

COUNCIL WORK SESSION

Tuesday, November 28, 2017 4:30 p.m.

Casper City Hall

Council Meeting Room

AGENDA

1. Telecommunication Ordinance Update (Bob Duchen of River Oaks Communications)
2. PFLAG Resolution (Carter Napier)
3. Hotel and Convention Center Working Group (Brook Kaufman)
4. Ash Street Building Purchase Proposals (Liz Becher)
5. WAM Legislative Issues (Rick Kaysen)
6. Discussion of the Selection Council Leadership for 2018 (Will Chambers)
7. 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, Huckabay, Powell, Walsh, Hopkins and Humphrey.

City Manager Napier stated that the first presentation would be a status update on the telecommunications ordinance and was for informational purposes. He also stated that a draft of this ordinance had been provided to Council, but that a final draft would eventually be prepared.

City Manager Napier introduced Bob Duchen, of River Oaks Communications Corp., to provide further information on the telecommunications ordinance. Mr. Duchen began by explaining the complexities of the ever changing technology associated with telecommunications. He described the trend to install small cells, instead of giant towers, to handle increased cell phone traffic. He further explained the equipment needed for these small cells and stated that the name small implies the coverage area rather than the equipment. He then provided information on the background of River Oaks, an overview of the Federal laws impacting telecommunications, and emphasized that municipalities still hold substantial authority.

Mr. Duchen then described the purpose of this ordinance which would incorporate the following: encourage new technologies, allow provisions for small cells, preserve aesthetics, generate revenues, and establish review criteria. He then emphasized the need for having plans in place, as there are requirements for municipalities once a provider makes an eligible facilities request. He emphasized that a balanced ordinance is needed, as the result works for both the municipalities and buyers. He showed visual examples of equipment that blended in, as well as more obtrusive equipment.

Councilmember Morgan asked if consideration was being given to the Old Yellowstone District area. Mr. Duchen indicated it had. Councilmember Hopkins explained that many of the utilities in Casper have been placed underground and asked if new equipment would be placed in utility

right of ways. Mr. Duchen said that this will be a challenge as antennas must be above ground and that while the other equipment can be placed underground, that is not as desirable.

Councilmember Powell asked about the role and affiliation of River Oaks. Mr. Duchen explained that his company is acting as a consultant for local governments, not telecommunication companies. He also indicated that his company can help with the negotiations with companies. Councilmember Powell then asked if the ordinance would be designed to avoid negative visual impacts. Mr. Duchen stated that due to the subjective nature of this component, a balanced approach is needed, but the code can offer protections.

Councilmember Morgan stated that there currently is not a lot of fiber optic cable in the downtown and then asked how that could be handled if the demand increased. Mr. Duchen then explained that the purpose of the ordinance would prohibit macro cells downtown, require concealment, and encourage dual function.

Councilmember Powell asked about the economics of this process. Mr. Duchen explained that often the telecommunication company will install a new pole or equipment, rather than spending more money to retrofit already existing equipment which can be beneficial for the community.

Councilmember Hopkins asked about 5G service replacing 4G service (fourth or fifth generation broadband cellular network technology). Mr. Duchen said that there is often excitement about the newest offerings, but often they are not practical in rural settings and coverage may be more of a priority, so everyone would have to wait and see. There being no other questions, Mayor Humphrey thanked Mr. Duchen for presenting.

Next, City Manager Napier indicated that before Council is a draft resolution which would support a broader acceptance of diversity in the community. He stated that at this time Council should consider the information being presented and if this should be moved forward for formal consideration later. He then offered that members of the Parents and Friends of Lesbians and Gays (PFLAG) were available to present on this topic.

Three members of PFLAG came forward to address Council. Dee Lundberg, 142 N. Wilson, introduced herself and shared that she believes that discrimination against any group is unacceptable. She also shared that having anti-discrimination policies in place is good for business and that this resolution would be a statement of good faith.

Next, Rob Johnston, local PFLAG President, shared his knowledge of people leaving Casper because they don't feel safe or comfortable because of the environment. He also explained the reasoning for the specific language of the resolution.

Ruthann Leonard, 2600 Fleetwood, addressed Council. She became involved when her gay son was discriminated against, and feels that without this resolution in place discrimination may limit things like renting or employment options.

