

COUNCIL WORK SESSION

Tuesday, June 13, 2017, 4:30 p.m.

Casper City Hall

Council Meeting Room

AGENDA

1. Mobile Work Session – Council Tours the Casper Events Center
2. Wonder Bar Bump-Out Patio on Center Street Proposal (Cercy Family Holdings)
3. Gaming / Gambling in a C-2 Zoning District (Craig Collins)
4. Federal Legislation Governing Cell Towers (Wallace Trembath)
5. Council Discussion Regarding Public Comment Process for Public Hearings
6. Council Discussion Regarding Board Appointments
7. City Manager Report
8. Future Agenda Review
9. Council Around the Table

Council left City Hall at 4:30 to tour the Casper Events Center and reconvened in the Council Meeting Room at 5:29 p.m. The following Councilmembers were present: Pacheco, Morgan, Johnson, Laird, Huckabay, Walsh and Hopkins. Mayor Humphrey and Councilmember Powell were absent.

Vice Mayor Pacheco introduced Brandon Daigle, architect from River Valley Builders, to present on the Wonder Bar's bump-out patio proposal. Mr. Daigle began by reviewing the proposed floor plan changes to the Wonder Bar. He then explained that Cercy Investments, LLC, the owners of the Wonder Bar, were proposing a patio that would extend beyond the sidewalk. To accomplish this, five public street parking spaces would be paved into a sidewalk and the existing sidewalk would be turned into outdoor restaurant seating for the Wonder Bar. He stated that the cost of this would be covered by Cercy Investments, and that they would like to lease the sidewalk that is owned by the City. Ryan Altenburg, a civil engineer from Western Heritage Consulting & Engineering, then reviewed some of the technical engineering aspects of the proposed changes.

Councilmember Morgan asked about creating parallel parking in order to sacrifice less parking spaces, and Mr. Daigle responded that they could explore that option further. He added that the owners are also leasing 40 parking spaces in the parking garage and will have valet parking and validation to help mitigate parking issues. Councilmember Johnson asked if there are any legal issues for the City moving forward with the proposal. City Attorney Luben stated that some aspects of the proposal may conflict with Wyoming State Statutes, because the City would be vacating the sidewalk/parking spaces and removing them from public use for limited private use. He stated that if Council was to illegally vacate the street, the City would be subject to a lawsuit

by the surrounding businesses. Councilmember Laird stated that he thinks there is a legal way to allow this, and he is in favor of approving the proposal.

Craig Collins, City Planner, stated that staff has been working with the owners and presented options to them after talking to the City Attorney's office. One of the options was to create a public space that would not be exclusive for the Wonder Bar, but this would cause liquor license issues. He added that there are several other businesses who are interested in pursuing similar outdoor patios, so this decision could set a precedent that has traffic and parking ramifications in the future. Councilmember Huckabay asked if the surrounding businesses were supportive of the proposal, and Mr. Collins responded that the DCBA (Downtown Casper Business Association) did not support it, but the DDA (Downtown Development Authority) was in support of it. Mr. Daigle stated that there was a language barrier with the owner of House of Sushi, so the owners of the Wonder Bar had not obtained support from that business. Council directed staff to look into support from surrounding businesses and to research legal issues associated with the proposal.

Next, Mr. Collins presented on gaming/gambling in a C-2 zoning district. Councilmember Walsh recused himself from discussing the two gambling topics due to his involvement with the Pari-Mutuel Commission. Mr. Collins stated that staff was approached by Preston Pilant, Executive Director of the Pet Ring Foundation, about installing gaming/gambling machines at his establishment. The profits from the machine would be used for his charitable organization. The property in question is less than 300 feet from a church, and currently the gaming/gambling is allowed as a limited use in C-2 zoning, but not in an establishment that is less than 300 feet from a school or church. Mr. Collins presented several options to Council with regards to this issue which included: leave the restrictions as is, reduce the distance restriction to less than 300 feet, clarify the method that separations are measured (i.e. building to building vs. property line to property line), change gaming/gambling from a conditional use to a permitted use in C-2 zoning districts, or amend all commercial and industrial zoning districts which have location restrictions for gaming/gambling regarding proximity to schools and churches.

Mr. Pilant stated that the machines have actually been there for three years, and that he did not know that there was a zoning problem. Recently, he was made aware of the issue when purchasing machines from a new vendor, and he immediately shut down the gaming/gambling. He stated that the church building is not being used, but is zoned as a church, so it is not permitted under current zoning laws. Council discussed the various options and decided to move forward with the fourth option to change gaming/gambling from a conditional use to a permitted use in C-2 zoning districts.

The second issue Mr. Collins discussed involved permitting off track betting at Galloway's Pub & Bar. The State of Wyoming recently amended its liquor regulations to allow gaming/gambling in bars, but currently the Casper Municipal Code prohibits gaming/gambling in a bar. The Planning and Zoning Commission is considering a conditional use permit to allow this on Thursday, but because of the current ordinance, even if they approve the permit, the applicants would still be prohibited from off track betting under the City's current regulations. A representative from the Pari-Mutuel Commission and a representative from Wyoming Downs

spoke about gaming and gambling in bars, and explained the tax benefit for the City if the ordinance was amended. They stated the revenue for the City could be anywhere from \$200,000 to \$500,000 per year. Matt Galloway, owner of Galloway's Pub & Bar, explained that the bar will not receive profit from the gambling but receives money from the company leasing the space for the gambling machines.

