

COUNCIL WORK SESSION

Tuesday, April 12, 2016
After Special Regular Council Meeting
Casper City Hall
Council Meeting Room

AGENDA

1. Restorative Justice Presentation
2. Aquatic and Ice Arena Fee Changes
3. WAM Resolutions
4. CDBG Annual Action Plan 2016-2017
5. Agency Funding
6. Parking Lot Swap for Downtown Plaza
7. City Manager Report
8. Future Agenda Review
9. Council Around the Table

Mayor Sandoval called the meeting to order at 5:10 p.m. with the following Councilmembers present: Councilman Cathey, Johnson, Pacheco, Miller, Schlager, Hopkins, Powell, and Sandoval. Councilman Heili was absent.

The meeting began with Chief Wetzel introducing Mike Butler, Public Safety Director for Longmont, to present on restorative justice. Mr. Butler began by giving a background on restorative justice. The process is used in Longmont for all types of offenders from juveniles to individuals who have committed a felony. There are many guiding principles for the restorative justice process including a focus on relationships, responsibility, and respect. He added that many police officers would like there to be other options for offenders instead of using a “one size fits all” approach, especially with young offenders.

Mr. Butler then explained that the victim of the crime has to agree to the process and facilitators and police are always present. They work together with the offender to implement the principles and set up a contract that includes requirements and deadlines for the offender. He emphasized that one of the most important pieces to this process is that the victim’s voice is at the center compared to the criminal justice system where the victim’s voice is often not heard.

Next, Deb Witzel, Restorative Justice Coordinator for Colorado, expanded on some of the benefits of restorative justice. She stated that recidivism rates for offenders going through restorative justice are 10% or less compared to a much higher rate for the normal criminal justice system, which in turn helps to make communities safer. All participants in the process (victims and their support, citizens, volunteers, and offenders) are surveyed at the end of the process and almost all of the participants (95-99%) say they are satisfied or better with their justice experience. She then explained the economic benefits of the process. It costs much less for the City to use the restorative justice process instead of placing an individual in jail or juvenile placement. Also, when a victim asks for restitution through restorative justice, over 95% they are awarded that restitution.

Councilman Hopkins asked if there were laws in Colorado that had to be changed to utilize restorative justice. Mr. Butler responded they did not have to change laws; the police have many options and have discretion when dealing with an offender, and this gives police officers another tool. Councilman Pacheco stated that the social culture in Wyoming is different than Colorado which may make it difficult to implement the program here. Ms. Witzel responded that there are many different levels of restorative justice, and implementing a low level program to start out with may be better in some communities.

Councilman Powell asked who refers offenders to the restorative justice process. Mr. Butler stated that the initial referral is at the police officer's discretion. Later, the district attorney also has a diversion program, and most of the judges in the county support the process as well. Therefore, there are several opportunities where an offender can be referred into the restorative justice process. There is a non-profit organization that handles that cases, and the offenders' cases are referred there. Ms. Witzel stated that after referral there are facilitators that are charged with preparing everyone involved in the process. They have significant training that helps them identify if the offender has the capacity for empathy and wants to repair the harm that they have caused. The facilitator is also charged with sending an offender to the traditional justice system if necessary. Councilman Powell asked if this process is more susceptible to criminals who want to manipulate the system. Ms. Witzel responded that it is much more difficult to calculate the outcome with the restorative justice process, because there is not a standard punishment.

Councilman Johnson asked how this process works with victimless crimes that involve drugs and alcohol. Ms. Witzel responded that the process can be used with these crimes and allows voices of concerned family members and friends to be heard. It helps the offenders realize that these crimes are actually not victimless. She stated that there is a model in Colorado for those offenses that could be used in Wyoming. Mr. Butler added that this can be very beneficial for juveniles and first time offenders, because it can help prevent future problems.

Councilman Powell asked what actions city councils take in order to implement this type of program. Mr. Butler stated that it is helpful for the city councils to financially support the process. In Longmont, the process is part of the budget, because it has a large impact on the safety of the community. Ms. Witzel stated that many cities start with a small pilot program and a manageable implementation plan. This helps in choosing those areas that the city wants to track and they collect data on those points. This data helps make the case for future investments. This smaller pilot program also helps each community adapt and identify which model best applies to the needs of their community.

