

**RECORD OF PROCEEDINGS FOR THE GOVERNING BODY  
OF THE CITY OF CHEYENNE  
Office of City Clerk**

April 27, 2015

The Governing Body of the City of Cheyenne met in regular session on this date beginning at 6:00 p.m. in Council Chambers. Present were: MAYOR - Richard L. Kaysen; COUNCIL MEMBERS - Mr. Brown, Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor, Mr Valdez and Ms. Williams. Absent: Mr. Cook. Also present: Carol Intlekofer, City Clerk, and Dan White, City Attorney. The pledge of allegiance was recited.

Consent Agenda. (All agenda items listed with the designation of [CA] are considered to be routine items by the governing body and will be enacted by one motion. There will be no separate discussion on these items unless a member of the governing body so requests and support by two other members is received. Any item removed from the Consent Agenda will be considered in its normal sequence on the agenda.) Mr. Shanor recused himself from participation in voting due to any appearance of influence on Consent Agenda items involving the State Loan and Investment Board, and vacated Council Chambers. Upon request by Mr. Brown, and pursuant to support received by Mr. Luna and Ms. Williams, agenda item #17 was removed from the Consent Agenda. Upon request by Dr. Rinne, and pursuant to support received by Mr. Brown and Mr. Roybal, agenda item #21(c) was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Shanor returned to Council Chambers.

[CA] Minutes from Regular Meeting of the Governing Body on April 13, 2015. Motion (per Consent Agenda) carried.

Mr. Brown and Mr. Roybal each declared a conflict of interest (business interest in vouchers payable to Ameri-Tech HVAC Services and Tyrrell-Doyle Chevrolet respectively) and vacated Council Chambers. Mr. Shanor moved to approve payment of vouchers as presented, seconded by Mr. Luna. Inquiry for information was made for vouchers payable to Cheyenne Light Fuel and Power (status of last energy audits and review); Hageman Earth Cycle (commercial grade topsoil for new tee (golf) boxes); Lyle Signs Inc. (traffic signs), and Triple J Pumping (porta potty services at the Compost Facility). Vicki Nemecek, Public Works Director; Rick Parish, Parks and Recreation Director; Nathan Beauheim, Acting City Engineer, and Mayor Kaysen provided information pertaining to the inquiry. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Brown and Mr. Roybal returned to Council Chambers.

Mayor Kaysen opened a public hearing to receive comments and input regarding the City of Cheyenne Comprehensive Consolidated Plan 2015 - 2019 which incorporates the Annual Action Plan 2015-2016, City of Cheyenne Community Development Block Grant (CDBG) entitlement. Deanne Widauf, Housing and Community Development Office, provided a brief overview of the history and purpose of the CDBG program, noting the City has received entitlement grant funds since 1975. She summarized program objectives and the Advisory Board's recommendation for 11 eligible projects to be funded through the entitlement allocation funding amount of \$404,588.00, as well as program administration and recaptured funding. Ms Widauf explained the grant application

process, public notifications and opportunities for input, and role of the Advisory Council in reviewing and recommending projects to be funded. Upon inquiry regarding information contained in the Plan on barriers to affordable housing relating to public policies that include land development costs, impact fees and growth management and design regulations, Ms. Widhauf advised they are very restricted in what CDBG funds can be allocated toward but they will take the topic under consideration. There being no further comments and purpose of the public hearing having been met, Mayor Kaysen closed the hearing.

ORDINANCE - Amending Ordinance No. 4045, annexing to the City of Cheyenne, Wyoming, a parcel of land situated in a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, T.14N., R.66W., 6<sup>th</sup> P.M., Laramie County, Wyoming, to be known as Scenic Development (located west of and adjacent to Converse Avenue, north of Dell Range Boulevard). James Perrott spoke in opposition to any annexation actions. Reporting for Public Services Committee, Ms. Williams moved to approve on second reading, seconded by Mr. Shanor. Motion carried. Voting "yes" -- all members of the governing body present.

