

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

September 14, 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. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor and Ms. Williams. Absent: Mr. Johnson. Also present: Carol Intlekofer, City Clerk, and Dan White, City Attorney. The pledge of allegiance was recited.

Mayor Kaysen called for a moment of silence in remembrance of Councilman Jimmy R. Valdez, who passed away September 9, 2015.

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. Cook, and pursuant to support received by Dr. Rinne and Mr. Roybal, agenda item #25 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. Following announcement of the vote, Mr. Shanor returned to Council Chambers.

[CA] Minutes from Regular Meeting of the Governing Body on August 24, 2015. Motion (per Consent Agenda) carried.

Mr. Brown declared a conflict of interest (business interest in vouchers payable to Ameri-Tech HVAC Services) and vacated Council Chambers. Mr. Luna moved to approve payment of vouchers as presented, seconded by Mr. Roybal. Inquiry was made concerning vouchers payable to 2 Doors Down (lunches for Tour de Prairie participants; part of registration fee); Action Ads, Inc. (bracelets for police officers to distribute to youth at special events), and DHM Design, (preliminary designs for the Cahill Park universally accessible playground (grant money)). Mayor Kaysen, Police Chief Brian Kozak and Parks and Recreation Director Rick Parish provided information in response to the inquiry. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Brown returned to Council Chambers.

ORDINANCE - Amending Section 2.08.010, Appointment and Terms - Removal - Vacancy, of Chapter 2.08, City Officers and Employees Generally, of Title 2, Administration and Personnel, of the Code of the City of Cheyenne to provide for the appointment of the Director of the Development Department. Reporting for Public Services Committee, Mr. Cook moved to approve on third and final reading, seconded by Mr. Shanor. Comments followed regarding the recent "splitting" of the Planning and Development Department. Motion carried. Voting "yes" -- all

members of the governing body present with the exception of Mr. Brown voting “no”. (#4088)

ORDINANCE - Submitting to the qualified electors, at a Special Referendum Election to be conducted on Tuesday, November 10, 2015, the following question: “Shall Charter Ordinance No. 1 establishing the position of City Administrator and exempting the City of Cheyenne, as a First Class City, from certain sections of the Wyoming Statutes, take effect?”. Comment was made regarding the process utilized in initiating the special election. 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 with the exception of Mr. Brown voting “no”. (#4089)

ORDINANCE - Submitting to the qualified property owners of real property within the boundaries of the Cheyenne Downtown Development Authority District of Cheyenne, Wyoming, excluding real property used exclusively for residential purposes, at a Special Election on Tuesday, October 20, 2015, the following question: “Shall a special assessment of twenty (20) mills be levied upon the assessed value of real property within the boundaries of the Cheyenne Downtown Development Authority District, excluding real property used exclusively for residential purposes, for a period of four (4) years pursuant to the provisions of Wyo. Stat. §15-9-217(b) for the purposes of (1) administrative costs; (2) landscaping or maintenance of public areas; (3) planning or management of development or improvement activities; (4) promotion of public events; and (5) activities in support of business recruitment and development?”. Reporting for Finance Committee, Mr. Brown moved to approve on third and final reading, seconded by Dr. Rinne. Motion carried. Voting “yes” -- all members of the governing body present. (#4090)

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 MR-1 Medium-Density Residential-Established and NB Neighborhood Business to NB Neighborhood Business for the west 80 feet of Lots 49 and 50 and all those parts of the west 80 feet of Lots 47 and 48 lying and being north of Randall Avenue, Block 7, Amended Plat of Holdrege’s Addition, Third and final Filing, Cheyenne, Wyoming, to be known as Holdrege’s Addition, Fourth Filing (located at the northeast corner of the intersection of Randall and Snyder Avenues). 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. (#4091)

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 NB Neighborhood Business to CB Community Business for Lot 1, Block 1, Lowe Subdivision and Lots 1 & 2, Block 1, Good Addition, Cheyenne, Wyoming (located at the southeast corner of the intersection of Dell Range Boulevard and Ridge Road). 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. (#4092)

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 LI Light Industrial for a portion of Tract 1, H and B Tracts, Cheyenne Wyoming, to be known as Heiduck Addition (located

at the southwest corner of the intersection of Interstate 80 and Southwest Drive). 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. (#4093)

