

COUNCIL WORK SESSION

Tuesday, October 11, 2022 at 4:30 p.m.
City Hall – Council Meeting Room

AGENDA

1. Council Meeting Follow-up & Sales Tax Discussion
2. Anti-Discrimination Ordinance
3. Contractor License Category Updates
4. Demolition Safety Barriers
5. Shipping Container Ordinance
6. Aquatics Subsidy
7. Agenda Review
8. Legislative Review
9. Council Around the Table

Mayor Pacheco called the work session to order at 4:35 p.m. with the following Councilmembers present: Cathey, Gamroth, Sutherland, McIntosh, Humphrey, Pollock, Vice Mayor Knell, and Mayor Pacheco. Councilmember Sutherland attended the meeting virtually.

1. Council Follow-up & Sales Tax Discussion

City Manager Napier introduced Jill Johnson, Finance Director, to discuss sales tax. She described that it is one of the City's biggest revenue sources and described how it is allocated. The City receives \$0.0088 cents in tax per dollars with the 4% state sales tax. This amount differs from the local option tax allocation, where 99% goes to the cities, towns, and counties. Casper gets 73.1% of this 1% tax, which is \$.0073 cents per dollar. She also discussed that large economic impact events do not actually mean high sales tax dollars. For instance, for CNFR the City receives an estimated \$28.5K in sales tax revenue but expends \$50K from the budget, so the City actually loses money on this event. She explained that this is obviously not the only reason to fund an event, but wanted Council to keep that in mind when looking at funding for events.

2. Anti-Discrimination Ordinance

Next, City Manager Napier discussed the anti-discrimination ordinance. He explained that this has been discussed and worked on for that last couple of years after the LGBTQ Advisory Committee suggested that the City adopt an anti-discrimination ordinance. After those discussions, Council directed staff to work on this legislation in partnership with the City Attorney's Office. He then introduced City Attorney Henley to elaborate on the ordinance. City Attorney Henley explained that there are provisions in federal law that prohibit discriminatory practices, but these do not apply to small employers that have less than 15 employees. This ordinance would make these practices against City code and would apply to all employers. It also addresses concerns about dealing with issues immediately, and would allow for people to request an investigation from the Police Department. These cases would also move fairly quickly and be heard in Municipal Court in around six weeks. Other communities in Wyoming, like Jackson and Laramie, have adopted similar ordinances, but they have an administrative process required first which delays the response to complaints. He also discussed that the ordinance includes enhanced offenses for assault

that is determined to be a hate crime, giving the Municipal Court judge the ability to sentence more severely.

Several Councilmembers thanked the LGBTQ Advisory Committee and staff for their work on this ordinance. Vice Mayor Knell stated that every person has a right to be treated with dignity and respect and supports the ordinance. Councilmember Gamroth asked about the burden of proof required in these types of charges, and City Attorney Henley replied that the investigation and collection of evidence would be the same as for any other charge requiring a high burden of proof. He also explained that the criminal process is multilayered and has to pass many steps before a case is presented in front of the judge. The Police Department would need to believe that there is enough evidence that a charge can be proved beyond a reasonable doubt. Then, the City Attorney's Office reviews the police report and decides if there is sufficient evidence to take the case to court.

Mayor Pacheco stated that this ordinance is necessary, because Wyoming is one of only two states that has not passed this type of legislation at the state level which means the municipalities need to take it upon themselves to create some type of legislation that protects minority groups and vulnerable people. Councilmember Pollock emphasized that the ordinance is comprehensive in nature and addresses things such as housing. Councilmember Cathey explained why he would be voting against the ordinance, stating that all people are created equal, and the City should not create special classes of citizens that are protected more than others. He also stated that he thinks this will be difficult to enforce and does not accomplish the desired goals. Councilmember Engebretsen responded that the ordinance is needed to protect people that are being targeted and to let everyone in the community know that certain behavior is unacceptable. Councilmember Gamroth stated that all crimes are not treated the same already, and enhancements are added to penalties based on intent. He also cited Councilmember Pollock's explanation from a former meeting, explaining that hate crimes are crimes against an entire community of people which is why they should be viewed differently. Councilmember Sutherland reiterated that this is important to protect the most vulnerable people in our community. Councilmember McIntosh stated that he has personally witnessed attacks against these vulnerable populations. Council gave their thumbs up to move the ordinance forward for formal consideration at a regular Council meeting.

3. Contractor Licensing Updates

City Manager Napier introduced Dan Elston, Building Supervisor, to discuss a proposal for updating the contractor license categories to add a handyman category. Mr. Elston explained that there are currently three license categories, and there is a large gap between Class 2 and Class 3. Class 3 licenses are issued for up to 25% of work on a residence, and Class 2 covers a wide range of projects including a commercial building and a single-family home. Many people do not have enough experience to get a Class 2 license, so staff is recommending adding a Class 2b license that would cover a single-family residence or up to a 4-unit apartment. This would alleviate the issues some people have with having too little experience to obtain the current Class 2 license. Staff is also proposing adding a Class 4 license for handypersons, which would require a lot of the smaller projects currently being done to be licensed and inspected. This would also put these licensees in line to gain enough experience to obtain a Class 3 license in the future. He explained that this will add a safety measure to these projects and will require insurance which protects homeowners. He

stated that staff does not foresee this affecting staffing. They also do not foresee this adding a huge cost to contractors or consumers. Council gave their thumbs up to moving the updated license categories forward for formal consideration and asked that staff look at adding language that would implement penalties for completing work without a license.

4. Demolition Safety Barriers

Next, City Manager Napier introduced Mr. Elston to discuss demolition safety barriers. Mr. Elston discussed current safety hazards caused by the lack of demolition safety barriers. He gave the example of the demolition of the commissary mall site, where there were individuals walking on the site. He stated that there is a current ordinance that requires safety barriers around open holes or trenches. The cost of safety barriers depends on the type of demolition and whether it is an ongoing project, such as the State building which required a more permanent type of barrier. Council discussed that there should be appropriate tiers for types of barriers. Councilmember Pollock stated that there does need to be some type of closure and barrier for active construction sites. Council asked that staff look into the specifics of what costs and types of fencing would be required and gave their thumbs up to move forward with implementing safety barrier requirements.

5. Shipping Container Ordinance

Next, City Manager Napier discussed alternative uses for shipping containers (c-cans) in Casper. He introduced Mr. Elston to elaborate on issues that have been presented and solutions to some of these issues. Mr. Elston explained that there are no current ordinances that specifically identify c-cans. He stated that they are used for many things including storage, housing, and commercial buildings. In Casper, the c-cans would need to meet all requirements for intended use and meet building codes which would be very difficult to do for a residential or building structure. The more common use is for storage purposes, and there are no ordinances for how many are allowed or the size that is allowed. He stated that people can get a six month permit for storage, but anything longer is considered permanent and would require a foundation underneath of it. Vertical metal siding is also not currently allowed in residential areas. Councilmember Engebretsen stated that she would like these to be allowed for use as sheds, and that they provide a good, cheap storage option. Council discussed that there are aesthetics issues with c-cans in residential settings, but these issues do not apply as much to industrial areas, where c-cans can help with storage for materials that have supply chain issues. Councilmember Sutherland stated that there may be areas where it is prohibited to dig into the ground, in which case c-cans are a viable option for storage. Council discussed that this could be a zoning discussion as well as a case by case discussion, similar to conditional use applications to the planning and zoning commission. Council asked that staff do more research and bring back a draft ordinance for Council to consider.

6. Aquatics Subsidy

Next, City Manager Napier discussed the subsidy for the Aquatics Division. He stated that for all of the subsidization discussions the next step will be to propose and implement recommendations. He then introduced Zulima Lopez, Parks, Recreation, and Public Facilities Director, to present on the Aquatics Division subsidy. Ms. Lopez stated that her staff focused on the general fund subsidy as opposed to the optional 1% subsidy. She discussed how the staffing and schedule for the pools

coincides with school summer break, and discussed performance of pass and concessions sales last year. She then discussed strategies to help reduce expenses and increase revenue, including implementing credit card fees, maximizing efficiency of full-time staff, replacing inefficient equipment, refining open swim hours, maximizing programming, hosting events, purchasing back-up equipment, improving marketing, modifying admission rates, adding/removing amenities strategically, and applying for grants. She then discussed actions that would need to be taken should the subsidy be taken away, including closing pools and raising rates.

Councilmembers asked questions regarding the budget and revenues from different pools. Ms. Lopez responded that staff are now separating financials for each pool, so they should be able to provide that analysis in the future. She stated that staff believes the Aquatics Division can meet its cost recovery goals with minimal changes, including implementing credit card fees, sponsoring events, increasing food and merchandise sales, and implementing marketing strategies. She stated that it is important to implement strategies incrementally and not all at once, so that they can identify strategies that are working. Staff is looking into contracting for food service and repricing merchandise. She also explained that they are looking at utilizing the ice arena concessions for aquatics center concessions. She stated they are looking into naming and sponsorships, but the vendor selected for this declined that contract, so they are talking with OVG360 about this possibility.

7. Agenda Review

Next, Council reviewed the agendas for upcoming regular Council meetings and work sessions.

8. Legislative Review

There were no legislative items to discuss.

9. Council Around the Table

Next, Council went around the table to discuss their respective board and committee meetings as well as matters of public interest. Vice Mayor Knell asked about allowing public comment at work sessions.

The work session was adjourned at 8:03 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Ray Pacheco
Mayor