ORDINANCE - Amending Ordinance No. 4046, pursuant to Section 2.2.1, Zoning Map Amendments, Section 5.1.2, Zoning Districts Established, and Section 5.1.3, Official Zoning Map, of the Cheyenne Unified Development Code, changing the zoning classification from County A-1 Agricultural and Rural Residential to NR-3 Neighborhood Residential – High Density for a parcel of land situated in a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, T.14N., R.66W., 6<sup>th</sup> P.M., Cheyenne, Wyoming, to be known as Scenic Development (located west of and adjacent to Converse Avenue, north of Dell Range Boulevard). Ms. Williams moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present.

ORDINANCE - Amending Chapter 15.20, National Electrical Code adopted, and Appendix K, ICC Electrical Code - Administrative Provisions adopted, of Title 15, Buildings and Construction, of the Cheyenne City Code relating to adoption of the National Electrical Code, 2014 Edition, and Appendix K, International Building Code, 2012 Edition, Administrative Provisions. Ms. Williams moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present.

ORDINANCE - Amending the City of Cheyenne's Solid Waste Fee Schedule -- referred to Finance Committee (sponsor -- Mr. Brown).

ORDINANCE - Pursuant to Sections 1.1.6 and 2.4.1(b) of the Cheyenne Unified Development Code (UDC), amending the qualifying area for notification mailings for Sections 2.1.4, 2.2.1, 2.2.2, 2.2.4, & 2.3.2 -- referred to Public Services Committee (sponsor -- Ms. Williams).

[CA] RESOLUTION - Supporting the submission of an application by the City of Cheyenne to the Wyoming Business Council's Business Ready Community, Community Enhancement Grant Program, to assist in funding the West Edge Streetscape and Civic Center Commons. Motion (per Consent Agenda) carried. (#5665)

[CA] RESOLUTION - Re-appropriating the Fiscal Year 2015 budget of the City of Cheyenne according to the provisions of W.S. §16-4-112 and 16-4-113. Motion (per Consent Agenda) carried. (#5666)

[CA] RESOLUTION - Certifying that the Governing Body of the City of Cheyenne is in agreement on a project to be submitted by the Town of Pine Bluffs to the State Loan and Investment Board for funding the Main Street Lighting Project through the 2015 - 2016 Countywide Consensus Block Grant. Motion (per Consent Agenda) carried. (#5667)

[CA] RESOLUTION - Certifying that the Governing Body of the City of Cheyenne is in agreement on two projects to be submitted by the Town of Albin to the State Loan and Investment Board; 2013 - 2014 Countywide Consensus Block Grant funding for a Curb, Gutter and Concrete Rehab Project, 2015 - 2016 Countywide Consensus Block Grant for the Larson Road Reconstruction Project. Motion (per Consent Agenda) carried. (#5668)