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 MR-2 Medium Density Residential-Developing for a replat of all of Lot 2 and a portion of Lot 3, Block 1, Saddle Ridge, Cheyenne, Wyoming, to be known as Saddle Ridge, 7th Filing (located at the southeast corner of the intersection of US Highway 30 and Whitney Road). 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. (#4094)

ORDINANCE- Annexing to the City of Cheyenne, Wyoming, 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 E. Pershing Boulevard, west of Christensen Road). 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. (#4095)

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 A-1 Agricultural and Rural Residential to MR-2 Medium Density Residential-Developing for a portion of the E½ of Section 25, T.14N., R.66W., 6th P.M., Cheyenne, Wyoming, to be known as Saddle Ridge, 8th Filing (located north of and adjacent to E. Pershing Boulevard, west of Christensen Road). 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. (#4096)

ORDINANCE- Annexing to the City of Cheyenne, Wyoming, 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). 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. (#4097)

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 MR Medium Density Residential to MR-2 Medium Density Residential-Developing for 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, Cheyenne, Wyoming (located north of and adjacent to Rawlins Street, west of McCann Avenue). 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. (#4098)

ORDINANCE- De-annexing from the City of Cheyenne, Wyoming, the South ½ of Tract 105 and 106, Sunnyside Addition, Fourth Filing, Laramie County, Wyoming, previously known as the

4204 Charles Annexation (located at the northeast corner of the intersection of Monroe Avenue and Charles Street). Cooper Overstreet, The Kuker Group, representing the petitioners, advised he was present to respond to any questions. Concern was expressed that approval of the ordinance may set a precedent. Mr. Overstreet provided a brief background involving the property owner's reason for annexation that has resulted in their request to de-annex, noting their request to annex was based upon the belief that a City sewer main was in close proximity to the property, allowing for hook-up by the property owner. Mr. Overstreet stated it was subsequently learned, after the property had been annexed, that the sewer main location information was incorrect and there is no hook-up site available in reasonable proximity to the property. Mr. Cook moved to approve on second reading, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body present with the exception of Dr. Rinne voting "no".

ORDINANCE - Creating Section 2.84.100, City of Cheyenne Human Rights Advisory Council, of Chapter 2.84, Miscellaneous Boards and Commissions, of Title 2, Administration and Personnel, of the Code of the City of Cheyenne, Wyoming. Mayor Kaysen advised the sponsors of the ordinance have requested the ordinance be withdrawn from the agenda. Following inquiry to members of the governing body present, and with no objection being raised, Mayor Kaysen announced the item was being withdrawn from the agenda.

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 MR-2 Medium Density Residential-Developing to MUB Mixed-Use Business Emphasis for a replat of a portion of Tract 5, Storey Acres, Cheyenne, Wyoming, to be known as RKRR Addition (located west of and adjacent to Townsend Place, south of Arbor Lane) -- referred to Public Services Committee (sponsor - Mr. Cook).

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for O'Brien Subdivision, a replat of a portion of the S½ of Tract 49, Allison Tracts, Laramie County, Wyoming (located north of and adjacent to E. College Drive, east of S. Greeley Highway) (Postponed from August 24, 2015). Mr. Cook moved to adopt with revised plat map dated Sept. 8, 2015 and by striking Note #4 from the Sept. 8, 2015 plat map, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body present. (#5703)

[CA] RESOLUTION - Amending Resolution No. 5152 outlining election procedures and guidelines for a Cheyenne Downtown Development Authority District Special Election for the purpose of submitting to qualified district voters a ballot question providing for a special property assessment as authorized by Wyo. Stat. § 15-9-217(b). Motion (per Consent Agenda) carried. (#5704)

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Holdrege's Addition, Fourth Filing, a replat of the west 80 feet of Lots 49 and 50 and all those parts of the west 80 feet of Lots 47 and 48 lying and being north of Randall Avenue, Block 7, Amended Plat of Holdrege's Addition, Third and final Filing, Cheyenne, Laramie County, Wyoming (located at the northeast corner of the intersection of Randall and Snyder Avenues). Motion (per Consent Agenda) carried. (#5705)

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Heiduck Addition, a replat of a portion of Tract 1, H and B Tracts, Cheyenne, Laramie County, Wyoming (located at the southeast corner of the intersection of Interstate 80 and Southwest Drive). Mr. Cook moved to adopt, seconded by Ms. Williams. Mr. Cook moved to amend by substitute map with the addition of Note #8 as presented at the Public Services Committee meeting, seconded by Ms. Williams. Josh Tetzlaff, Development Office, explained the purpose of adding Note #8 on the plat map is to address a drainage easement concern raised by a neighboring landowner. Motion to amend carried. Voting "yes" -- all members of the governing body present. Main motion as amended carried. Voting "yes" -- all members of the governing body present. (#5706)

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Saddle Ridge, 7th Filing, a replat of all of Lot 2 and a portion of Lot 3, Block 1, Saddle Ridge, Cheyenne, Wyoming (located at the southeast corner of the intersection of US Highway 30 and Whitney Road). Rick Parish, Parks and Recreation Director, stated staff and the developer have worked on an affiliated Memorandum of Understanding (MOU) involving open space areas, and requested an amendment be considered to include the MOU, referenced as staff condition #4. Mr. Cook moved to adopt with staff conditions #1, 2 and 3, seconded by Ms. Williams. Mr. Cook moved to amend to include staff condition #4 (the MOU), seconded by Dr. Rinne. Upon inquiry, Dan White, City Attorney, advised that at times an affiliated MOU with a final plat action is part of the plat approval process and some times it is presented as a separate agenda item. Carol Intlekofer, City Clerk, advised that, historically, not all staff recommendations or conditions are placed upon the plat map itself and noted that a typical condition involving an affiliated MOU is that the MOU must be entered into between the parties prior to signatures being placed on the final plat map. Mr. Cook, as maker of the motion to amend, and Ms. Williams, as the second to the motion, revised their motion to amend to include staff condition #4 requiring an affiliated MOU be entered into between the parties prior to signatures being placed on the final plat map. Motion to amend (as revised) carried. Voting "yes" -- all members of the governing body present. Main motion as amended carried. Voting "yes" -- all members of the governing body present. (#5707 RES/#6410 CON)

[CA] RESOLUTION - Authorizing the submittal of an application to the Wyoming Water Development Commission for Grant Funding for Phase III of the Southern Water Transmission Main Project in the amount of \$10,720,000 and authorizing the Mayor, the City Clerk and the Director of the Board of Public Utilities to execute the application and all related documents. Motion (per Consent Agenda) carried. (#5708)

[CA] RESOLUTION - Authorizing the submittal of an application to the Wyoming State Loan and Investment Board for a loan from the Wyoming Drinking Water State Revolving Fund for Phase III of the Southern Water Transmission Main Project in the amount of \$5,280,000 and authorizing the Mayor, the City Clerk and the Director of the Board of Public Utilities to execute the application and all related documents. Motion (per Consent Agenda) carried. (#5709)

[CA] RESOLUTION - Authorizing the submittal of an application to the Wyoming State Loan and Investment Board, amending Drinking Water State Revolving Loan #151 from \$589,800 to \$1,089,800 for the RL Sherard Powdered Activated Carbon Feed System Project and authorizing the Mayor, the City Clerk and the Director of the Board of Public Utilities to execute the application and

all related loan documents. Motion (per Consent Agenda) carried. (#5710)

[CA] RESOLUTION - Adopting the Pershing Boulevard Complete Streets Plan. Motion (per Consent Agenda) carried. (#5711)

[CA] RESOLUTION - Re-appropriating the Fiscal Year 2016 budget of the City of Cheyenne according to the provisions of W.S. §16-4-112 and 16-4-113 -- referred to Finance (sponsor - Mr. Brown).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Saddle Ridge, 8th Filing, a portion of the E¹/₂ of Section 25, T.14N., R.66W., 6th P.M., Cheyenne, Wyoming (located north of and adjacent to E. Pershing Boulevard, west of Christensen Road) -- referred to Public Services Committee (sponsor - Mr. Cook).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Thomas Hills, a replat of Lots 1-5 and Lots 10-15, Block 3, Granite Hills Subdivision and Lots 33-37, Block 8, Thomas Heights, Cheyenne, Wyoming (located north and east of and adjacent to Sunrise Hills Drive and Boulder Court) -- referred to Public Services Committee (sponsor - Mr. Cook).