Mr. Collins explained some of the options that Council has in regards to this issue, including: leaving the ordinance as is, amending the ordinance along with the other liquor laws between 2nd and 3rd reading at the next Council meeting, or waiting until next fall during phase two of the liquor law ordinance amendments to change this part of the ordinance. Council discussed the options and agreed to amend the ordinance along with the other liquor laws between 2nd and 3rd reading at the next Council meeting.

Next, Assistant City Attorney Wallace Trembath presented on federal legislation governing cell towers. Mr. Trembath began by giving background on cell towers in Casper and the ordinances that regulate them. He explained that wireless providers are expecting to deploy 5G technology in response to increasing consumer data requirements. The City has been approached by a company that would like to place mini-towers in the City's right of ways. In order for the City to proactively address some of the issues that may result from this new technology and cellular providers using the City's right of ways, staff is requesting that the City enter into a professional services contract with River Oaks Communications Corporation to revise the City's telecommunication ordinances and provide technical expertise.

Councilmember Morgan discussed concerns he has with regards to City restrictions on cellular providers, like Verizon Wireless. Mr. Trembath explained that the City has fair restrictions and fees for cellular providers, and that it is in the best interest of the City and its citizens if the negotiations are left to City staff. He explained some of the complaints that Verizon has with regards to restrictions and why those restrictions are in place. Council discussed the need to hire an expert to address the new technology and gave their support to move forward with entering into this professional services contract.

Next, Council discussed time limits for the public comment process during public hearings. They agreed to implement a five minute limit per person for public hearings. Any additional questions for speakers asked by Council will not be included in the five minute limit and any expansion on the time limit will be at the discretion of the Mayor.

Next, Interim City Manager Becher discussed Council Board Appointments. She passed around the current board and committee assignments and explained that currently Council only conducts interviews for four boards, and staff would like Council's direction on if they would like to conduct interviews for any other boards. She stated that staff would also like Council's direction on public advertising for committee openings and enforcement of term limits for board and committee seats, specifically a two three-year term limit. She explained that the term limits allow for variety on boards and provide other citizens with the opportunity to become involved in the community. She explained that Council's direction on these three issues will help provide consistency to all of the boards and committees.

Council discussed the need for interviewing candidates for different boards and committees and agreed to begin interviewing candidates for three additional committees: Senior Services, Child Advocacy Project, and Casper Housing Authority. They decided to continue holding interviews for the four boards/committees that already hold interviews (Leisure Services Boards, Civil Service Commission, Amoco Joint Powers Board, and Planning and Zoning Commission). Council also decided to allow advertising for open board/committee seats and to enforce the two three-year term limits.

Next, Interim City Manager Becher gave the City Manager Report. She stated that in upcoming July and August work sessions, staff will be bringing forward revenue opportunities that were discussed in budget sessions, such as permitting fees. Staff is also working on doing an orientation for new Councilmember Laird. She discussed the text amendments on parkway parking amendments that were discussed at the last regular work session, and stated that those changes will be presented at the Planning and Zoning Commission meeting this Thursday. City Attorney Luben advised that Council make findings in the ordinance to differentiate parking on the parkways in these problematic areas and explain why it is needed and warranted on these specific streets but should not be allowed in other areas of town. Council discussed emphasizing limiting parking on the parkways to these specific areas. Interim City Manager Becher explained that this will move forward to Planning & Zoning Commission and will then come back to Council to officially approve.

Interim City Manager Becher stated that staff is working on a community interaction app that was requested by Councilmember Morgan to help citizens address things like potholes. She stated that the Planning Department would like direction on how Council would like to move forward with selling city-owned properties. She explained that there were some properties that received bids that were recently rejected by Council, and staff would like to know if Council would like to add a reserve minimum bid to the properties and if they would like to repeat the sealed bid process or sell the properties in an auction. Councilmember Laird stated that he would like the City to hire a realtor to market the properties, and said he knows many realtors who would like to be hired for something like that. City Attorney Luben explained that hiring a realtor to sell property, other than affordable housing, is prohibited by state statute.

City Attorney Luben stated that if Council decides to add a reserve minimum bid, they may be giving up their right to reject all bids, therefore not having a reserve allows them more flexibility. He also stated that with an auction, Council can still choose to reject the bids. Council decided to use the sealed bid process again in selling the city-owned properties, and decided to not implement reserve minimum bids.

Interim City Manager Becher then reviewed the agenda for Regular Council Meeting on June 20, 2017.

Next, Council went around the table to discuss issues related to their respective boards and committees.

Councilmember Walsh expressed interest in requesting staff to create three budgets with 5%, 10%, and 15% reductions. Interim City Manager Becher stated that department heads would like

the opportunity to work with the new City Manager before making these adjustments. Council discussed waiting until after the City Manager arrives to give staff the appropriate amount of time to make budget cuts and doing budget adjustments after that occurs. Councilmember Laird expressed concern over the amount that the City is paying for health insurance, and Assistant City Manager Belser explained that the City's insurance is self-funded and that the cost is for the administering of the insurance, which is put out for bid. She also described some of the benefits of having a self-funded plan. Councilmember Laird stated that he would like Council to consider freezing employee step increases, and Assistant City Manager Belser explained that this can be looked into anytime and included in any future budget adjustments. Council decided against asking staff to do three reduced budgets at this time.

Councilmember Laird requested that Council to reconsider and approve the Wonder Bar's proposal, contingent upon the legality of the proposal and the approval of the two neighboring businesses. Council discussed that it would be unfair to approve the proposal until they have additional information requested from staff. Councilmember Hopkins stated that those two contingencies are not his only two concerns and that the CDBA was adamantly against the proposal. Council did not support Councilmember Laird's request to reconsider the proposal at this time.

Vice Mayor Pacheco adjourned the work session at 8:23 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor