

SPECIAL COUNCIL MEETING
Monday, May 22, 2017, 3:00 p.m.
Casper City Hall
Council Chambers

AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INTRODUCTION AND SWEARING IN OF NEW COUNCILMEMBER
 - A. Introduction of New Ward II Councilmember
 - B. Municipal Court Judge Hand issues Oath of Office to newly-elected Councilmember
 - C. Introduction of Councilmember's Family & Friends/Councilmember's Comments
4. RESOLUTIONS
 - A. Expressing Appreciation to the City of Gillette for Hosting the 62nd Annual Convention of the Wyoming Association of Municipalities.
 - B. Supporting the Wyoming Association of Municipalities' Legislative Agenda and the Association's Efforts in Seeking Appropriation of State Funding during the 2018 Budget Session of the Legislature.
 - C. Supporting any Efforts to Raise the Tax on All Malt Beverages to the National Average of Twenty-Eight Cents Per Gallon.
 - D. Requesting the Wyoming Association of Municipalities to Support and Advocate that the State of Wyoming Legislature Reinstate Taxation on Food Products for Financial Support to Wyoming Cities, Towns and Counties.
 - E. Supporting the Wyoming Association of Municipalities in Advocating Legislation to Remove the Non-Transient Lodging Tax Exemption.
 - F. Supporting the Wyoming Association of Municipalities in Advocating Legislation to Clarify the Lien and Assessment Process by which Municipal Expenses for Abating Nuisances and Dangerous Buildings may be Recovered.

4. RESOLUTIONS (continued)

G. Supporting the Wyoming Association of Municipalities in Advocating Legislation to Amend Wyoming Statute §15-1-113(a) Regarding Contracts for Public Improvements and §15-1-113(f) Forms of Guarantee.

H. Supporting the Wyoming Association of Municipalities in Advocating Legislation to Create Utility and Other Municipal Services Lien Authority for Municipalities and Joint Powers Boards.

I. Supporting the Wyoming Association of Municipalities in Advocating Legislation to Create an Optional General Revenue Tax for a Specified Purpose.

5. ADJOURN INTO PREVIOUSLY SCHEDULED BUDGET SESSION

May 19, 2017

MEMO TO: Her Honor, Mayor Humphrey, and Members of City Council
FROM: Charlie Powell, Councilmember
SUBJECT: Authorizing WAM Convention Resolutions 2017

Meeting Type & Date

Special Council Meeting
May 22, 2017

Action type

Resolution

Recommendation

That Council, by resolution, approve the nine (9) resolutions for the 2017 Wyoming Association of Municipalities (WAM) conference to be held in Gillette, WY, May 31 – June 3, 2017.

Summary

The mission of WAM is to advocate for the common interests of cities and towns throughout Wyoming. Each year, various issues affecting municipalities are presented for consideration at the annual WAM convention. Casper City Council supports the efforts of WAM and extends support to the following resolutions:

1. 62nd Annual Convention in Gillette, Wyoming, June 2017;
2. WAM's Legislative Agenda and Efforts in Seeking Appropriation of State Funding for All 99 Wyoming Cities and Towns During the 2018 Budget session of the Wyoming Legislature;
3. Efforts to Raise the Tax on All Malt Beverages;
4. Reinstate Taxation on Food Products for Financial Support to Wyoming Cities, Towns and Counties;
5. Removal of the Non-Transient Lodging Tax Exemption;
6. Clarify Lien and Assessment Process by Which Municipal Expenses for Abating Nuisances and Dangerous Buildings May Be Recovered;
7. Amend Wyoming Statute §15-1-113(a) Contracts for Public Improvements and §15-1-113(f) Forms of Guarantee;
8. Create Utility and Other Municipal Services Lien Authority for Municipalities and Joint Powers Boards; and,
9. Create an Optional General Revenue Tax for a Specified Purpose.

Financial Considerations

No Financial Considerations

Oversight/Project Responsibility

Casper City Council

Attachments

Nine (9) Resolutions

RESOLUTION NO. 17-87

A RESOLUTION OF APPRECIATION TO THE 2ND
ANNUAL CONNVENTION IN GILLETTE, WYOMING,
JUNE 2017

WHEREAS, the 2017 Annual Convention of the Wyoming Association of Municipalities on May 31 – June 2, in Gillette, Wyoming has proven to be an outstanding session focusing on the education of elected officials and municipal staff members and enhancing the tools available to them in order to provide the best service to their communities; and,

WHEREAS, the success of this Convention is due in large measure to the generous contribution of time, effort and resources on the part of the staff and elected officials from the City of Gillette and sponsors who hosted, planned, and arranged logistics and activities of the 2017 WAM Convention.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the Mayor gratefully extends its appreciation to every person and organization with the City of Gillette who devoted time, effort and resources in the planning, arranging, providing and presenting of the programs and activities of the 62nd Annual WAM Convention.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____,
2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. 17-88

