

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

July 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. Cook, Mr. Johnson, Mr. Luna, Dr. Rinne (arriving at 6:05 p.m.), Mr. Roybal, Mr. Shanor, Mr. Valdez and Ms. Williams. 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 a Consent Agenda item potentially involving the State Loan and Investment Board, and vacated Council Chambers. Mr. Roybal 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 July 13, 2015. Motion (per Consent Agenda) carried.

Mr. Brown and Mr. Valdez each declared a conflict of interest (business interest in vouchers payable to Ameri-Tech HVAC Services and Radio Station KYOY-FM respectively) and vacated Council Chambers. Mr. Luna moved to approve payment of vouchers as presented, seconded by Mr. Shanor. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Brown and Mr. Valdez returned to Council Chambers.

Mayor Kaysen opened a public hearing for the purpose of receiving comments and input for a restaurant liquor license application filed with the City Clerk's Office, for East Coast Pizza - Frontier, LLC d/b/a East Coast Pizza, 1400 Dell Range Boulevard, Space 80, Cheyenne, Wyoming. David Ketcham spoke in opposition to issuance of a license due to the presence of minors at Frontier Mall where the restaurant is located. Hannah Garcia, owner of East Coast Pizza, provided a brief history of the family restaurant business; noted they have the support of mall management and security to provide alcohol services, and discussed signage that will be placed to advise customers of consumption boundaries. Carol Intlekofer, City Clerk, advised the property lease agreement between the applicant and Frontier Mall management contains a provision allowing for the sale of alcohol. Upon inquiries, Ms. Garcia provided information on alcohol services that would be provided; the consumption area and TIPS training for servers, adding that the family also operates an East Coast Pizza location at a mall in Colorado and there have been no issues concerning their

alcohol license at that establishment. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing and referred the item to Finance Committee.

Mayor Kaysen opened a public hearing for the purpose of receiving comments and input for a retail liquor license application filed with the City Clerk's Office for Cheyenne Club, Inc., 1617 Capitol Avenue, Cheyenne, Wyoming (License formerly held by JKLL, Inc. d/b/a Drunken Skunk, 1617 Capitol Avenue, Cheyenne, Wyoming). There being no comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing and referred the item to Finance Committee.

Mayor Kaysen opened a public hearing for the purpose of receiving comments and input for Danielmark's Brewing Company, Inc. d/b/a Danielmark's Brewing Company, Inc., 209 E. 18th Street, Cheyenne, Wyoming. Speaking in support of the application were: John Hayhoe, commenting on family oriented amenities proposed to be provided by the applicant, and Brandon Swain, local realtor, noting the property is within the Central Business District zone, which does not require (off street) parking, and that the business location will provide "walkability" to other businesses in the downtown area. Paul Warntz, President, Danielmark's Brewing, provided information on the family business; services to be offered in addition to a microbrewery manufacturing and malt beverage dispensing area; proposed hours of operation, and involvement of local businesses supporting the application. Melinda McCorkle, Kline, McCorkle and Pilger Law Office, attorney representing Alice Northcutt, adjacent property owner, expressed concerns regarding potential outside noise and lack of parking in the area; proposed that conditions be placed on the permit with regard to hours of operation and consumption locations involving outdoor activities in the back yard; submitted photos of the area (on file with office of City Clerk); cited provisions of state statute regarding City Council's authority to put restrictions and conditions on a liquor permit, commenting that conditions could be applied on a "year after year basis", and discussed the applicant's timing on construction remodeling vs. acquiring a City building permit. Barbara Laybourn, speaking on behalf of Alice Northcutt, provided a brief background of the historical nature of the neighborhood; discussed the apartment building her family owns in close proximity and anticipated effect of the business on tenants, and requested restrictions on hours be placed on the permit. Upon inquiry, Mr. Warntz advised their plan is to have an outdoor consumption area and provide outdoor music at times; provided information on proposed days/hours of operation (Sunday-Thursday 3:00-9:00 p.m.; Friday and Saturday 2:00-10:00 p.m.), and stated he had circulated a petition in the neighborhood and acquired signatures in support of the business, indicating he would provide a copy of the petition to the City Clerk's office for distribution to the governing body. Upon further inquiry, Mr. Warntz provided information on changes that will be made to the garage at the back of the property which will serve as the microbrewery manufacturing location. Upon inquiry, Ms. McCorkle stated the restrictions for hours they are requesting would be consistent with what is listed on the permit application. Carol Intlekofer, City Clerk, clarified the application is to seek approval for the microbrewery manufacturing facility and the dispensing room where malt beverages will be sold, and that there is no provision in state statute or city code requiring the applicant to state where they may allow consumption of malt beverages on their private property. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing and referred the item to Finance Committee.

ORDINANCE - Annexing to the City of Cheyenne, Wyoming, a portion of Tract 1, H and B Tracts, situated in the NW¼ of Section 13, T.13N., R.66W., 6th P.M., Laramie County, Wyoming, to be known as Heiduck Addition Annexation (located at the southeast corner of the intersection of Southwest Drive and Interstate 80). Reporting for Public Services Committee, Mr. Cook moved to approve on third and final reading, seconded by Dr. Rinne. Motion carried. Voting “yes” -- all members of the governing body. (#4081)

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 HI Heavy Industrial to AG Agricultural for Lot 2, Block 1, Cheyenne Business Parkway, Eighth Filing, Cheyenne, Wyoming (located between Campstool Road and I-80, west of Campstool Road). Mr. Cook moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body.

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 HI Heavy Industrial to LI Light Industrial for Lots 2-4, and HI Heavy Industrial to AG Agricultural for Lot 5, Block 1, Cheyenne Business Parkway, Ninth Filing, Cheyenne, Wyoming (replat in process) (located north of and adjacent to Campstool Road, west of Commerce Circle). Mr. Cook moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - Pursuant to Sections 1.1.6 and 2.4.1(b) of the Cheyenne Unified Development Code (UDC), Amending Article 6, Design Regulations, Section 6.5.8, Billboards, for the purpose of establishing which zoning districts allow billboards. Mr. Cook moved to approve on second reading, seconded by Mr. Johnson. Upon inquiry, Logan Graves, Planning Office, reviewed zoning district types where billboards would be allowed, and noted there are different thresholds for the size and height of a billboard depending upon location. Upon inquiry, Brandon Cammarata, Development Director, advised a sign located on 8th Avenue is not a billboard sign and does not fall under the ordinance. Motion carried. Voting “yes” -- all members of the governing body.

CHARTER ORDINANCE - Establishing the position of City Administrator and exempting the City of Cheyenne, as a First Class City, from certain sections of the Wyoming Statutes. Major Dorr raised concerns regarding the proposed change of duties of an elected official; whether there is a need to have a mayor if there is a city administrator, and taking away some of the city’s first class authority. Landon Brown, spoke in support of the ordinance, commenting that an administrator would provide for an objective vs. political point of view. Boyd Wiggam, Wyoming Liberty Group, spoke about the importance of democracy through the election process for City officials; need for checks and balances; concern with curtailing the mayor’s veto authority and having municipal judges selected by an administrator; mayor’s role and vested interested in duties as a resident in the community; accountability, and additional costs associated with a city administrator. Speaking in support of the Charter Ordinance were: Tara Nethercott, Woodhouse, Roden, Nethercott Law Office; Max Minnick, President, Cheyenne Board of Realtors; Pete Laybourn; Linda Weppner,

Century 21 Bell Real Estate, and Dale Steenbergen, President, Greater Cheyenne Chamber of Commerce. Topics discussed included: State statute and Wyoming Constitution provisions involving the Charter Ordinance's proposed exception from certain provisions of statutes applicable to Cheyenne as a first class city; administrator position replacing the role of mayor; support of the ordinance to provide for a vote by the people to determine whether to implement an administrator position; trained professional's knowledge and expertise that can be provided by an administrator position; improving City management to be more effective, and Chamber of Commerce's role in past municipal candidate forums inquiring about interest in pursuing a City Administrator position. Reporting for Committee of the Whole, Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Discussion included the following topics: Determination of duties of a City administrator vs. elected mayor position and salaries; special referendum election costs to the City; proposed Charter Ordinance being patterned after other Wyoming municipalities that have administrator positions; administrator as a professional contract position, and future mayor positions still being elected on an at-large basis. Carol Intlekofer, City Clerk, advised the cost of the special election, per information received from the Laramie County Clerk, is estimated to be not be more than \$30,000. Mr. Shanor moved to amend Sections 5 and 6 in the ordinance to change the election date from November 3 to November 10, 2015, seconded by Dr. Rinne. Motion to amend carried. Voting "yes" -- all members of the governing body. Comments followed regarding the governing body proposing a special election vs. a petition process as provided by law; difference between a City Manager form of government and a City administrator position; mayor's authority, and allowing electors to decide whether to move forward with a City administrator position. Main motion as amended carried. Voting "yes" -- all members of the governing body with the exception of Mr. Brown and Mayor Kaysen voting "no". During comment by Mayor Kaysen involving education of voters on the topic, Mr. Shanor and Dr. Rinne each raised a point of order that the mayor's comments (as chair) were not appropriate. Mayor Kaysen concurred with the point of order.

