

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

May 11, 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. Cook, Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor and Ms. Williams. Absent: Mr. Valdez. 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. Mr. Luna moved to approve Consent Agenda items, seconded by Mr. Cook. 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 27, 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 several vouchers issued to differing property owners as payment to acquire Rights-Of-Way by the City in conjunction with the Christensen Road Overpass Project, and a voucher payable to Walmart (DVD and TV for Aquatic Division life guard training). Mayor Kaysen and Rick Parish, Director of Parks and Recreation, provided information pertaining to the inquiries. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers with the exception of Ms. Williams voting "no". Following announcement of the vote, Mr. Brown and Mr. Roybal returned to Council Chambers.

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., 6th P.M., Laramie County, Wyoming, to be known as Scenic Development (located west of and adjacent to Converse Avenue, north of Dell Range Boulevard). Reporting for Public Services Committee, Mr. Cook moved to approve on third and final reading, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body present. (#4066)

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 NE¼SE¼ of Section 20, T.14N., R.66W., 6th P.M., Cheyenne, Wyoming, to be known as Scenic Development (located west of and adjacent to Converse Avenue, north of Dell Range Boulevard). Donald James Perrott Macneil expressed his belief that all zoning changes are illegal. Mr. Cook moved to approve on third and final reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body present. (#4067)

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. Mr. Cook moved to approve on third and final reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body present. (#4068)

ORDINANCE - Amending the City of Cheyenne’s Solid Waste Fee Schedule. Speaking in opposition to proposed increases contained in the fee schedule were: Roger Hovel, owner of a local meat processing business; William Bennett, local business owner, and Victor Ciccone. Comments included the following topics: Monthly cost of full container (dumpster) rentals under the current fee schedule; sanitation service costs generally; proposed new fee schedule structure; commercial (business) dumpsters being used by unauthorized individuals; whether customers could purchase their own dumpster; suggestion that City accept bid proposals from private businesses for the collection and disposal of solid waste, and requirement that residents and businesses utilize the City’s sanitation services constitutes a monopoly. During comments and in response to inquiries, Vicki Nemecek, Director of Public Works, provided information on the monthly cost for a full container rental; history of components of past fee schedules; proposed ordinance restructuring the fee schedule enabling charges to be more inclusive and also based on volume and frequency of pick-ups, and the cost of providing sanitation services. Ms. Nemecek explained that sanitation provides waste containers as part of the service. Reporting for Finance Committee, Mr. Brown moved to approve on second reading, seconded by Dr. Rinne. Upon inquiry, Ms. Nemecek explained private purchasing of containers would not provide for ongoing maintenance, repair and replacement; may result in liability concerns, and may not meet uniform compatibility with City equipment used to pick-up containers. She noted the proposed fee schedule is to meet operational needs and to reflect actual costs of providing sanitation services. Mr. Shanor moved to amend, seconded by Ms. Williams, by proposing the 8% fee increase for Fiscal Year 2016 be reduced to a 5% fee increase and all fees therefore be adjusted down accordingly, and by adding the following language at the end of Section 2 of the ordinance: Prior to the beginning of Fiscal Years 2017, 2018, 2019 and 2020, the Public Works Department will present a new rate schedule. A rate increase of 5% will become effective on July 1 of each of the fiscal years identified in this section upon the approval of said rate increases by the governing body pursuant to the formal adoption of rate ordinances. In Fiscal Years 2017, 2018, 2019 and 2020, the Public Works Department will re-evaluate the Solid Waste Fund by performing internal rate evaluations. In Fiscal Year 2020, the Public Works Department will hire an external firm to perform a Solid Waste Rate Study. The Solid Waste Rate Study findings and recommendations shall be presented to the governing body prior to the presentation of a new rate