A RESOLUTION SUPPORTING THE WYOMING ASSOCIATION OF MUNICIPALITIES' LEGISLATIVE AGENDA AND THE ASSOCIATION'S EFFORTS IN SEEKING APPROPRIATION OF STATE FUNDING FOR ALL 99 WYOMING CITIES AND TOWNS DURING THE 2018 BUDGET SESSION OF THE WYOMING LEGISLATURE

WHEREAS, the 2018 Budget Session of the Wyoming Legislature is scheduled to commence in February 2018 and the Wyoming Association of Municipalities has developed a legislative agenda relating to municipal funding issues that will be considered by the Wyoming Legislature during the upcoming session; and,

WHEREAS, all 99 Wyoming cities and towns, which comprise the membership of the Wyoming Association of Municipalities, rely on state sales and use tax revenues, ad valorem tax revenues and "over-the-cap" funding as the primary revenue support for funding local government operations and services of direct benefit to residents and businesses of their respective community; and,

WHEREAS, municipal officials of Wyoming cities and towns are aware of decreasing energy related revenues and the current general Wyoming economy and realize that due to such decreasing revenues, funding challenges at both the state and local level will affect the ability to provide essential government operations and services for citizens; and,

WHEREAS, Wyoming cities and towns have historically received and have relied upon "over-the-cap" revenue funding and the legislative agenda for the Wyoming Association of Municipalities strongly encourages continuation of this funding for the 2019-2020 biennium; and,

WHEREAS, direct distribution discretionary funding provided by the "over-the-cap" state allocation is essential for both large and small Wyoming cities and towns to maintain vital services for its communities which involve the health, safety and welfare of its citizens; and,

WHEREAS, State Legislators have supported funding in the past for programs that assist with local municipalities' economic development and economic diversification efforts, such as those offered through the Wyoming Business Council and those involving state-wide communications and technology development such as the WYOLINK and Unified Technology Network programs, and "over the cap" funding has assisted municipalities in promoting and utilizing these programs.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the 2018 Wyoming Association of Municipalities' legislative agenda and the Association's efforts in seeking appropriation of state funding for all 99 Wyoming Cities and towns during the 2018 Budget Session of the Wyoming Legislature is hereby supported for the benefit of all Wyoming community residents and businesses.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. 17-89

A RESOLUTION SUPPORTING ANY EFFORTS TO RAISE THE TAX ON ALL MALT BEVERAGES TO THE NATIONAL AVERAGE OF TWENTY-EIGHT (28) CENTS PER GALLON

WHEREAS, increasing taxes on malt beverages will enhance state revenue; and

WHEREAS, evidence suggests that increasing the unit price of alcohol is effective in reducing excessive alcohol consumption, adolescent drinking, alcohol-impaired driving, and negative health consequences of alcohol abuse; and,

WHEREAS, alcohol abuse in Wyoming is among the highest in the nation with alcohol being involved in 57.01% of all custodial arrests in 2015, and public intoxication accounted for 12.86% of all arrests statewide and driving under the influence (DUI) accounted for 23.46% of all arrests statewide; and,

WHEREAS, the current tax on malt beverages (beer) in Wyoming is two (2) cents per gallon and tax on malt beverages has not been raised since 1935; and,

WHEREAS, the national average tax on malt beverages is twenty-eight (28) cents per gallon.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper wholeheartedly supports any efforts to raise the tax on all malt beverages in Wyoming to supplement Wyoming revenue.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. 17-90

A RESOLUTION REQUESTING THE WYOMING ASSOCIATION OF MUNICIPALITIES TO SUPPORT AND ADVOCATE THAT THE STATE OF WYOMING LEGISLATURE REINSTATE TAXATION ON FOOD PRODUCTS FOR FINANCIAL SUPPORT TO WYOMING CITIES, TOWNS AND COUNTIES

WHEREAS, in the 2006 Legislative Session food products were exempted from the sale tax collected by both state and local governments; and,

WHEREAS, the impact of this sales tax exemption is multiplied by any local sales tax which local governments have in place resulting in reductions in both state shared revenues and locally collected revenues; and,

WHEREAS, sales taxation on food sales is a stable source of revenue to local governments that was removed by the legislature in 2006 and then partially funded with backfill payments for two bienniums; and,

WHEREAS, backfill payments were terminated beginning on July 1, 2010, resulting in a significant loss in local government operating revenues.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper requests that the Wyoming Association of Municipalities support and advocate the State of Wyoming Legislature to reinstate taxation on food products for financial support dedicated wholly to Wyoming Cities, Towns and Counties.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

