hotel market and grow room rates and tax revenues

Aligning the Recommendation with Community Vision



- Our recommendations address the *MARKET* wishes
- Policy decisions must address the long-term goals for how the community develops in the future
- A downtown hotel and conference center could:
 - Spur additional development nearby and quicken the pace of downtown development
 - Become one of Casper’s iconic features; the best location to enhance Casper’s brand
 - Achieve benefits probably not achieved outside of downtown
- Question: Who do you want to be in 25 years?
 - Strong, pedestrian-oriented downtown or suburban?

Potential Next Steps



- Determine if this vision will be accepted
 - Determine compromises, if any
- Finalize posture regarding public role in ownership and operations
- Analyze how public incentives might be available
- Study, select and secure site
 - Turnkey solution an option, but site is very important
- Issue RFP to determine private sector appetite and required incentives
- Negotiate structure
 - Public sector should receive room block agreement to ensure availability for city-wides