ORDINANCE - Pursuant to Sections 1.1.6 and 2.4.1.b. of the Cheyenne Unified Development Code (UDC), amending Section 2.2.4.b, Conditional Use Approval, Applicability -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - Amending Section 7 of Ordinance No. 4020 to provide for the removal of the sunset clause affiliated with Subsection 2.3.4.b.3, Administrative Adjustment, of the Cheyenne Unified Development Code (UDC) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - Amending Section 1.4.3, Defined Terms, repealing and re-enacting Chapter 3.2, Drainage Impact Studies, and repealing Appendix H of the Cheyenne Unified Development Code (UDC) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Waterford Square, a replat of the North 286.5 feet of Tract 36, Cheyenne Irrigated Gardens, 2nd Filing; NW¹/₄SE¹/₄SW¹/₄ of Section 4; and 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) (postponed from June 27, 2015). Motion (per Consent Agenda) carried. (#5693)

[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 Project. Motion (per Consent Agenda) carried. (#5694)

[CA] RESOLUTION - Authorizing the Mayor and City Clerk to execute a Wyoming Cultural Trust Fund Grant Agreement for Phase 1-A Stabilization of the Warren Rest House in Holliday Park. Motion (per Consent Agenda) carried. (#5695)

[CA] RESOLUTION - Whereby the Governing Body of the City of Cheyenne authorizes a special Cheyenne Downtown Development Authority District Election to be held October 20, 2015 as provided by Wyo. Stat. §15-9-217 (b) which, upon affirmative majority vote of the qualified voters within the district, will authorize a special assessment of twenty (20) mills upon real property within the district, excluding real property used exclusively for residential purposes, for a period of four (4) years. Motion (per Consent Agenda) carried. (#5696)

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Cheyenne Business Parkway, Eighth Filing, a replat of Lot 1, Block 3, Cheyenne Business Parkway, Third Filing; a portion of the SE¼ of Section 36, T.14N., R.66W.; and a portion of the NE¼ of Section 1, T.13N., R.66W., 6th P.M., Cheyenne, Wyoming (located between Campstool Road and Interstate 80, west of Campstool Road) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Cheyenne Business Parkway, Ninth Filing, a replat of Lot 2, Block 4, Cheyenne Business Parkway, First Filing; Lots 1-3, Block 1, Cheyenne Business Parkway, Fifth Filing; and a portion of the SW¼ of Section 36, T.14N., R.66W., 6th P.M., Cheyenne, Wyoming (located north of and adjacent to Campstool Road, west of Commerce Circle) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - To support and adopt the recommendations of the Cheyenne Transportation Safety Management Plan -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Authorizing submission of a Mineral Royalty Capital Construction Account Grant (Chapter 3) application to the State Loan and Investment Board for the Transfer Station Upgrade Phase II -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] Preliminary Plat for a replat of all of Lot 2 and a portion of Lot 3, Block 1, Saddle Ridge Subdivision, Cheyenne, Wyoming (located at the southeast corner of the intersection of US Highway 30 and Whitney Road). Motion to acknowledge the Planning Commission's recommendation to approve (per Consent Agenda) carried.

[CA] Preliminary Plat for platting a portion of the E½ of Section 25, T.14N., R.66W., 6th P.M., Laramie County, Wyoming (located at the northwest corner of the intersection of Pershing Boulevard and Christensen Road). Motion to acknowledge the Planning Commission's recommendation to approve (per Consent Agenda) carried.

[CA] Contract between the City of Cheyenne, Police Department, and Laramie County School District No.1 for School Resource Officers for the 2015-2016 school year. Motion (per Consent

Agenda) carried (revenue to the City in the amount of \$466,135.44). (#6387)

[CA] Professional Services Agreement between the City of Cheyenne and DHM Design for the West Edge Area Wide Planning Grant Project (EPA Brownfield Area Wide Planning Grant). Motion (per Consent Agenda) carried (amount not to exceed \$255,000.00). (#6388)

[CA] Hunter Management Agreement between the City of Cheyenne, Public Works Department, and the Wyoming Game and Fish Commission for the Lone Tree Hunter Management Area on the Belvoir Ranch -- referred to Finance Committee.