Councilmember Walsh asked if the group had seen a broad resolution, without the specifics, that works. Mr. Johnston stated that Sheridan recently addressed this, but removed the language involving the sexual component, and he felt that didn't address what is needed. He then read a portion of the resolution being considered and said he felt it was inclusive of our community and didn't request special rights. Councilmember Walsh asked about Cheyenne and other communities in Wyoming have done. Mr. Johnston shared that Cheyenne put the discussion on hold, Gillette passed a resolution, Laramie has passed an ordinance, and that Jackson is pursuing an ordinance.

Councilmember Powell asked if an ordinance were to be passed, would it provide sanctions for violations. Ms. Lundberg explained that the PLFAG group felt that the resolution would reflect what the community values. Councilmember Walsh shared his concerns about an ordinance regarding this topic. Councilmember Laird shared his ideas about considering an ordinance or resolution for this matter. Ms. Lundberg described the progress PFLAG has made and emphasized that a hospitable community environment will be a benefit to our economy and that this resolution would make a statement. Councilmember Johnson expressed his support of a resolution rather than an ordinance because of the difficulty of enforcement. He also stated that the fourteenth amendment should already protect all citizens. Councilmember Morgan shared concerns that passing this resolution may not result in the right outcome or send the right message. He feels people are accepting of one another in Wyoming and that it is the perception of Wyoming that needs to be changed. He also indicated that he would support the resolution and liked the way it was drafted. Councilmember Pacheco stated that discrimination does exist and that he has faced it. He shared that the resolution is a first step in stating that discrimination won't be tolerated and thanked the group for coming. Mayor Humphrey also thanked the group and allowed them to return to their seats.

Councilmember Powell described this situation as an image problem and suggested the community emphasize welcoming people. He shared that it seems at odds with actual experience and wondered about those who may have avoided coming to Casper at all. He felt that this resolution is a small step to change an unwelcoming reputation. Councilmember Walsh stated this would be a good thing overall.

Mayor Humphrey then stated that she had heard good support for a resolution and possibly an ordinance, with some possible language adjustments. She asked that this item be brought to a work session and then back to the originating group before any formal action.

Next, Mayor Humphrey asked Councilmember Hopkins for a statement regarding the next topic.

Councilmember Hopkins expressed his concern about the next agenda item which was the hotel and convention center working group. He had heard from many people and suggested to table the proposal by the Downtown Development Authority (DDA) to withdraw properties that are under consideration for sale. He also suggested that the for-sale documents continue to proceed but in addition Council schedule a time for public input. He shared that others have expressed interest in the buildings downtown and wondered what this would say to businesses in the Old Yellowstone District and that it might suggest that small businesses are not welcome. He wondered if this may impact the optional one cent funding because of the appearance of funding

a private enterprise. He then stated that Council cannot legally give money to a private enterprise. He expressed his concerns with the initial study conducted by the hotel and convention center working group because it did not show any cost for a parking garage. He shared several examples of other known costs for recently constructed parking garages in the region. He had additional concerns with the study. First, he stated that having two major draws adjacent to each other which would limit infill. Then he indicated that the study does not reference any infrastructure improvements that would be necessary. Further, he stated that this matter was not addressed in the comprehensive plan. He again stated that City-owned property cannot be granted, and would have to be purchased. He concluded by asking Council to listen to the next presentation, but then table the issue pending a time for public input.

During the time Councilmember Hopkins was speaking, Mayor Humphrey left the meeting. Councilmember Pacheco stepped in to act as Mayor Pro Tem.

Councilmember Powell stated as a point of order that this meeting is for informational purposes only. Councilmember Hopkins stated he thought there was a request to delay the decision on the sale of the Ash Street properties and Mayor Pro Tem Pacheco agreed. Councilmember Walsh stated that items 3 and 4 on the agenda are somewhat tied.

Councilmember Laird stated that he would rather not put things on hold when those who submitted proposals on the Ash Street properties acted in good faith. He then said that final decisions haven't been made and that everything must be considered.

Mayor Pro Tem Pacheco introduced Brook Kaufman, CEO of the Casper Area Convention and Visitors Bureau (CACVB). Ms. Kaufman provided an overview of the potential conference center project. She stated that the CACVB, DDA, Forward Casper, Amoco Reuse, and private investors have been working together to determine if a conference center is feasible and how it can be financed. She then introduced the consultants for this project, Terry Willis and Elliot Kilham.