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for Swan Ranch Rail Park, 10<sup>th</sup> Filing, situated on portions of the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 28 and the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 27, T.13N., R67W., 6<sup>th</sup> P.M., Laramie County, Wyoming (located west of and adjacent to Berwick Road, north of Tundra Drive). James Perrott commented in opposition to the resolution, noting concerns involve his family's ancestry. Troy Thompson, Laramie County Commissioner, advised the County Commissioners had passed the resolution without a recommended City staff condition, and expressed concern with Wyoming case law relative to the City's ability to place a condition on a County plat within one mile of the City's boundaries. Ms. Williams moved to adopt, seconded by Mr. Shanor. Discussion followed on previously approved County plats that had included the same proposed City staff condition that had been approved by the County Commissioners; final plat resolution approval process and the effect on the developer and proposed plat if the City and County did not adopt identical provisions; desire to resolve the issue of County plats within the one mile boundary with the County Commissioners in the near future; possible postponement of the item, and future annexation of the property. Upon inquiry, Brad Emmons, AVI, agent for the applicant, clarified the site is currently under construction and that postponement of the item would not affect construction; advised purpose of the plat is to cure a legal subdivision deficiency, and stated the plat property involves one lot and any future vacation that might be contemplated would probably not be feasible. Mr. Brown moved to amend to include the following City staff condition on the plat (map), seconded by Mr. Johnson: "The undersigned do hereby acknowledge that this final plat is submitted to the governing body of the City of Cheyenne for approval pursuant to W.S. §34-12-103 and the undersigned owner(s) and their legal successors and/or assigns forever do(es) hereby covenant and agree that, following the approval of this plat by the said Governing Body, no alteration, amendment, or vacation of this plat, in whole or in part, shall be valid unless such alteration, amendment, or vacation is approved by the said Governing Body.". Commissioner Thompson requested the word "vacation" be removed from the proposed condition wording, and expressed the County and City need to work together on this issue, perhaps through a state legislation change. Mr. Perrott commented on rights to the property. Mr. Brown raised a point of order that Mr. Perrott's comments were not germane to the motion to amend on the floor with Mayor Kaysen calling for further discussion from City Council members. Discussion followed on the proposed amendment; annexation timing; removing the word "vacation" from the staff condition; whether the amendment was needed at this time, and process and effect if the City and County adopted conflicting requirements. Upon inquiry during discussion, Mr. Emmons provided

information on the project and future annexation; expressed his belief that there can not be two separate (conflicting) plat maps, and reiterated his previous statement that the purpose of the plat is to correct a legal subdivision deficiency. Motion to amend failed. Voting “yes” – Mr. Brown, Mr. Johnson and Mayor Kaysen. Voting “no” -- Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor, Mr. Valdez and Ms. Williams. Main motion carried. Voting “yes” -- all members of the governing body present. (#5669)

[CA] RESOLUTION - Adopting the City of Cheyenne’s Comprehensive Consolidated Plan 2015-2019, prepared by the Cheyenne Housing and Community Development Office -- referred to Finance Committee (sponsors -- Mr. Brown and Ms. Williams).

[CA] RESOLUTION - Authorizing the submission of a Business Ready Community, Community Readiness Grant application to the Wyoming Business Council on behalf of the Cheyenne Regional Airport Board for the new Airport Terminal Project -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Approving the budget of the Downtown Development Authority/Main Street for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016 -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] Memorandum of Understanding between the City of Cheyenne, Transit Division, and Laramie County, Wyoming, to provide public transportation services to Laramie County Community College, City/County Health Department, and an area of Laramie County adjacent to the City. Motion (per Consent Agenda) carried (\$77,500.00 - revenue to the City). (#6315)

[CA] Contract between the City of Cheyenne, Police Department, and Laramie County School District No.1 for School Resource Officers for summer school 2015. Motion (per Consent Agenda) carried (\$4,245.83 - revenue to the City). (#6316)

Right-of-Way Encroachment Agreement between the City of Cheyenne and the State of Wyoming for building and site improvements at the Herschler Building along West 26<sup>th</sup> Street. James Perrott commented on the City’s jurisdiction involving the Swan Ranch. Ms. Williams moved to approve, seconded by Mr. Johnson. Comment followed regarding the term of the agreement, including term extensions, involving public ROW and notification of the project to residents in the vicinity. Dennis Egge, State of Wyoming, Project Manager for the Capitol Square Project, advised the agreement was drafted between the attorney general and City attorney to include initial and renewal term provisions, and provided information on the state’s communication campaign with the community and specifically those in the area regarding design plans and construction. Upon inquiry, Mayor Kaysen advised the island improvements, when completed, located within the ROW will become the City’s maintenance responsibility, and that the State, as the developer, has assumed the responsibility to notify the neighborhood of the project. Motion carried. Voting “yes” – all members of the governing body present. (#6317)

[CA] Contract between the City of Cheyenne, Police Department, and Absolute Shredding for document destruction services -- referred to Finance Committee.