[CA] Contract between the City of Cheyenne, Police Department, Victim Witness Program, and the State of Wyoming, Division of Victim Services, for services to victims of crime -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne, Police Department, and Ashley McNelly, for crime victim assistance services (Victim Services grant) -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne, Police Department, and Brenda Johnson, for crime victim assistance services (Victim Services grant) -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne, Police Department, and Leslie Burch, for crime victim assistance services (Victim Services grant) -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, and Laramie County, Wyoming, for a Laramie County Combined Communications Center -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6222 between the City of Cheyenne, Fire and Rescue Department, and Richardson Construction, Inc., Cheyenne, Wyoming, for the Fire and Rescue/Police Department Storage Building Project to add a required fire separation wall (Impact Assistance fund). Motion (per Consent Agenda) carried (amount not to exceed \$8,070.00). (#6222)

[CA] Contract Modification No. 5 to Contract No. 5781 between the City of Cheyenne and Ayres Associates for additional strategic grant writing services to enable securing of additional grant funding for the Cheyenne West Edge (Lower Capital Basin) Project (1% Specific Purpose Sales & Use Tax). Motion (per Consent Agenda) carried (amount not to exceed \$70,000.00). (#5781)

[CA] Consideration of Bid #R-35-15 for furnishing one new 30 yard roll-off truck for the Sanitation Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$135,699.00).

Consideration of Bid #R-31-15 for furnishing two new ten yard tandem dump trucks with spreader and snow plow for the Street & Alley Division (2011 - 2014 1% Sales Tax). Vicki

Nemecek, Public Works Director, advised none of the bids submitted met all of the specifications and requested rejection of all bids. Reporting for Finance Committee, Mr. Brown moved to reject all bids, seconded by Mr. Valdez. Discussion followed on the bid process and clarification of bid information. Upon inquiry, Ms. Nemecek provided information on bids submitted and staff procedures relative to bid clarifications; noted the need to treat all bidders equally, and advised that the vehicles/equipment will be re-bid with no anticipated changes to bid specifications. Motion to reject all bids carried. Voting “yes” -- all members of the governing body with the exception of Mr. Brown and Mr. Luna voting “no”.

[CA] Consideration of Bid #E-4-16 for one new motorized trash compactor for the Landfill Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted bid from Wyoming Machinery Company, Cheyenne, in an amount not to exceed \$605,805.00, including a trade-in).

[CA] Consideration of Bid #S-1-16 for a contract between the City of Cheyenne, 1% Construction Division, and Top Job, LLC, Mendon, Utah, for Fiscal Year 2016 Slurry Seal Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #S-2-16 for a contract between the City of Cheyenne, Engineering Department, and Kolbe Striping, Inc., Castle Rock, Colorado, for 2015 City of Cheyenne Pavement Markings Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #M-20-15 for a contract between the City of Cheyenne, Engineering Department, and Reiman Corporation & Subsidiary, Cheyenne, Wyoming, for the West Lincolnway Streetscape, Phase 2 Landscape & Irrigation Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-2-16 for furnishing one new 2015 Yard Hook Lift Truck for the Sanitation Division (Solid Waste Management) -- referred to Finance Committee.

Re-appointments of Wallace Erickson and Alane M. West to the Cheyenne Downtown Development Authority Board (DDA). Dr. Rinne moved to approve, seconded by Mr. Roybal. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mayor Kaysen who did not vote (Mayoral appointees).

Announcement was made of the Appointments of Charlotte Powers and Dave Teubner, to the Cheyenne Downtown Development Authority Board (DDA), to be confirmed August 10, 2015.

[CA] Annual Report to the City of Cheyenne regarding capital improvements made at the Airport Golf Course as required by Lease Agreement – referred to Finance Committee.

Announcement was made of a Public Hearing to be held August 10, 2015, at 6:00 P.M. in the City Council Chambers, 2101 O’Neil Avenue, to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for a parcel of land of approximately 65.25 acres situated in a portion of the E½ of Section 25, T.14N., R.66W., 6th P.M., Laramie County, Wyoming, to be known as Saddle Ridge, 8th Filing Annexation (located north of and adjacent to East

Pershing Boulevard, west of Christensen Road).

Announcement was made of a Public Hearing to be held August 10, 2015, at 6:00 P.M. in the City Council Chambers, 2101 O'Neil Avenue, to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for a parcel of land of approximately 20,909 square feet situated in a portion of Lot 6, all of Lots 7 & 8, and the west 12 feet of Lot 9, Block 2, plus that adjacent 8 feet of vacated alley, Coulson Addition, Laramie County, Wyoming (located north of and adjacent to Rawlins Street, west of McCann Avenue).

Announcement was made of a Public Hearing to be held August 10, 2015 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, for a transfer of ownership and transfer of location for a retail liquor license application filed with the City Clerk's Office for Robert W. Moberly, 1600 East Pershing Boulevard, Cheyenne, Wyoming (License formerly held by W. E. Dinneen, Inc., 1610 Pioneer Avenue, Cheyenne, Wyoming).

There being no further business to come before the governing body, the meeting was officially adjourned at 7:59 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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