schedule in Fiscal Year 2021. Mr. Ciccone, Mr. Bennett and Mr. Hovel commented on the proposed amendment. Comments included a suggestion to amend the amendment to provide for acquiring bids from private businesses to determine whether rates are fair and to consider privatization of services; being allowed to privately purchase and own dumpsters; teamwork, and eliminating a dumpster rate. Upon inquiry, Ms. Nemecek provided information on a 5% increase relative, for example, to the cost of a commercial dumpster. Discussion followed and included the following topics: Brief chronology of changes to and progress made over the years regarding sanitation fee schedules; full cost accounting of sanitation operations and needs conducted by an outside consultant with results indicating rates would have to be increased 8% annually for 5 years to meet the City's growth, capital improvements and needs; Sanitation fund turned into an enterprise fund in Fiscal Year 2015; amendment providing for a \$1,000,000 influx, through a re-appropriation or as part of the FY2016 budget, into the Sanitation fund at some point; concern that a 5% increase will not generate revenue needed to fund capital construction costs for projects, such as the landfill expansion; past history of not approving adequate rate increases to meet needs; future consultant expenses, and suggestion of selling the Belvoir Ranch, or portion thereof, to fund capital construction and operational expenses. Mayor Kaysen advised the Board of Public Utilities is also an owner of the Belvoir Ranch. During comments suggesting sale of the ranch, or portion of same, Mr. Brown raised a point of order stating the topic does not pertain to the motion on the floor. Ms. Williams requested a point of information on whether the ranch was factored into past rates with Mayor Kaysen advising it was not. Motion to amend carried. Voting "yes" -- Mr. Cook, Mr. Luna, Mr. Roybal, Mr. Shanor, Ms. Williams and Mayor Kaysen. Voting "no" -- Mr. Brown, Mr. Johnson and Dr. Rinne. Discussion continued on the main motion, as amended, and included solid waste disposal costs; concern with privately-owned dumpsters, if allowed, and insurance and liability coverage, and costs affiliated with disposal of construction waste and cost of hauling solid waste to the facility in Ault, CO. Upon inquiry, Ms. Nemecek provided information on sanitation disposal costs. Main motion, as amended, carried. Voting "yes" -- all members of the governing body present with the exception of Mr. Johnson, Mr. Luna and Dr. Rinne voting "no".

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. Boyd Wiggam, Wyoming Liberty Group, raised his concerns that the change may promote more potential petitions and add confusion between state statute and local requirements regarding the notification area. Donald James Perrott Macneil commented in opposition to the ordinance. Mr. Cook moved to approve on second reading, seconded by Ms. Williams. Comment followed that although the amending ordinance does not having the same notification radius distance as state statute, it will help a neighborhood know about development actions in the area. Motion carried. Voting "yes" -- all members of the governing body present.

ORDINANCE - Amending Section 6.08.030, Animals Running at Large Prohibited, of Chapter 6.08, Animal Care and Control Regulations Generally, of Title 6, Animals, of the Code of the City of Cheyenne, Wyoming -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - Appropriating moneys for the City of Cheyenne, Wyoming for the various purposes in conducting the municipal government of said City and fixing the amount of general and special taxes as part of the revenue required to meet the said appropriation all for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016 -- referred to Committee of the Whole (sponsor -- Mr. Brown).

ORDINANCE - Approving and establishing revised water rates, sewer rates, tap and system development fees, administrative fees, service charges and penalties and septic and commercial waste dump rates, as recommended by the Board of Public Utilities -- referred to Finance Committee (sponsor -- Mr. Brown).

ORDINANCE - Amending Ordinance No. 4065, annexing to the City of Cheyenne, Wyoming, land situated in the North 286.5 feet of Tract 36, Cheyenne Irrigated Gardens, 2nd Filing; NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; and a portion of Sections 4 and 5, T.13N., R.66W., 6th P.M., Laramie County, Wyoming (located north of E. Fox Farm Road, between Morrie Avenue and Avenue C-4) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 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 CB Community Business to MUB Mixed-Use with Business Emphasis for all of Lot 5 and the west 13 feet of Lot 6, Block 386, Original City, Cheyenne, Wyoming (located at the northeast corner of the intersection of E. Lincolnway and House Avenue) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 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 LI Light Industrial to NR-3 Neighborhood Residential - High Density and CB Community Business for a portion of Sections 4 and 5, T.13N., R.66W., 6th P.M., Cheyenne, Wyoming (located at the northeast corner of the intersection of Morrie Avenue and E. Fox Farm Road) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Adopting the City of Cheyenne's Comprehensive Consolidated Plan 2015-2019, prepared by the Cheyenne Housing and Community Development Office. Motion (per Consent Agenda) carried. (#5670)