[CA] RESOLUTION - Authorizing a Special Use Permit for a Creative Sign Program for Lot 1, Block 3, Okie Addition, First Filing (located at the northeast corner of E. Pershing Boulevard and Windmill Road) -- referred to Public Services Committee (sponsor - Mr. Cook).

[CA] Agreement between the City of Cheyenne, Office of Youth Alternatives, and Laramie County, Wyoming, for juvenile probation services. Motion (per Consent Agenda) carried. (#6408)

[CA] Human Services Agreement between the City of Cheyenne and United Way of Laramie County for overage revenues from the One Percent Sales Tax for Calendar Years 2011 through 2014. -- referred to Finance Committee.

[CA] Memorandum of Understanding between Laramie County, City of Cheyenne, and the Board of Public Utilities, for a cooperative Geographic Information System Strategic Planning Project -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6353 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). Motion (per Consent Agenda) carried. (#6353)

[CA] Consideration of Bid #E-6-16 for furnishing two new solid waste transfer trailers for the Sanitation Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted the bid from Wyoming Machinery, Casper, Wyoming, in an amount not to exceed \$149,948.00).

[CA] Consideration of Bid #S-4-16 for annual contracts for snow removal and other services (2015 - 2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted the bid from JTL Group, Inc.

d/b/a Knife River). (#6409)

Consideration of Bid #E-8-16 for furnishing two new ten yard tandem dump trucks with spreader and snow plow for the Street and Alley Division (2011-2014 1% Sales Tax). Vicki Nemecek, Public Works Director, reviewed bid history involving the equipment; stated that bids were reviewed by Dennis Bell, Fleet Maintenance, and advised all bids received substantially comply with bid specifications. She noted the recommendation is to approve the lowest bidder, Floyd's Truck Center, in an amount not to exceed \$393,038.00 (including trade-ins); indicated the recommendation is in compliance with state statute and the City's purchasing policy, and provided past examples of bids involving bid specification compliance. James Balzer, Peterbilt of Wyoming, stated their bid was the only one that had met 100% compliance with bid specifications; advised he had attended the pre-bid meeting and expressed concerns with adjustments made to certain specifications at the pre-bid meeting relative to "flexible" options a competitive bidder had submitted with their bid. Dave King, Ameri-Tech Equipment Company, whose company partnered with Peterbilt on its bid, concurred with Mr. Balzer's comments and expressed that their bid met the specifications as stated. Jeff Brown, Floyd's Truck Center, advised that Mr. Bell had accepted their bid; stated that some exceptions to the specifications were items he had brought up in the pre-bid meeting, and reviewed several specific items contained in their bid. Mr. Balzer commented on warranties and support, and expressed his opinion that certain specification exceptions (variations) do matter with regard to differences in some aspects of the vehicles and equipment. Upon inquiry, Ms. Nemecek confirmed the items had been re-bid due to no prior bids being substantially compliant, and Sara Vasquez, Purchasing Manager, provided information on general purchasing policy provisions and wording of bid documents. Mr. Brown advised there was no recommendation on the item from Finance Committee. Mr. Brown moved to accept the bid from Peterbilt of Wyoming with the Ameri-Tech body in the amount of \$414,970.00, seconded by Mr. Roybal. Discussion included general bid document wording; specification exceptions, variations and flexibility, and evaluating the City's bid process. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Consideration of Bid #E-10-16 for furnishing ice control product for the Public Works Department (2015 - 2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-11-16 for furnishing front end load containers for the Sanitation Division (Solid Waste Management) -- referred to Finance Committee.

Appointment of Martha Mullikin to the Historic Preservation Board, and Tony O'Brien to the Visit Cheyenne Board. Mr. Roybal moved to approve, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body present with the exception of Mayor Kaysen who did not vote (Mayoral appointees).

Announcement was made of the Re-Appointment of Barbara Schulkowski - Fortish, to the Mayor's Council for People with Disabilities, to be confirmed September 28, 2015.

Announcement was made of the Appointments of Betty Jean Pearson and Patricia Riesland, to the Mayor's Council for People with Disabilities, to be confirmed September 28, 2015.

Announcement was made of the Appointment of Brandon Cammarata as Development Director, to be confirmed September 28, 2015.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:19 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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