[CA] Contract between the City of Cheyenne, Sanitation Division, and Clean Harbors Environmental Services, Inc. for hazardous waste disposal services at the Cheyenne Household Hazardous Waste Facility (Solid Waste Fund) -- referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne, Police Department, and the City of Torrington, Wyoming, Police Department, for law enforcement extraterritorial assistance -- referred to Finance Committee.

[CA] Contract Modification No. 1 to City Contract No. 6219 between the City of Cheyenne and Recco, Inc., dba Five-R Co., to establish the Guaranteed Maximum Price (GMP) for the Cheyenne Botanic Gardens Conservatory Expansion & Renovation Project (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Contract Modification No. 1 to City Contract No. 6000 between the City of Cheyenne, Engineering Department, and AVI Professional Corporation, Cheyenne, Wyoming, for additional construction management services for the Logan Avenue Reconstruction Design Project (2011-2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Contract Modification No. 2 to Contract No. 5511 between the City of Cheyenne, Public Works Department, and TriHydro Corporation for environmental monitoring at the Happy Jack Landfill (Solid Waste Fund) -- referred to Finance Committee.

[CA] Contract Modification No. 2 to Contract No. 5927 between the City of Cheyenne, Parks and Recreation Department, and AVI Professional Corporation, Cheyenne, Wyoming, for additional professional services to complete the Polk Avenue Project (Greenway Funds) -- referred to Finance Committee.

[CA] Consideration of Bid #M-22-15 for a contract between the City of Cheyenne, Engineering Department, and Quality Electric, Cheyenne, Wyoming, for the Cobra LED Lighting Upgrade Project (2011 - 2014 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$73,428.00). (#6318)

[CA] Consideration of Bid #R-25-15 for furnishing front end load containers for the City's Sanitation Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted bid from Wastequip Manufacturing Company, LLC, Statesville, NC, in an amount not to exceed \$66,490.00).

[CA] Consideration of Bid #M-17-15 for a contract between the City of Cheyenne, 1% Construction Division, and JTL Group, Inc., d/b/a Knife River, Cheyenne, Wyoming, for the Fiscal Year 2015 City Overlay Part 2 Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #M-26-15 for a contract between the City of Cheyenne, Facilities Maintenance Division, and Ameri-Tech HVAC Services, Inc. of Cheyenne, Wyoming, for Mechanical and HVAC System Maintenance for 14 City Buildings -- referred to Finance Committee.

Appointments of Mary Guthrie to the Board of Public Utilities, and Morgan Martin to the Historic Preservation Board. Mr. Luna moved to approve, seconded by Mr. Roybal. Motion carried.

Voting “yes” -- all members of the governing body present with the exception of Mayor Kaysen who did not vote (Mayoral appointees).

[CA] Designation of Official Voting Delegate and Alternate Delegate for the City of Cheyenne at the June 13, 2015 Wyoming Association of Municipalities Business Meeting. Motion (per Consent Agenda) carried (Mayor Richard L. Kaysen, Official Voting Delegate; City Clerk Carol Intlekofer, Alternate Delegate).

Under other business:

Major Dorr expressed concerns regarding the elimination of the City parking lot west of the Municipal Building due to proposed plans for the West Edge/Civic Center Commons Project, and requested consideration that the parking lot be retained to meet parking needs for those accessing the Civic Center and Municipal Building. Mr. Dorr also expressed concerns with the need to fix street pot holes in the downtown area.

James Perrott commented on Belvoir Ranch property taxes, the City’s possession of the land, and his family’s genealogy involving the land.

David Nicely discussed his concerns regarding the construction schedule for the Logan Avenue Reconstruction Project and negative effect the project is having on local businesses in the area.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:21 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

This notice is available in alternative, accessible formats upon request.

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