Resolution: Taxation on Food Products

RESOLUTION NO. 17-91

A RESOLUTION TO THE WYOMING ASSOCIATION
OF MUNICIPALITIES ADVOCATING LEGISLATION
TO REMOVE THE NON-TRANSIENT LODGING TAX
EXEMPTION

WHEREAS, the City of Casper City Council requests the Wyoming Association of Municipalities to support and advocate that the State of Wyoming Legislature remove the transient lodging tax exemption; and,

WHEREAS, Wyoming Statute §39-15-101(a)(xiv) identifies “transient guest” as a guest who remains for less than thirty (30) continuous days; and,

WHEREAS, Wyoming Statute §39-15-103(a)(i)(G) states “the sales price paid for living quarters in hotels, motels, tourist courts and similar establishments providing lodging for transient guests”; and,

WHEREAS, the City of Casper as well as other municipalities across the state is facing another economic downturn and a reduction in sales, use and lodging tax are impacting revenues to municipalities; and,

WHEREAS, the unpredictability of the temporary workforce places demands on communities for housing, reduces the availability for lodging for tourists. This reduction in tourism impacts collection of visitor dollars to the local communities; and,

WHEREAS, local municipalities are not granted taxing authority for their communities, and presently there are no other alternatives to collect revenues to provide essential services for communities who rely on lodging, sales and use taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper requests that the Wyoming Association of Municipalities support and advocate that the State of Wyoming Legislature remove the transient lodging tax exemption.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



Resolution: Non-Transient Lodging Tax Exemption

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. 17-92

A RESOLUTION TO THE WYOMING ASSOCIATION
OF MUNICIPALITIES ADVOCATING LEGISLATION
TO CLARIFY THE LIEN AND ASSESSMENT
PROCESS BY WHICH MUNICIPAL EXPENSES FOR
ABATING NUISANCES AND DANGEROUS
BUILDINGS MAY BE RECOVERED

WHEREAS, the City of Casper City Council requests the Wyoming Association of Municipalities to support and advocate that the State of Wyoming Legislature provide legislation to clarify a lien process for assessing municipal expenses for abating nuisances and dangerous buildings; and,

WHEREAS, Wyoming Statute §15-1-103(a)(xxvi) permits cities to abate dangerous buildings; and,

WHEREAS, Wyoming Statute §15-1-119 permits Municipalities to adopt any national building code which includes, but is not limited to, the 1997 Uniform Code for the Abatement of Dangerous Buildings; and,

WHEREAS, the 1997 Uniform Code for the Abatement of Dangerous Buildings Section 905.1, provides the legislative body the authority to order said abatement costs by personal obligation of the property owner or assess said abatement costs against the property involved; and,

WHEREAS, the 1997 Uniform Code for the Abatement of Dangerous Buildings Section 905.3, provides that if the legislative body of this jurisdiction orders that [charges] be assessed against the property, it shall confirm the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property; and,

WHEREAS, the City of Casper as well as other municipalities across the state is facing another economic downturn and reduction in direct and indirect funding streams, the need to recoup these abatement costs is more vital than ever before; and,

WHEREAS, the property owner, and mortgagee, if any, are enriched by the removal and abatement of dangerous buildings; and,

WHEREAS, this abatement should not be wholly funded by public funds without a clear process in place for municipalities to recoup these abatement costs as a first lien against the property, being subject only to real estate and other property taxes; and,

WHEREAS, municipalities are created statutorily and all rights are enabled through legislation and Wyoming Statutes are silent regarding this special lien assessment relief; and,

WHEREAS, Wyoming Statutes do not succinctly provide either a lien procedure or an assessment process on the real property involved thus hindering Municipalities' ability to recoup expenses incurred as a result of abating nuisances and dangerous buildings.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper requests that the Wyoming Association of Municipalities support and advocate for Wyoming legislation to clarify the lien and assessment process by which municipal expenses for abating nuisances and dangerous buildings may be recovered.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. **17-93** _

A RESOLUTION REQUESTING THE WYOMING ASSOCIATION OF MUNICIPALITIES TO SUPPORT AND ADVOCATE LEGISLATION TO AMEND WYOMING STATUTE §15-1-113(a) REGARDING CONTRACTS FOR PUBLIC IMPROVEMENTS AND §15-1-113(f) FORMS OF GUARANTEE

WHEREAS, the current law does not allow municipalities to obtain automobiles or trucks through the Wyoming State Bid process; and,

WHEREAS, the governing body for the City of Casper requests language be added to Wyoming Statute §15-1-113(a) allowing municipalities to obtain through the Wyoming State Bid process purchases or leases of automobiles or trucks; and,