[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. Motion (per Consent Agenda) carried. (#5671)

[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. Motion (per Consent Agenda) carried. (#5672)

[CA] RESOLUTION - Amending Resolution No. 5626 authorizing the Mayor and the City Clerk to sign a Final Plat for Scenic Development, situated in a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T.14N., R.66W., 6th P.M., Cheyenne, Wyoming, (located west of and adjacent to Converse Avenue, north of Dell Range Boulevard) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[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 -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Pershing

Subdivision, 4th Filing, a replat of portions of Lots 1 and 2, Block 1, Ruth Addition; a portion of Block 5, Mountview Park; and portions of the SE¼ of Section 29, NE¼ of Section 32, and the NW¼ of Section 33, T.14N., R.66W., 6th P.M., Cheyenne, Wyoming (located along existing Pershing Boulevard right-of-way between Dunn Avenue and Converse Avenue) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Instructing the City Clerk to defer acceptance of applications for any additional liquor licenses, as authorized to the City pursuant to provisions of Wyo. Stat. §12-4-101, until a time frame in which to submit applications has been determined by the Governing Body of the City of Cheyenne -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Supporting the submittal of an application for grant funding under the Transportation Investment Generating Economic Recovery Discretionary Grant Program (TIGER 2015) for partial funding of the construction of 'The Christensen Project: A Bridge to Prosperity' -- referred to Finance Committee (sponsors -- Mr. Brown, Mr. Johnson and Mr. Luna).

[CA] RESOLUTION - Authorizing submission of an application to the Wyoming Department of Transportation for a Wyoming Rural Public Transportation Program Grant, for the purpose of assisting in providing the local match for operating funds for the City of Cheyenne for its Transit Program, as authorized by 49 U.S.C. § 5311 -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Endorsing an application to be submitted by the Wyoming Department of Transportation, under the "Transportation Investments Generating Economic Recovery" ("TIGER") Competitive Grant Program of the United States Department of Transportation, for grant funding for a portion of the costs of construction of a rail car repair facility to be located in Cheyenne, Wyoming -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] Contract between the City of Cheyenne, Police Department, and Absolute Shredding for document destruction services. Motion (per Consent Agenda) carried. (#6325)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$200,000.00). (#6326)

[CA] Memorandum of Understanding between the City of Cheyenne, Police Department, and the City of Torrington, Wyoming, Police Department, for law enforcement extraterritorial assistance. Motion (per Consent Agenda) carried. (#6327)

[CA] Agreement between the City of Cheyenne and the Cheyenne Symphony Orchestra for use of the Cheyenne Civic Center for the 2015-2016 Concert Season -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne and the Cheyenne Symphony Orchestra for use of the Cheyenne Civic Center for Youth Education Concerts -- referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne, Parks and Recreation

Department, and Laramie County School District No. 1 to provide transportation services for the City's Summer Recreation Camp Program -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Police Department, and Laramie County Sheriff's Department and Laramie County, Wyoming, for housing City prisoners at the Laramie County Detention Center -- referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne, Public Works Department, and Noel Griffith Jr. & Associates Architects for the Transfer Station Update Phase 2 and 3 Design (1% Specific Purpose Sales & Use Tax, State Loan & Investment Board Grant) -- referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne and the Tourism Promotion Joint Powers Board, d/b/a Laramie County Convention and Visitors Bureau and Visit Cheyenne, for the distribution of a percentage of lodging tax revenues to the City of Cheyenne -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne and Delta Dental of Wyoming for dental benefits plan for city employees -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne and WINhealth Partners for health benefits plan for city employees -- referred to Finance Committee.

[CA] Cash-In-Lieu of Open Space Agreement pursuant to § 4.4.2.b.,4., of the Unified Development Code of the City of Cheyenne, between the City of Cheyenne and Thomas Heights, LLC -- referred to Public Services Committee.

[CA] Contract Modification No. 1 to City Contract No. 6219 between the City of Cheyenne and Recco, Inc., d/b/a 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). Motion (per Consent Agenda) carried. (#6219)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$162,597.24). (#6000)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$220,380.00). (#5511)

[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). Motion (per Consent

Agenda) carried (amount not to exceed \$12,700.00). (#5927)

[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). Motion (per Consent Agenda) carried (accept bid in an amount not to exceed \$1,344,527.40). (#6328)

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. Mr. Brown declared a conflict of interest (business interest) and vacated Council Chambers. Victor Ciccone questioned whether other businesses had the opportunity to submit bids. Sara Vasquez, Purchasing Division, advised bids were issued to 18 different companies with only one bid (Ameri-Tech HVAC Services) being received. Donald James Perrott Macneil commented on the Belvoir Ranch and displayed a poster board of family photos. Reporting for Finance Committee, Mr. Roybal moved to accept the bid of Ameri-Tech HVAC Services, Cheyenne, in an amount not to exceed \$295,800.00, seconded by Mr. Johnson. Upon inquiry, Ms. Vasquez confirmed there have been other instances where only one bid, or no bids, have been received as a result of a request for bids being issued, and reviewed state statute bid notification requirements and the City's bid process. Mike Wright, Facilities Maintenance, explained monitoring requirements involving a 24 hour/7 days a week basis, and advised the bid format and upgrades to include equipment is reviewed prior to issuance of the bid documents. Upon inquiry, Vicki Nemecek, Public Works Director, stated a two year contract is preferable as it allows for more consistency and less administrative overhead, and Mr. Wright confirmed contract services are all inclusive, including materials, maintenance and company employees' time. Mr. Shanor moved to amend by changing the term of the contract to one year instead of two, seconded by Ms. Williams. Dan White, City Attorney, expressed his concern as to whether, legally, it was permissible to alter what had been included in the bid documents. Motion to amend failed. Voting "no" -- all members of the governing body present in Council Chambers. Main motion carried. Voting "yes" -- all members of the governing body present in Council Chambers with the exception of Mr. Shanor and Ms. Williams voting "no". Following announcement of the vote, Mr. Brown returned to Council Chambers. (#6329)

[CA] Consideration of Bid #R-27-15 for furnishing and installing one new wireless portable 18,000 lb. lift with corded backup for the City of Cheyenne, Fleet Maintenance Division (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #M-23-15 for a contract between the City of Cheyenne, 1% Construction Division, and Intermountain Slurry Seal, Inc., North Salt Lake City, Utah, for the Fiscal Year 2015 Slurry Seal Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #R-24-15 for furnishing four new medium/heavy-duty transit buses for the Transit Division (Federal Transportation Administration Transit Development Grant) -- referred to Finance Committee

Announcement was made of the Re-Appointment of Matt Pope to the Board of Public Utilities, to be confirmed May 26, 2015.

Announcement was made that due to the Memorial Day Holiday on Monday, May 25, 2015, the regularly scheduled meeting of the Governing Body will instead be held on Tuesday, May 26, 2015 beginning at 6:00 p.m. in City Council Chambers, Municipal Building, 2101 O'Neil Avenue, Cheyenne, Wyoming.

Announcement was made of a Public Hearing to be held May 26, 2015 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, for a social club limited retail liquor license application filed with the City Clerk's office for Cheyenne Little Theatre Players, 211 W. Lincolnway, Cheyenne, WY.

Under other business, Ms. Williams commented on complaints and letters she had received from users of the newly remodeled Cheyenne Aquatic Center, and her observation of mowing maintenance involving certain areas of the Greenway.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:53 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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