

PRE-MEETING AGENDA

Casper City Council
City Hall, Council Meeting Room
Tuesday, March 17, 2020, 5:30 p.m.




Please silence cell phones during the City Council meeting.


	Presentation	Allotted	Beginning Time
	Distribution of March 3 Executive Session Minutes *Council – please initial by your name on the minutes to indicate your approval*		
1.	Annexation Policy for Providing City Services to Outside-City Property	25 min	5:30
2.	Agenda Review	5 min	5:55
	Approximate Ending Time		6:00

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February 24, 2020

MEMO TO: J. Carter Napier, City Manager 

FROM: Andrew Beamer, P.E., Public Services Director 
Bruce Martin, Public Utilities Manager

SUBJECT: Authorizing a Resolution Establishing an Annexation Policy for Providing City Services to Outside-City Property

Meeting Type & Date

Regular Council Meeting – Pre-meeting
March 17, 2020

Action Type

Resolution

Recommendation

That Council, by resolution, establish an annexation policy for providing City services to outside-City property.

Summary

The City of Casper provides water and sanitary sewer (City Services) to properties within its corporate limits. Owners of real property outside the corporate limits of the City (Outside Property) sometimes request that the City provide City Services. When the City agrees to provide such City Services to Outside Property, it requires execution of an Outside-City Services contract.

It is a substantial benefit to Outside Property owners to receive City Services. When a property is eligible for annexation under Wyoming State Statutes, it may benefit the City to annex the Outside Property. However, significant costs may be incurred in bringing the off-site improvements of a property into compliance with City codes and ordinances.

City Council, at its May 7, 2019 Regular Council Meeting, approved a resolution setting a basic policy regarding annexation requirements for Outside Property receiving City Services. Staff would like to update the policy with language that both strengthens and provides clarification on the existing policy. The newly proposed language includes the following:

1. Section 2(c) - Upon annexation and thereafter, Outside Property Owners shall dedicate all rights of way and easements deemed necessary to the City, all in a form acceptable to the City and meeting Casper Municipal Code requirements.
2. Section 2(d) - Upon annexation and thereafter, Outside Property Owners, at their sole cost and expense, shall plat any unplatted property in accordance with requirements set forth in the Casper Municipal Code.
3. Section 2(e) - Upon annexation and thereafter, Outside Property Owners shall agree to waive any statutory right to oppose City zoning requirements or designations as set forth in the Casper Municipal Code.

4. Section 2(f) - Needed water and sewer main extensions/improvements including, but not limited to, planning, design, land acquisition, and construction are the responsibility of the Outside Property Owner. Water and sewer main extensions must extend to and through the property. Water and sewer service lines must not extend in rights of way beyond the property line without approval of the City Engineer. Outside Property Owners are responsible for the costs associated with the extensions/improvements.

Upon approval of the resolution, the previous annexation policy resolution will be rescinded and outside services contract language would be updated to reflect the language in the new annexation policy resolution.

Financial Considerations

None, until Council decides to annex property.

Oversight/Project Responsibility

Not applicable as this is a City Council policy determination by resolution.

Attachments

Resolution

A RESOLUTION ESTABLISHING ANNEXATION POLICY
FOR PROVIDING CITY SERVICES TO OUTSIDE PROPERTY.

WHEREAS, the City of Casper ("City") provides water, sanitation, and/or sanitary sewer services ("City Services") to those within its corporate limits; and,

WHEREAS, owners of real property outside the corporate limits of the City ("Outside Property"), but within reach of City Services exist; and,

WHEREAS, it is sometimes more practical for Outside Property owners to provide their own water and/or sanitary services; and,

WHEREAS, other times, Outside Property owners request the City of Casper to provide City Services; and,

WHEREAS, when the City agrees to provide City Services to Outside Property, it requires the execution of a contract therefor ("Contract"); and,

WHEREAS, it is a substantial benefit to Outside Property Owners and their successors in interest ("Outside Property Owners") to receive City Services; and,

WHEREAS, when a property is eligible for annexation under Wyoming Statutes, it may benefit the City to annex the Outside Property; and,

WHEREAS, significant costs may be incurred in bringing the off-site improvements of a property into compliance with City codes and ordinances; and,

WHEREAS, City Council wants to set a basic policy about annexation requirements for receiving City Services for Outside Property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following annexation policy for providing City Services to Outside Property is hereby established and any previous annexation policy is hereby rescinded.

1. Before the City provides any City Services to Outside Property, it shall require the Outside Property Owner, on behalf of itself and its successors to execute a Contract that runs with the Outside Property and which addresses annexation requirements.

2. City staff shall include provisions in the Contract that address the following:

(a) The Outside Property Owner must annex its property to the City upon request of City Council in accordance with the Contract and Wyoming Statutes; and,

(b) Upon annexation and thereafter, off-site improvements (as defined by Casper Municipal Code Section 16.08.280) must be made and brought up to City Code, and Outside Property Owners

must agree to pay for their and/or their pro-rata share of such improvements should Council require such; and,

(c) Upon annexation and thereafter, Outside Property Owners shall dedicate all rights of way and easements deemed necessary to the City, all in a form acceptable to the City and meeting Casper Municipal Code requirements ; and,

(d) Upon annexation and thereafter, Outside Property Owners, at their sole cost and expense, shall plat any unplatted property in accordance with requirements set forth in the Casper Municipal Code; and,

(e) Upon annexation and thereafter, Outside Property Owners shall agree to waive any statutory right to oppose City zoning requirements or designations as set forth in the Casper Municipal Code; and,

(f) Needed water and sewer main extensions/improvements including, but not limited to, planning, design, land acquisition, and construction are the responsibility of the Outside Property Owner. Water and sewer main extensions must extend to and through the property. Water and sewer service lines must not extend in rights of way beyond the property line without approval of the City Engineer. Outside Property Owners are responsible for the costs associated with the extensions/improvements; and,

(g) The costs referenced above for off-site improvements must be funded or paid by the Outside Property Owners, and/or where reasonable, by:

(1) Local Assessment Districts (LAD), for which Outside Property Owners shall not object or protest; and/or,

(2) Other methods approved by the Casper Municipal Code, Wyoming State Statute and the City Council;

(h) Payment of reasonable attorneys' fees, court costs, and litigation costs if the City must enforce the provisions of the Contract in a court of law; and, at the option of the City, discontinuance of City Services if the Outside Property Owner fails to meet the requirements of the Contract.

3. For good and substantial cause, the City Manager may allow exceptions to provisions that are required in the Contract. By way of example, and not as a limitation, an exception to the requirement of an Outside Property Owner to annex its property upon request of City Council could be allowed if the Outside Property Owner provides an easement for a City public improvement project (e.g., provides a new easement in its property for a City water main) in exchange for receiving City Services to water its horses.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020.

APPROVED AS TO FORM:

ATTEST:

Fleur Tremel
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Steven K. Freel
Mayor