WHEREAS, the governing body for the City of Casper requests to amend W.S. §15-1-113(a) to read: “All contracts for any type of public improvement, excluding contracts for professional services or where the primary purpose is emergency work or maintenance, for any city or town or joint powers board wherein at least one (1) member is a municipality shall be advertised for bid or for response if a request for proposal or qualification for construction manager agent, construction manager at risk or design builder is used, if the estimated cost, including all related costs, exceeds a bid threshold of thirty-five thousand dollars (\$35,000.00), except that a contract for the purchase or lease of automobiles or trucks shall be obtained through the Wyoming State Bid process or shall be advertised regardless of cost and if there is an automobile or truck for trade-in, it shall be included as a part of the advertisement and bid. The requirements of W.S.15-1-112(a) do not apply to any city or town trading in an automobile or truck on the purchase of a new automobile or truck.”, and,

WHEREAS, the current law does require bid guarantees for the purchases or leases of automobiles or trucks; and,

WHEREAS, the government body for the City of Casper requests to amend Wyoming Statute §15-1-113(f) to read: “In advertising for any bid, the forms of guarantee required under this section and approved by the city, town or joint powers board shall be specified. In addition, bidders shall be required to accompany each bid with a bid bond or if the bid is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of bid guarantee approved by the city, town or joint powers board, equal to at least five percent (5%) of the total bid amount, with sufficient surety and payable to the city, town or joint powers board. Except that a bid for the purchase or lease of automobiles or trucks shall not require a bid guarantee. The bid guarantee shall be forfeited as liquidated damages if the bidder, upon the letting of the contract to him, fails to enter into the contract within thirty (30) days after it is presented to him for that purpose or fails to proceed with the performance of the contract. The bid guarantee shall

be retained by the city, town or joint powers board until proper bond or other form of security satisfactory to the city, town or joint powers board to secure performance of the contract has been filed and approved. The right to reject any bid is reserved in all bid advertisements. All bids shall be numbered consecutively before they are opened and no further bids may be received after the advertised time of opening bids in any bid is publically opened. The city, town or joint powers board shall give all persons who desire an opportunity to inspect all bids when they are opened. Except for bids for the purchase or lease of automobiles or trucks, no bid may be considered unless accompanied by a bid guarantee in the required amount.”

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper requests the Wyoming Association of Municipalities support and advocate for Wyoming legislation to amend W.S. §15-1-113(a) by adding language “shall be obtained through the Wyoming State Bid process or” and Wyoming Statute §15-1-113(f) by adding language “Except that a contract for the purchase or lease of an automobile or truck shall not require a bid guarantee.”

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. 17-94

A RESOLUTION TO CREATE UTILITY AND OTHER
MUNICIPAL SERVICES LIEN AUTHORITY
FOR MUNICIPALITIES AND JOINT POWERS
BOARDS

WHEREAS, municipalities in Wyoming have become aware of problems relating to the ability of the municipalities and joint powers boards to collect past due utility and other municipal service bills; and,

WHEREAS, the current law of the State of Wyoming allows irrigation districts, water and other improvement districts to create liens under the right circumstances or have statutorily been granted automatic and perpetual liens under certain circumstances; and,

WHEREAS, there is nothing similar to the creation of a lien found in zoning regulations or any other powers granted to a municipality or joint powers board in current state laws of the State of Wyoming.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper supports such legislation as may be necessary to provide authority to a municipality or joint powers board to create a lien arising from past due bills for public utilities and other municipal services.

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Tracey L. Belser
City Clerk

Kenyne Humphrey
Mayor

RESOLUTION NO. 17-95

A RESOLUTION TO CREATE AN
OPTIONAL GENERAL REVENUE TAX
FOR A SPECIFIED PURPOSE

WHEREAS, many municipalities in Wyoming are struggling to address the operating needs of their communities through existing taxing methods; and,

WHEREAS, citizens of these municipalities have a higher comfort level if they can be assured that any additional general revenue tax will be used to fund priorities identified by the community that may include such broad initiatives as transportation, housing, street repair and maintenance; and,

WHEREAS, the current taxing ability allows for either an unrestricted general revenue tax or a specific purpose tax that can only be used for capital construction and not for operations; and,

WHEREAS, the current taxing ability limits the combined total of both the general revenue tax under §39-15-204(a)(i), the specific purpose tax under §39-15-204(a)(iii), and the economic development tax under §39-15-204(a)(vi) to 3% with specific limits within each tax type.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: that the City of Casper supports, and urges WAM and the Wyoming County Commissioners Association to support an optional general revenue tax for a specified purpose that can be used for capital and operational expenses, that is not included in the cap on taxes to 3% as noted in §39-15-204(a)(iv), that allows such a tax to be implemented in increments of one-tenth of one percent (.1%) not to exceed a rate of 2%, and that would follow the same imposition and removal procedures as a general revenue tax as identified in §39-15-204(a)(i).

PASSED, APPROVED, AND ADOPTED on this ___ day of _____, 2017.

APPROVED AS TO FORM:



ATTEST:

Tracey L. Belser
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Kenyne Humphrey
Mayor