Mr. Willis, of KTG Y, stated that his architectural firm was hired to analyze three potential sites for a conference/convention center in Casper. Elliot Kilham, of Economic and Planning Systems, introduced himself and stated that his firm is a real estate economics firm. Both gentlemen presented their information using slides.

Mr. Willis provided an overview of the three sites that were included in the Casper conference center site selection analysis. Site 1 is an area in the vicinity of David and Ash Streets. Site 2 is along the river south of First Street and east of Poplar Street. Site 3 is also along the river within the Platte River Commons. The analysis was then applied based on the requirement of a 200 hundred room hotel, associated amenities, a 55,000 square foot meeting area, and parking. Based on those parameters, each site was then evaluated for fit, view, potential expansion, and other factors. Mr. Willis described each of the three sites in further detail.

Next, Mr. Kilham provided information on the relative rankings of site options based on financial factors and location factors. He explained that the financial factors were not greatly differentiated, as all sites had similar costs and revenues. However, the location factors did have greater differentiation and a downtown location was an important consideration. In the end, the overall rankings of the sites matched the numbering of the sites. He provided further detail on the financial factors by the development program and development costs, during which he acknowledged that land donation is referred to in the presentation, but that it is not a settled issue and that it would impact the public or gap financing required. He then described the location factors and rankings for each of the following: attractiveness, catalytic impact, walkability, ease of assembly and economic impact. He concluded by providing a preliminary recommendation with site 1 ranking highest.

Mayor Pro Tem Pacheco asked for questions. Councilmember Laird asked if the old buildings at Site 1 would be torn down. Mr. Kilham said yes. Councilmember Powell asked if these firms were contracted by someone who had a vested interest in a certain outcome. Mr. Kilham said that they were given no instruction and it was an independent analysis. Councilmember Walsh asked if the project still needed the financial component before it is complete. Mr. Kilham indicated that the group is still refining the financial analysis, although the location factor component is complete. He also stated that some sites may have different financing available and that would also factor into later analysis. Councilmember Walsh asked how long the financial analysis would take. Mr. Kilham said that two weeks would be a reasonable goal. Councilmember Johnson asked if there is a time frame for construction. Ms. Kaufman said tentatively 2021. Councilmember Laird asked if requested when could an absolute proposal be prepared. Ms. Kaufman said March of 2018 would be reasonable. Brandon Daigle, of the DDA, explained the variables with the financing would require several months. Councilmember Hopkins asked for further explanation of catalytic versus economic impact and why site 2 hadn't been ranked higher than site 1 even though it had more open land adjacent for development. Mr. Kilham indicated that site 1 is centrally located and the development momentum in that area is an important factor, and also an emphasis for this study was on the downtown area.

Mayor Pro Tem Pacheco stated that the Mayor had to leave the meeting. Councilmember Hopkins restated his earlier request to table further discussion until Council can receive public input. Councilmember Walsh asked if Council is obligated to act on the outstanding bids in a certain amount of time. Interim City Attorney Chambers recalled 60 days, but deferred to the Community Development Department. City Manager Napier indicated that the life of the bid is limited and needs to be accepted or rejected. Councilmember Laird asked if the bid expires if no action is taken. Interim City Attorney Chambers said if no bid was accepted, then they would expire or in effect they would be rejected.

Councilmember Powell shared that the desire for a conference center goes back a decade and was a number one goal at one point. He stated that this could be a \$70 million dollar project and the entire community must be kept in mind. Councilmember Johnson stated that he would like to sell the properties in question and that the conference center has other site options and the whole project may or may not happen.

Mayor Pro Tem Pacheco asked to move to agenda item 4. City Manager Napier asked if Council wished to table the item, discuss at another work session, or give direction. Mayor Pro Tem Pacheco asked Council if they supported tabling the bids until after a public hearing. Councilmember Walsh asked if this could be continued to a date certain out of respect for those who submitted proposals. He also shared his concerns about the value of the bids that had now been publicly shared and the impact if these are re-bid in the future. Councilmember Hopkins asked about holding a public hearing. City Manager Napier indicated that a public hearing could be held. Councilmember Morgan expressed that there is a lot to consider in this matter because he did not want to let small businesses down but a conference center could be a factor in diversifying the economy and would have a large impact on the community. Councilmember Powell also shared that previous conference center proposals had failed, yet if the sale moves forward that would limit the conference center options. He stated that a public discussion should be held, but that selling the properties at this time would be unwise. Councilmember Walsh expressed concern about delaying action on the bids because of the coming expiration of the bids. Councilmember Laird stated that there are no guarantees and sometimes things need to be re-bid. He also stated that Council needs to make a decision based on the entire community. Councilmember Johnson said that the land should be sold at this time because the conference center plan is uncertain. Mayor Pro Tem Pacheco asked Council for a thumbs up on holding a public hearing. Five members were in favor and two were not. Council discussed the timing of the public hearing, how it would impact the life of the bids, and how it would fit with already scheduled items. The hearing was tentatively set for the December 12 work session. Councilmember Morgan excused himself and left the meeting.

Mayor Pro Tem Pacheco greeted the next speaker. Rick Kaysen, Executive Director of the Wyoming Association of Municipalities (WAM), introduced himself. Mr. Kaysen began by providing an overview of WAM. Councilmember Laird asked Mr. Kaysen if he could move directly to the legislative issues. Mr. Kaysen stated that his presentation would lead into that and he continued to provide an overview of WAM. He further explained the services offered by WAM, their goals, strategic plan, and their involvement with local municipalities. He spoke about the limited revenue generating capacity of Wyoming governments and how this makes Wyoming heavily reliant on state revenue. He then explained the 2018 WAM recommendations which included the following: secure \$105 million in appropriations for governments, revise tax law to allow increased municipal revenue capacity, increase the cap for severance tax and federal mineral royalties, remove tax exemptions that do not support economic development, and other (extraterritorial jurisdiction, surface water drainage systems, and real estate transfer fee). Using slides he covered each topic providing statistics and historical background on each item. He then explained that WAM has a legislature tracking database on their website and invited Council to the Region 4 meeting on December 6th to hear more about the municipal finance report WAM has prepared. He then stated that WAM would move forward with trying to secure \$105 million in appropriations. He spoke of the office of tourism and a possible 1% state-wide tax on the hospitality industry, as well as possible small tax increases on tobacco and other luxuries. He touched on extraterritorial jurisdiction again and spoke briefly on employers having opt-out options for seasonal employee unemployment. Mayor Pro Tem Pacheco opened the floor for questions.

Councilmember Johnson asked questions about a food tax. Mr. Kaysen explained that years ago when the tax was removed, back fill of the revenue was promised, but did not happen. He also stated that people on food stamps would not be charged tax on food. Councilmember Walsh asked about WAM trying to serve many entities. Mr. Kaysen indicated that WAM tries for a unified voice and they are trying to be more proactive. Councilmember Laird asked questions about the mineral trust fund and suggested that using some of those funds might be wiser than adjusting small taxes. Mr. Kaysen stated that the funds are statutorily limited but could possibly be adjusted. Councilmember Laird asked about Council hiring a lobbyist. Mr. Kayen suggested that a unified voice with WAM would be more cost effective. Councilmember Powell asked about WAM attendance at legislative committee meetings and if legislators have any knowledge gaps regarding local government. Mr. Kaysen addressed those questions.

City Manager Napier stated that Council will need to adopt a legislative agenda and that a memo with suggestions had been prepared. He also reminded Council that the Region 4 meeting would be on December 6. Councilmember Laird emphasized that legislators will likely not want to add taxes. He also asked Council to consider hiring a lobbyist. Councilmember Walsh suggested Council contact City Manager Napier via e-mail regarding the legislative agenda.

Mayor Pro Tem Pacheco then asked City Manager Napier about the next topic on the agenda, selection of 2018 Council Leadership. He replied this was historically when the process has begun. Mayor Pro Tem Pacheco asked Interim City Attorney Chambers for guidance. He replied that a straw poll should be held at the December 12 work session with a formal vote in January. Mayor Pro Tem Pacheco stated that Mayor Humphrey had suggested that anyone interested in a position submit notice of their interest by December 5th and then on December 12th the straw poll could be held. Council briefly discussed the process and it was decided that interested candidates or those wishing to nominate someone notify the City Manager's office by December 5th. Ballots will be printed with those who are nominated, with room left for any write-ins. Councilmember Walsh indicated that he would like to run for Mayor.

Mayor Pro Tem Pacheco began the process for Council to go around the table. Councilmember Walsh asked about the Civil Service Commission. No others had information to bring forward. Councilmember Johnson stated that he would like to run for Vice-President.

Mayor Pro Tem Pacheco adjourned the meeting at 8:03 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Ray Pacheco
Mayor Pro Tem