Mayor Sandoval asked about the recidivism rates in Longmont. Ms. Witzel stated that last year there was a 5% recidivism rate. Mr. Butler stated that the program started with a grant, and an independent research firm compiled and analyzed that data as part of that grant, so these percentages are very accurate. Councilman Powell asked if anyone has done a cost-effectiveness analysis for this process versus the normal criminal justice process. Ms. Witzel replied that they are in the process of doing this now and the results will come out in the next couple of years. The preliminary results for Colorado show that there is a cost benefit to restorative justice. Mr. Butler

and Ms. Witzel offered to provide support and assistance if the City did decide to implement some form of restorative justice in the future.

Next, Doug Follick introduced Carolyn Griffith, Recreation Division Manager, to speak about the Aquatic and Ice Arena Fee Changes. Council was given the proposal for the fee increases. Ms. Griffith elaborated on the proposed new aquatics facilities pass, explaining that Staff is proposing that the outdoor and indoor facility passes be combined into one pass for the summer season. This will allow pass holders to use the Aquatic Center as well as all of the outdoor pools.

Mayor Sandoval asked if people will still be able to go to the aquatic center after the summer season is over. Ms. Griffith responded that individuals can buy an aquatic center pass after the summer months if they would like to continue to go to the aquatic center. Ms. Griffith then reviewed the ice arena fee changes. The fees have increased for user groups in order to recover the cost of the ACTIVE Net software system. Birthday party fees have increased to reflect the increased cost of the food provided, and the Skybox Room fees have also increased. Councilman Powell stated that the Leisure Services Advisory Board reviewed the fee increases and supported the changes. Mayor Sandoval asked Council for a thumbs up vote to move forward with the resolution for fee increases, and they chose to move the resolution forward to a council meeting.

Next, Mayor Sandoval introduced Liz Becher, Assistant City Manager/Community Development Director, to discuss proposed resolutions to present to W.A.M. (Wyoming Association of Municipalities). She began by explaining that municipalities are expected to present suggested resolutions at the next W.A.M. board meeting. W.A.M. will decide which suggestions they would like to support and lobby for with the Wyoming Legislature. Last week, Staff vetted a list of suggestions from Department Heads to present to Council. She explained that after Department Heads present their suggested resolutions to Council tonight, Staff will bring forward the agreed upon list in resolution format.

Ms. Becher presented the first suggested resolution for an increased number of Bar & Grill Liquor Licenses for Casper. These would help to increase commercial growth and offer opportunities to developers. Council agreed that instead of increasing the number of licenses, they would like the removal of restrictions on the number of licenses each town receives, and voted to add this to the list of W.A.M. Resolutions.

Next, Andrew Beamer, Public Services Director, presented on changing the state statute to allow the cities to implement a Storm Water utility. Currently, the statute requires a vote of the population before this can be implemented. The proposed resolution would give municipalities the authority to implement the utility without having to go to a vote. Councilman Hopkins stated that something like this would help to prevent terrible flooding that has occurred in other cities like Cheyenne. Council voted to add the Storm Water utility to the list of W.A.M. resolutions.

Next, Tracey Belser, Assistant City Manager/Support Services Director, presented on unemployment reform. The reform would apply to two issues the City is left on the hook for as a reimbursable employer. The first issue is seasonal employees collecting unemployment benefits after the season is over. The second issue involves individuals who leave employment at the City, due to retirement or termination, then leave employment from another employer. The City is still

on the hook for paying unemployment for these individuals. Council agreed to add these reforms to the W.A.M. Resolutions.

Next, Will Chambers, Deputy City Attorney, presented on changes to the Property Lien state statutes. Currently, the City will abate a dangerous building and put a lien on it, but does not have statutory priority to recover those costs. The proposed changes would give those abatement liens priority over mortgage loans, so that the liens would be paid first. Council voted to add the abatement lien priority changes to the W.A.M. Resolutions.

Next, Casper Police Chief, Jim Wetzel, presented on adding an amendment to the Public Records Act that applies to body worn cameras. He would like to see language that mimics the public records wording in Florida's state statute. Council voted to add this amendment to the W.A.M. Resolutions.

Next, Doug Follick, Leisure Services Director, presented on adding a skier's liability code to the Wyoming Recreational Act. Currently, the Act is generalized for all recreational activities, but the proposed code would add specific laws for skiers. It differs from the general Act, making it clear that skiing is a very dangerous sport and is done at the skier's own risk. It therefore will reduce the liability of cities and ski resorts. The National Ski Areas Association is moving forward with this, and has met with Wyoming lawmakers. They are trying to get legislation to move forward next February. Council voted to add this code to the W.A.M. Resolutions.

