

COUNCIL WORK SESSION
Tuesday, February 14, 4:30 p.m.
Casper City Hall
Council Meeting Room

AGENDA

1. North Platte Industrial Park – Land Use Request for Microbrewery (Aaron Kloke)
2. Leasing the 13th Street Ballfield (Dan Coryell)
3. 2016 Liquor License Review (Chief Wetzel)
4. Old Yellowstone District Ordinance Changes (Craig Collins, Liz Becher)
5. Public Forum Discussion/Prayer at Council Meetings (Bill Luben, Wallace Trembath)
6. Pre-Budget Discussion (V.H. McDonald)
7. City Manager Report
8. Future Agenda Review
9. Council Around the Table

Mayor Humphrey called the meeting to order at 4:30 p.m. with the following Councilmembers present: Councilman Pacheco, Morgan, Johnson, Murphy, Huckabay, Powell, Walsh, Hopkins and Humphrey.

Mayor Humphrey introduced Liz Becher, Assistant City Manager, to discuss the development of a potential microbrewery at the North Platte Industrial Park. Ms. Becher began by explaining that the Community Development Department was approached by developers with a proposal for a microbrewery on this land. Ms. Becher introduced Aaron Kloke, Planner for the Community Development Department, to discuss the usages under the covenants. Mr. Kloke explained that there are currently 14 uses allowed in the covenants for that land; usage as a restaurant is allowed while usage as a microbrewery is not. The proposed business would be a microbrewery restaurant and would include the storage of grain, production, and dispensing. Councilman Walsh asked if these silos would violate the clause that does not allow for outdoor storage. Mr. Kloke responded that staff's interpretation was that it would not violate this clause, because the grain is stored in a structure and is not exposed nor would it create an aesthetic nuisance.

Councilman Walsh asked if other surrounding businesses know about this proposal. Mr. Kloke responded that they do not know, but adjacent property owners would be notified during the site plan review process. Mr. Kloke explained that this would go before the Planning and Zoning Commission and then would come to Council for an official vote. Council gave their thumbs up to allow these business owners to pursue opening a microbrewery on that land.

Next, Mayor Humphrey introduced Dan Coryell, Parks Manager, to discuss the leasing of the ballfields on 13th and Sycamore Street. He began by reviewing the current leases that the City has with different organizations for ballfields around Casper. There are requests from groups within

Casper to lease the 13th and Sycamore fields, which are not currently being used. He explained the renovations that would need to occur in order for these particular fields to be in leasing condition, including replacement of infield material, irrigation, etc. He explained that other groups that lease the other fields handle in-field prep and the City does the outfield maintenance such as mowing. Maintaining the 13th and Sycamore field would take more equipment, staff time, and infield prep. Councilman Powell stated that this field is not regulation size, so these groups would not be able to play games. Councilman Pacheco asked if allowing this field to be leased would put a strain on the Parks Division, and Mr. Coryell responded that he believes it would, and his recommendation is that this field not be maintained. Councilman Humphrey asked if the groups could help maintain the fields, and Mr. Coryell stated he does not believe this would work long term.

Councilman Morgan asked if the participant fees could help to offset the extra costs of maintaining the field. Andrew Beamer, Public Service Director, stated that user fees may cover some staff costs but do not cover the costs of maintaining the fields. Councilman Johnson asked what the cost would be to bring the fields up to par. Mr. Coryell responded that the building renovations were estimated at \$250,000 and irrigation upgrades, infield mix, equipment, lighting, and ongoing maintenance costs would add tens of thousands of dollars to that amount. Councilman Morgan suggested that the City could just do the safety-related upgrades and figure out lease fees that could subsidize those costs. Councilman Huckabay stated that it seems that some groups do not get as much playing time as others and therefore those groups need a place to play. Mr. Coryell replied that these issues have gotten much better in the last couple of years, and the groups as well as the City are working hard to work out a schedule that works for everyone. He added that he believes if the schedule is done correctly, every group can be accommodated. Council decided to not move forward with further discussions to lease these fields, and to discuss the use of the fields at a later time.

Next, Mayor Humphrey introduced Casper Police Chief Wetzel to discuss the liquor license review. Chief Wetzel explained that this is part of the annual review that happens each year prior to the renewal of liquor licenses. He stated that there some establishments received demerits, but there were none that received enough to constitute the revocation of their liquor license. Councilman Huckabay asked what constitutes an “incident”, and Chief Wetzel responded that this can be anything that the police responded to at that establishment and includes non-alcohol related responses. Councilman Morgan asked about establishments not being penalized for overserving when a patron later receives a DUI. Chief Wetzel stated that those types of incidents do not count against the establishments, because that would require too much backtracking, and it is impossible to know what happened after an individual left an establishment. Councilman Hopkins asked how the Topsy Taxi program is going, and Chief Wetzel stated that is going well and has led to decreased DUI numbers in Casper. City Manager McDonald asked if Council wished for any particular liquor license dealer to address concerns at a meeting, and Council responded that they did not need hear from any dealer before liquor licenses are renewed.

Next, Mayor Humphrey introduced Ms. Becher and Mr. Craig Collins, City Planner, to discuss proposed Old Yellowstone District (OYD) ordinance changes. Ms. Becher stated that there were two requests that the OYD Advisory Committee. She stated that the first request involved a parking

regulation in the OYD Form Based Code. Currently OYD businesses are required to have off-street parking. This restriction can impede development of land that could otherwise be used for building and business development. She stated that this would only apply to commercial properties and not residential properties.

Councilman Walsh asked about the limited parking that is already in the downtown area. Mr. Collins replied that he would like to see a cohesive downtown parking plan that includes partnerships with organizations like the Downtown Development Authority and considers options such as metered parking. Council gave their thumbs up to move forward with the OYD parking regulation code changes. Mayor Humphrey asked if Council would like staff to start working towards a comprehensive parking plan. Mr. Collins stated that staff could research the issues and identify possible solutions.

Next, Ms. Becher discussed the second request from the OYD Advisory Committee, which involved clarification of the goals and intent of the OYD as well as clarification of the prohibited uses in the OYD in the Form Based Code. She stated that the purpose of this change is to encourage diversification of land and avoid industrial development in the OYD. The definitions for the prohibited uses would be more explanatory. Salvage and wreckage yards would be prohibited, which is not specifically defined in the initial code. Other definitions would involve prohibiting auto-based businesses such as convenience stores. The OYD Advisory Committee went through each of the definitions and added to and cleaned up the language for the prohibited uses.

Councilman Powell asked how land owners would be informed about these changes, and Ms. Becher replied that most of them already know, because land owners make up most of the OYD Advisory Committee. Councilman Walsh expressed concern about the changes being too restrictive. Mr. Collins replied that the purpose is to minimize the impact of automobiles to make the area as pedestrian friendly as possible. Councilman Hopkins stated that the idea is that people can live and work in the same area and to create a neighborhood atmosphere where people want to live. Auto-businesses, like gas stations, are land intensive, and people do not want to live next to those types of businesses. Council gave their thumbs up to move forward with the changes to the form based code to clarify the goals and prohibited uses in the OYD.

Next, Mayor Humphrey introduced City Attorney Bill Luben to discuss prayer before Council meetings. He described a recent Supreme Court case, *Town of Greece, New York v. Galloway*, where it was decided, in a 5-4 decision, that it was legal to open a city council meeting with prayer with certain restrictions. These restrictions include that the prayer has to be before the business portion of the meeting and the council cannot discriminate about who gives the prayer. The prayer has to be directed to the Council and not to the public. The Supreme Court wrote, in the majority opinion that prayer could be allowed at this level of government because it is allowed at higher levels such as Congress and Legislature.

Wallace Trembath, Assistant City Attorney, stated that if Council would like to have prayer, they would have to open the forum up to a public forum. Currently it is a limited public forum and only allows for government business. Mr. Trembath also reviewed some of the ways that discrimination could become an issue if prayer was allowed. Council would not be able to tell any person, no

matter what their beliefs, that they cannot do the prayer because this would be a federal civil rights violation. City Attorney Luben stated that some of these issues could also lead to disruption of the meetings.

Councilman Powell stated that he does not feel that the City should allow government-sponsored prayer, and outlined some of the reasons that he does not believe it is government's place to allow this to occur. Councilman Johnson asked about having a moment of silence at the beginning of the meeting as opposed to having a prayer. City Attorney Luben stated that he did draft language for a moment of reflection if Council wanted to pursue that course. He stated that there is the possibility that people may associate the moment of reflection that with prayer, which could pose problems. There are also possible financial implications if litigation was brought against the City. Councilman Murphy stated that the moment of reflection could be a way to appease without offending anyone. Councilman Morgan asked if giving the prayer could be limited to the nine members of Council. City Attorney Luben stated that allowing religious speech among Councilmembers opens up a public forum which allows any member of the public to speak. Councilman Huckabay expressed opposition to the moment of reflection or prayer and said that the issue is a slippery slope.

Council decided to focus the rest of the discussion on a moment of reflection and not prayer. Council discussed if they should contact the groups who have requested prayer before Council meetings to see if the moment of reflection would appease them. They decided they should instead make a decision and notify those groups of that decision so as not to set the precedent of making decisions to satisfy particular individuals. Council decided to not include a moment of reflection before Council meetings. Mayor Humphrey stated that she would have a conversation with the requesters notifying them of Council's decision.

Next, City Manager McDonald began the pre-budget discussion. He asked for Council's guidance on what they would like to see for the budget plan moving forward. Last year, staff put together a ten year plan that would gradually reduce the City's budget in response to the economic downturn, and would also prepare the City if economic conditions worsen. He explained to Council that they have the option of sticking with that plan or explore other options. Some of those other options include depleting reserves faster or slowing services, which would mean cutting personnel. He stated that staff are finding ways to cut spending and department heads are being very mindful of their departmental expenses. He stated that he believes the 10 year plan is still a viable option, but he did not recommend that in the memo, because he would like Council's input.

He explained that this year's revenue is 14-15% less than last year's at this time and is 5% less than projected. He stated that Amazon sales tax will be coming in starting March 1, 2017. Councilman Huckabay asked if the increased police and fire overtime costs for the Eclipse Festival are budgeted. City Manager McDonald responded that it is not budgeted, because the actual expenses are unknown. Those costs will be a one-time expense out of reserves, and in the scheme of things will not make a large impact. Councilman Huckabay asked about the effects from the retirement incentive. City Manager McDonald responded that departments have adapted to the staff decreases well, and some positions did have to be replaced depending on how hard a department was hit. Other departments were reconfigured to manage the staffing changes. Casper

has not seen a noticeable decrease in population, so the City has been put in the position of maintaining services for a steady population with lower revenue and less staff.

Councilman Morgan asked why the City has lost a substantial amount of grant funding recently, and City Manager McDonald responded that a considerable amount of that funding came from federal stimulus grants. Councilman Walsh stated that he believes the City should maintain personnel and properties we already have without building anything new. Councilman Morgan asked how the City can make the Events Center and Rec Center more profitable, and City Manager McDonald said this can be looked into. Mayor Humphrey asked if an ABC budget is a feasible option. City Manager McDonald replied that this type of budget would be more appropriate in a scenario where the City did not have reserves. Councilman Powell asked if it would be possible for Council to get a summary of how the City has maintained services with less staff. He added that this would help in letting the public know how the City is adapting to these changes while still living within its means and maintaining services. City Manager McDonald stated that he will work on coming up with some sort of summary for Council. Council agreed that the City should continue on track with the 10 year budget plan.

Next, City Manager McDonald reviewed the agenda for the Regular Council Meeting on February 21, 2017.

Council went around the table to discuss their respective board and committee meetings. Councilman Hopkins stated that he has heard from citizens regarding alley beautification and asked that a work session agenda item be added to discuss this. Councilman Walsh asked if Council could get some information about the Washington Park issue. City Manager McDonald explained that there is no proposal to sell this land. When staff looked at this property they realized that it is currently platted as a street, so it needed a replat to vacate the street. This replat will go to the Planning and Zoning Commission on Thursday.

Councilman Powell stated that he has received several calls about the electronic waste issue, and asked Council if this should be discussed again due to the citizen response. Councilman Huckabay agreed and stated that Council owes it to these citizens to revisit this issue. Council discussed that misinformation may play a role in this citizen response and providing the public with facts may help resolve some those concerns. Councilman Powell stated that he would like to know more about the science behind cell lining and electronic waste dumping to make sure Council makes an informed decision about this. Councilman Morgan stated that this needs to be dealt with no matter what, because per the current city ordinance, electronic waste dumping is prohibited. Council decided not to revisit this issue, and asked that staff move forward with the necessary ordinance amendments for electronic waste dumping. Mayor Humphrey stated that it would be helpful to come up with a summary of facts that could be published in order to inform the public about the issue.

Councilman Morgan asked about adding a crosswalk in the 19th and Poplar Street area, and Mr. Beamer stated this could be looked into. Councilman Morgan asked about the possibility of opening up all Council positions to the entire City of Casper, as opposed to having the positions split up into wards. Council decided not to look into this issue at this time.

Mayor Humphrey adjourned the meeting at 7:37 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor