

COUNCIL WORK SESSION

Tuesday, October 27, 2015, 4:30 p.m.

Casper City Hall

Council Meeting Room

AGENDA

1. Bike Lane Ribbon Cutting (4:00 p.m., location to be determined)
2. Gaddis Custom Building Subdivision
3. Mike Sedar Update
4. Executive Session (Property Acquisition)
5. Future Agenda Review
6. Council Around the Table

Mayor Powell called the meeting to order at 4:34 pm with the following Councilmembers present: Councilmen Cathey, Hopkins, Johnson, Mundell, Miller, Pacheco, Sandoval, and Powell.

Mayor Powell began the meeting by stating that the meeting's agenda would be modified and invited Carolyn Griffith, Recreation Manager, to present on the status of Mike Sedar Pool. Ms. Griffith began by updating Council on the current status of the Mike Sedar Pool. She stated that it is currently under construction and described the many amenities the new pool will provide including a lap pool, lazy river, small children's play area, zero depth entry, family change area, covered concessions area for pool and park, basketball, volleyball, 30 foot drop slide into zero depth area, obstacle course, climbing wall, and a spray pad for toddlers.

City Manager Patterson asked if the money for the splash pad for the North Casper pool is being used for this Mike Sedar pool. Ms. Griffith explained that the bids for the North Casper pool were too high, and that the funding for the two projects are separate. Mayor Powell asked if the splash pad would be open when the pool is not, and Ms. Griffith responded that both will be open at the same time because they have the same entrance, but this could be designed differently.

Ms. Griffith stated that construction is going well and the walls for the pool house are now up. She then showed pictures of constructions and the layout for the different amenities. The proposed date of completion is Memorial Day 2016 and everything is currently on schedule. Ms. Griffith stated that the cost to use the facility will be the same as it is now, which is about \$4.50 to \$5.00 per person. There will still be passes and scholarships, and patrons will be able to rent the facility for parties. Mayor Powell asked about the crack that formed on the previous pool. Ms. Griffith explained that part of the reason the crack formed was because the pool was drained which puts undue pressure on the pool. The new pool will have water in it all year which will keep the pressure from cracking it. Councilman Cathey asked if the information and pictures were online for people to look at. Ms. Griffith stated that they were not, but that they could put the information up online.

Next, Mayor Powell invited Matthew Gaddis to discuss the Gaddis Subdivision. City Manager Patterson began by explaining the location and concerns related to the proposed subdivision. He

then introduced Matthew Gaddis, one of the developers of the Gaddis Subdivision. Mr. Gaddis began by explaining what some of the concerns are regarding the subdivision. He stated that there is a difference between low income and entry-level housing and this subdivision will consist of entry-level housing, which is not government-subsidized. The developers are funding 100% of the project and are not asking the City for money. He stated that one cause for concern has been offering discounted water rates to people in the subdivision, when those rates are normally only offered to Casper citizens. Mr. Gaddis then discussed putting a Homeowners Association (HOA) in place, so homeowners will be paying the City back for the costs that the City incurred. The discounted rates would be covered by the homeowners themselves, and the cost incurred by the project will be covered by the development company or the homeowners.

He then discussed concerns related to the parcels being contiguous with the City of Casper. There are two parcels that are owned by Gaddis Custom Building and another parcel that is owned by another company. Concern has arisen because Chris Gaddis is part of both companies. This third parcel is contiguous with the City, so there are concerns that the companies are dividing parcels so that some parcels are contiguous and others are not in order to get financing. He explained that the drainage makes it difficult to develop the third contiguous parcel and the other two are easier to develop.

Mr. Gaddis then deferred to Bob Despain, representative of Joe Scott Enterprises, to clarify some of the legal issues. Mr. Despain explained that Joe Scott is the primary investor for Gaddis Custom Building, and that he became involved with this project in order to help develop Casper and help young families in the community. He explained that there will be an HOA put into place that will create DCCR's (declaration, covenants, conditions and restrictions for developments). There will be provisions in the contract to protect the interests of the City. Councilman Hopkins expressed concerns about enforcement of the DCCR's by the HOA, because the City has no control over HOA's and will have no way to enforce compliance. Mr. Despain responded that the agreement could be structured to account for these concerns.

Mike Lansing, Casper attorney, stated that they have had meetings with Rural Development (RD), and RD is supportive of the project. He said he has an email to that effect and will share that email with City Attorney Luben. Mr. Despain elaborated that the goal of RD is to develop parcels on a phase basis and incorporate rural lands into larger communities.

Councilman Mundell expressed concern that in three years lots will not be sold due to declining economy. Chris Gaddis, Gaddis Subdivision developer, responded that once annexed, homebuyers will just not have the RD loans available and can use WCDA loans and other loans. This is just an opportunity to provide service to citizens and a tax base to Casper. Councilman Mundell also asked what the benefits are to the homeowners when these homeowners will have to pay HOA fees on top of the RD loans' higher interest rates. Mr. Lansing said he spoke to several local mortgage lenders and found that the benefits of RD outweigh the benefits of WCDA.

Council then asked about zoning permits and different code issues. Mr. Gaddis explained that because they have not received the go ahead to move forward, they have only had preliminary meetings. If they get the go ahead, then they will start drawing up more concrete plans. They will meet the City and County codes before next step. Councilman Mundell asked about the County's involvement with a development like this. Jason Gutierrez, Natrona County Planning and Development Director, spoke about some of the issues involving the County. He stated that the County would provide services but because Casper will get there first and through mutual agreements with the Casper Police and Fire Departments, they would respond. Additionally, trash services would be private.

Councilman Miller asked if it was correct that the City has never done anything like this before. City Manager Patterson explained that the rules state that if land is contiguous, the developer can get water and sewer by annexing to the City. If the land is not contiguous, the landowner signs an agreement saying that when they are contiguous they will annex in. In this case, the landowner is contiguous and could annex in but they are choosing not to. He explained to Council the ramifications of agreeing to provide water and sewer to these landowners, emphasizing the precedent that would be set. Mayor Powell agreed that this would create a precedent that would make it hard to turn down others in the future.

Mayor Powell asked City Attorney Luben to explain how the contract would work and if the City would be able to enforce the contract. City Attorney Luben explained that the homeowners would have to waive the right to protest annexation at the end of the three years. He stated that the City would have the burden to initiate annexation, and the City has never done a forced annexation of property. He stated that if the homeowners did not annex, the only recourse the City would have is to shut off utilities to the entire subdivision.

Councilman Cathey suggested forming a water and sewer district, which would require the HOA in charge of the district to enter into a contract with the City to provide water and sewer. City Attorney Luben stated that he would have to look into this. Mayor Powell asked City Attorney Luben if there was a way to change policy and enforce annexation. City Attorney Luben responded that they could not do this but that the policy call is Council's decision. He further noted that approving this would be ignoring the purpose of the statutes to protect the City and put the burden on the developer.

Councilman Pacheco stated that he understood what Mr. Scott has done for our community and it means a lot that he has put his name behind this project. Councilman Pacheco stated that because Mr. Scott is involved and deserves their trust, Council should look further into it. He also stated that is frustrating that the City needs affordable housing and encouraged Council to find ways to help developers realize that goal. He also noted that this type of development would help to keep young people in the City.

Mayor Powell then asked Council to do a thumbs up or down for this proposal. Council agreed not to move forward with Gaddis' proposal.

Council adjourned into executive session to discuss property acquisition at 6:28 pm, moved by Councilman Hopkins and seconded by Councilman Miller.

Council adjourned out of executive session and the regular work session at 7:05pm, moved by Councilman Hopkins and seconded by Councilman Miller.

CITY OF CASPER, WYOMING

ATTEST:

A Municipal Corporation

Tracey L. Belser
City Clerk

Charlie Powell
Mayor