Next, Ms. Becher presented on the sales tax exemption for candy for Casper Fire Chief Kenny King. The proposed legislation would remove the exemption for candy in grocery stores. Council chose not to add this issue to the W.A.M. Resolutions.

Next, Ms. Becher discussed adding a resolution for W.A.M. to show support for the Wyoming Business Council's (W.B.C.) economic funding initiatives, such as grant and loan programs. Council voted to move forward with adding the show of support to the W.A.M. resolutions.

Next, Councilman Hopkins presented on establishing a Vertical Local Assessment District. This would encourage developers to build up instead of horizontally. This is beneficial to the City, because it makes providing services (police, fire, etc.) more efficient. It is also an efficient use of tax money, because the money will be paid back. Council voted to add the Vertical Local Assessment District to the W.A.M. Resolutions.

Councilman Hopkins then presented on the creation of a 1% matching fund for community projects. He explained how this could be created with the W.B.C. for a one cent tax. The specific purpose of the tax money would be made evident to voters. Council voted to add the 1% matching fund project to the W.A.M. resolutions.

The suggestion for a W.A.M. resolution for support for marijuana legalization was voted down by Council.

Council then discussed adding legislation for more concrete parameters for drone employment. Drones could be useful for the Police Department by helping to provide aerial photography of crime scenes. Council voted to add the drone legislation to the W.A.M. Resolutions.

Ms. Becher stated that Staff will put together a memo for approving the agreed upon W.A.M. Resolutions list at next Tuesday's Regular Council Meeting.

Liz introduced Joy Clark, Community Development Technician, to discuss the C.D.B.G. (Community Development Block Grant) Annual Action Plan. Ms. Clark gave an overview of the Executive Summary that was made available to Council, including the amount of carryover funds and HUD (Housing and Urban Development) allocation for the upcoming year. She then summarized the projects that the grant will fund this year including: a transportation program subsidizing the CATC buses, a Housing Rehabilitation Assistance Program, LifeSteps Campus care for necessary repairs and improvements, administration costs, sidewalk replacements for low-income census tracts, and City Core Revitalization activities include matching façade grants.

Councilman Powell asked if the CATC tokens have met the demand. Ms. Clark responded that they typically run out after about six months, but they do help carry people through the winter months. The City is only allowed to use 17% of the total C.D.B.G. money for the tokens. Council voted to move forward with approving the C.D.B.G. Action Plan.

Next, Ms. Becher and Fleur Tremel, Deputy Assistant City Manager, discussed agency funding. Ms. Becher explained that this presentation was the first part of a two part series. This first part will give an overview of the funding programs that the City has, and the second part will take place in a few weeks and will give more quantitative results of funding.

Ms. Becher described each of the four agency funded programs, which include Specific Entity Funding, One Cent Community Projects Funding, Community Promotions, and City Branch Agencies. Then, Ms. Tremel described the changes that the City would like to see regarding agency funding. Staff would like to see more outcomes-based reporting so that the City is being as efficient as possible with its allocations. Some of the changes include adding quarterly and final reporting requirements, requesting detailed administrative expenses, adding category identifiers for agencies, and holding mandatory trainings for funded agencies.

Councilman Powell suggested adding the State Statute describing agency eligibility to the applications, so that Staff and Council do not waste time reviewing agencies who are not eligible for funding. Mayor Sandoval suggested that Staff vet the applications and eliminate agencies that are ineligible before they even come to Council. Council approved this first phase of the presentation with a thumbs up vote.

Next, Ms. Becher presented on the parking lot swap for the Downtown Plaza project. The Downtown Development Authority has negotiated this trade in order to accommodate the development of the plaza. She explained the trade would involve swapping a City owned parking lot that was formerly leased to the Iris Movie Theater for a Fire Station Limited Partnership lot north of the old fire station on David Street. The two parking lots are the same square footage and appraised at equal values. If Council decides to move forward, the public would be provided notice and the date the Real Estate Trade would come to Council would be on May 17, 2016. Council voted to move forward with the parking lot swap.

City Manager McDonald reviewed the agenda for the April 19 Regular Council Meeting.

Council went around the table to report on their respective board meetings. Councilman Johnson stated that he will fill in for Councilman Miller at Thursday's leadership meeting.

The meeting was adjourned by Mayor Sandoval at 8:20 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Daniel Sandoval
Mayor