

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

November 9, 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. (City Clerk note: Vacancy (1) on City Council, Ward I) 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. Luna moved to approve Consent Agenda items, seconded by Mr. Cook. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on October 26, 2015. Motion (per Consent Agenda) carried.

Mr. Brown declared a conflict of interest (business interest in voucher payable to Ameri-Tech HVAC Services) and vacated Council Chambers. Mr. Shanor moved to approve payment of vouchers as presented, seconded by Mr. Luna. Inquiries were made concerning the following vouchers payable to: A-One Rental Inc. (rental of fork lift for temporary work at the Ice and Events Center); Alco Fence Co. Inc. (repair to tennis court gate latch at United Nations Park); AlphaPage of Wyoming, LLC (after hours telephone answering service monthly fee for Youth Alternatives); Asher-Wyoming Arts & Cultural Event Center (facility rental for Lincolnway Placemaking Open House); Churchich Recreation LLC (purchase of standard basketball court equipment for Highlands Park); Evergreen Lawn and Tree Care (trimming of a wasp infested tree) and Laramie County Weed and Pest (spraying of weeds (larkspur) on Belvoir Ranch). Information in response to the inquiries was provided by Todd Feezer, Assistant Director, Parks and Recreation; Mayor Kaysen; John Hall, City Engineer, and Vicki Nemecek, Director of Public Works. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Brown returned to Council Chambers.

Mayor Kaysen opened a public hearing to receive comments and input for applications for one available retail liquor license filed with the City Clerk's Office by Central Enterprises, Inc., 1701 Carey Avenue; Cheyenne Event Center at Pershing Plaza, LLC, 1620 Pershing Boulevard; Chet Halvorson Properties, LLC, 800 West 17th Street; Dough Dog, LLC, (address not yet issued) to be located off northwest corner of Dell Range Boulevard and Powderhouse Road; and Sam's West, Inc. d/b/a Sam's Club, 1948 Dell Range Boulevard. Mayor Kaysen advised presentations would be

accepted by each of the applicants in the order in which they are listed on the agenda with public comments to follow after the presentations. John Masters, representing Central Enterprises, Inc., stated the applicant is proposing to operate a restaurant to include on-site alcohol services in the building at 17th St. and Carey (1701 Carey Ave.) to offer a casual dining restaurant for primarily lunch and dinner services; that plans are to also offer food and alcohol catering off-site services, and that a separate private meeting room will be available within the facility. He advised the business will improve the downtown area; that financing is in place; that exterior renovations will begin as weather permits and they are hoping to open in late 2017. He provided information on current use of the building and, upon inquiry, advised the upper level is being used for office space and Ballet Wyoming has a short-term lease for space on the lower level. Art Hansen provided information on the application submitted by Cheyenne Event Center at Pershing Plaza, LLC, stating the proposal is in cooperation with the WERCS group that holds the lease to the property. He explained they are planning on developing the east portion of the building (east of Gold's Gym) to provide an event center venue for families and the community, noting the area would be on a rental basis by individuals who could hold such activities as weddings, receptions, parties, family reunions, and meetings. He noted other activities, such as certain types of athletic opportunities, are also being considered. Susie Stults, consultant with the project, provided information on the community need for a facility that can accommodate large crowds (up to 250 people) and offer food and alcohol catering services. Ms. Stults explained a retail liquor license is desired as temporary alcohol catering permits are limited to 24 permits per year per location. Mr. Hansen advised they plan to begin renovating the interior of the building in February-March 2016 and hope to be open by next summer. Upon inquiry, Mr. Hansen stated they have not contemplated utilization of the center for such events as rock concerts. Chet Halvorson with Chet Halvorson Properties, LLC, advised his application focuses on a bar and restaurant concept through remodeling of the old steam plant building on West 17th Street. He noted the business will help bring people to the west area of the city, noting that the business may also include some space for retail shops, offices and possibly loft living. He advised they would also offer catering services and a package liquor store. He explained they plan to close on purchasing the property in January, begin rehabilitation of the outside of the building in the summer of 2016 and could possibly be open by summer of 2017. Hans Kuhlmann, speaking on behalf of Dough Dog, LLC, advised they have 12 acres of land under contract with the owner of the majority of the property site and the intent is to develop the eastern 6 acres to include retail and restaurant buildings. He indicated the license is desired to be able to offer a full service restaurant and bar with outside catering services. He noted they hope to begin construction next summer and the goal is to open by 2017. Upon inquiry regarding the property zoning and its location within a flood plain, Mr. Kuhlmann advised he is negotiating with the Airport Board to purchase a portion of the property owned by the Board, and will need to address a number of entitlement issues, including FEMA's process, to move the project forward, noting that acreage on the west end of the property may be needed for drainage storage purposes. Randy Reed, attorney representing Sam's West, Inc., advised they are the only applicant that can put the full retail liquor license to use immediately, operate on a year round basis and contribute greatly to the city's sales tax base. He noted the building and staffing already exist; that remodeling will involve a short time frame (3-6 months), and that employees will receive the required TIPS training. Cody Nelson, General Manager, Sam's Club in Cheyenne, provided information on Sam's community involvement and support of numerous organizations and events; Club membership; dispensing room lay-out and proposed products to be sold, and stated the liquor license would provide alcohol sales as a convenience for customers. Dustin Colvert, Fresh Manager, Sam's Club of Cheyenne, reviewed

training that will be provided to employees for security, compliance, control and safety. Upon inquiry, Mr. Nelson indicated that pursuant to review of other Sam's Club stores selling packaged liquor, they couldn't find any impact on other existing liquor package stores in the vicinity of operation, and advised non-members of Sam's Club would also be able to access the package store. Mayor Kaysen advised that comments from the public would now be entertained. Tom Kingham, owner of Cloud 9 Liquorland, whose business is located in the parking lot of the same shopping plaza where Sam's Club is located, spoke in opposition to issuing the license to Sam's Club, noting his business concerns. Les Moore commented on other types of liquor licenses and permits that some of the applicants could perhaps utilize instead of a retail liquor license and expressed concern with the length of time some of the applicants had indicated it would be before their business would be in operation. Frank Cole spoke in opposition to issuing the license to Dough Dog, LLC, expressing his belief that the proposed business site should remain as open natural space, and stated his concern that the area is located within a flood plain. Boyd Wiggam urged City Council to be cognizant of the business (applicant) they decide to issue the license to as it will become a valuable asset for whomever is approved. Kevin Georges, President, Laramie County Liquor Association, commented on the good business ideas presented by some of the applicants but noted the length of time it would take some of them to be operational, and spoke in opposition to Sam's Club receiving the license citing the effect it may have on other local licensees and concern with approving a "big box" store to operate a package store under the liquor license. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the hearing and referred the applications to the Finance Committee. He noted Finance Committee would meet to further review the applications on Monday, November 16, 2015 at 11:00 a.m. in Room 122 of the Municipal Building and that the meeting was open to the public.

Mayor Kaysen opened a public hearing to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for a parcel of land of approximately 28,921.40 square feet of a portion of the Monroe Avenue right-of-way located in a portion of the SW ¼, NE ¼, of Section 27, T14N, R66W of the 6th Principal Meridian in Laramie County, Wyoming (located south of Green River Street and north of Rock Springs Street). Mike Tylka, Development office, provided information on the area proposed to be annexed, advising that affiliated actions (zone change and plat process) are involved for development of the property. He stated requirements and compliance of annexation conditions contained in state statutes had been met. Upon inquiry, Mr. Tylka advised neighboring landowners had been notified of the proposed annexation and no comments had been received. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

ORDINANCE - 3rd Reading - Annexing to the City of Cheyenne, Wyoming, a parcel of land approximately 6.17 acres situated in Lots 1, 8, and 9, Block 5; Lots 1-4, Block 6; and Lots 1-18, Block 7, Sun Rise Hills Addition Filing No. 1, and the adjacent portions of Thomas Road, Johnston Street, and a portion of vacated Sunrise Hills Drive, Laramie County, Wyoming (located at the southwest corner of Thomas and Ridge Roads). 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. (#4101)

ORDINANCE - 3rd Reading - 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 Lots 1, 8, and 9, Block 5; Lots 1-4, Block 6; and Lots 1-18, Block 7, Sun Rise Hills Addition Filing No. 1, and a portion of vacated Sunrise Hills Drive, Laramie County, Wyoming (located at the southwest corner of Thomas and Ridge Roads). Mr. Cook moved to approve on third and final reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body. (#4102)

ORDINANCE - 2nd Reading - Amending the Major Street Plan Official Map by adding newly platted and built roads, and by adding the extension of Christensen Road and revised right-of-way between Commerce Circle and U.S. Highway 30. John Hall, City Engineer, stated the street plan was last revised in 2007 and that a number of roads have been platted and built, and the alignment of Christensen Road has developed since that time. Mr. Cook moved to approve on second reading, seconded by Mr. Roybal. Mr. Cook moved to amend, seconded by Mr. Roybal, by substitute map that includes the following language: “The Official Map Amendment for ‘Morrie Avenue Extension Runway 8/26 Underpass’ between Airport Parkway and Dell Range Blvd. was approved by Ordinance No. 3279 on May 13, 1996. However, the 2014 Master Transportation Plan (PlanCheyenne) did not include this extension.”. Pursuant to comment that the Morrie underpass connection would in all practicality never be financed and it should perhaps be removed from the map as it will never be built, Mr. Hall advised it is up to the governing body’s discretion whether they wished to remove it. Comments followed on the underpass connection and the existing official map with Mr. Hall providing information in response to comments, noting the updated map includes changes in alignment for Christensen Road and subdivisions that have come into the City. Motion to amend carried. Voting “yes” -- all members of the governing body with the exception of Dr. Rinne and Ms. Williams voting “no”. Main motion as amended carried. Voting “yes” -- all members of the governing body with the exception of Ms. Williams voting “no”.

ORDINANCE - 1ST READING - Amending Title 5, Business Licenses and Regulations, Chapter 5.76, Temporary or Transient Merchants; Residential Door-To-Door Solicitors, of the Cheyenne City Code, pertaining to a Residential Door- to- Door Solicitors Business License -- referred to Finance Committee (sponsor -- Mr. Shanor). Mayor Kaysen clarified that due to a clerical error the printed agenda indicating the item would be referred to Public Services Committee was in error, and that the correct committee for assignment was Finance Committee.

ORDINANCE - 1ST READING - Annexing to the City of Cheyenne, Wyoming, a parcel of land of approximately 28,921.40 square feet of a portion of Monroe Avenue Right-of-Way located in a portion of the SW ¼, NE ¼, of Section 27, T.14N., R.66W., 6th P. M., Laramie County, Wyoming (located south of Green River Street and north of Rock Springs Street) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - Vacating a portion of the alley, being the easterly 14 feet of the alley adjacent to the westerly boundary of Lot 5, Block 1, Colonial Addition, Cheyenne, Wyoming (located north of and adjacent to E. 5th Avenue, east of Airport Parkway) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - 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 P Public to MUB Mixed - Use Business Emphasis for Lots 1, 2, and 3, Block 660, South Cheyenne, Cheyenne, Wyoming (located at the southwest corner of the intersection of E. 6th Street and Van Lennen Avenue) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - 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 Unified Development Code, changing the zoning classification from CB Community Business and MR-1 Medium Density Residential - Established to MUB Mixed Use Business Emphasis for Lot 1, Block 1, Cheyenne Baptist Temple Addition, Cheyenne, Wyoming (located at the southwest corner of the intersection of E. Pershing Boulevard and Logan Avenue) -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - 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 Unified Development Code, changing the zoning classification from MR-2 Medium Density Residential - Developing to CB Community Business for Lots 14-16, Block 1; and to MR-2 Medium Density Residential - Developing for Lots 1-13 and Lots 17-26, Block 1, Dry Creek Business Park, a replat of Lots 1-20, Block 1 and Lots 1-18, Block 2, Ehernberger Subdivision, Cheyenne, Wyoming (located at the northeast corner of the intersection of North College Drive and Rock Springs Street) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Authorizing the Purchasing Division of the City of Cheyenne to proceed on a semiannual basis with the sale of surplus property pursuant to W.S. § 15-1-112(a). Motion (per Consent Agenda) carried. (#5722)

[CA] RESOLUTION - Authorizing the City of Cheyenne, Wyoming, to lease, with an option to purchase, sanitation, recycling, and landfill equipment. Motion (per Consent Agenda) carried. (#5723)

[CA] RESOLUTION - To adopt the Certificate of Canvass and Declaration of Results of the Canvassing Board for the Cheyenne Downtown Development Authority District Special Election held October 20, 2015. Motion (per Consent Agenda) carried. (#5724)

[CA] RESOLUTION - Authorizing the City Treasurer to discharge uncollectible debts in the amount of \$43,643.08 pursuant to Wyo. Stat. §16-4-502 -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by Title 49, United States Code, Section 5307 (Cheyenne Transit Program) -- referred to Finance Committee (sponsor -- Mr. Brown).

[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 Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Adopting an amendment to the future land use map in *PlanCheyenne*, the master plan for the City of Cheyenne and the comprehensive plan for portions of Laramie County, amending the land use category from Urban Residential to Mixed Use Commercial for Lots 14-16, Block 1, Dry Creek Business Park, Cheyenne, Wyoming, part of a replat of Lots 1-20, Block 1 and Lots 1-18, Block 2, Ehernberger Subdivision (located at the northeast corner of the intersection of North College Drive and Rock Springs Street) -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] Preliminary Plat for Van Tassell Parsley Subdivision, a replat of all of Block 10; Lots 1 and 12, Block 11; Lots 1 and 17, Block 12, Interior Heights Replat and adjacent streets and alleys thereto, Cheyenne, Wyoming (located at the northeast corner of Parsley Boulevard and Van Tassell Court) -- referred to Public Services Committee.

[CA] Preliminary Plat for PKT Subdivision, a replat of Tract 318, Sunnyside Addition, 7th Filing, and Lot 2, Sunnyside Meadows, Cheyenne, Wyoming (annexation intended) (located between Pierce and Polk Avenues, and Rock Springs and Green River Streets) -- referred to Public Services Committee.

[CA] Contract between the City of Cheyenne, Police Department, and Sarah C. Moyer for crime victim assistance services. Motion (per Consent Agenda) carried (approved in base salary amount of \$17,984.00). (#6429)

[CA] Real Estate Purchase Agreement between the City of Cheyenne and Church of St. Mary for real property described as the east 4 feet of Lot 5, the west 31 feet of Lot 6, and Lot 8, Block 227, City of Cheyenne, County of Laramie, State of Wyoming, for the purpose of the West Edge Development Project (Federal Emergency Management Agency, Community Development Block Grant). Motion (per Consent Agenda) carried (amount not to exceed \$361,700.00). (#6430)

Easement Agreement between Robert E. Green, Sr., Trustee of the Robert E. Green, Sr. Living Trust, and the City of Cheyenne, for a Trail Easement to be used in conjunction with the open space program of the Belvoir Ranch and Red Mountain (Big Hole). Reporting for Finance Committee, Mr. Brown moved to approve, seconded by Mr. Roybal. Mr. Brown moved to amend by substitute, seconded by Mr. Roybal. It was advised the proposed substitute includes the addition of GPS coordinates on the map. Motion to amend carried. Voting "yes" -- all members of the governing body. Main motion as amended by substitute carried. Voting "yes" -- all members of the governing body. (#6431)

[CA] Contract between the City of Cheyenne, Youth Alternatives, and Laramie County Community Partnership, Inc., for academic and enrichment activities for at-risk school-age youth at Johnson Junior High School (21st Century Community Learning Centers Cohort Eight Grant Funds) -- referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne, Engineering Department, and Benchmark Engineers, PC, to develop the Capitol Basin 26th Street Interceptor storm sewer design (United States Economic Development Administration Funding) -- referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne, Parks and Recreation Department, and DHM Design Corporation, to provide schematic design, design development, construction documents, bidding assistance and construction administration for the Cahill Park Universally Accessible Playground (Community Facilities Fees) -- referred to Finance Committee.

[CA] Consideration of Bid #S-7-16 for a contract between the City of Cheyenne, Public Works Department, and Inman Roofing, Inc., Cheyenne, Wyoming, for roof replacement at the Logan Shop Building project (General Fund Special Projects). Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$128,000.00). (#6432)

[CA] Consideration of Bid #S-9-16 for a contract between the City of Cheyenne, Engineering Department, and Reiman Corporation & Subsidiary, Cheyenne, Wyoming, for the 19th Street Reconstruction Phase 2 Project (2011 - 2014 & 2015 - 2018 1% Sales Tax, Board of Public Utilities Fund) -- referred to Finance Committee.

[CA] Consideration of Bid #E-12-16 for furnishing Microsoft Software and License Purchase for the Information Technology Division from Dell Marketing, L.P., Round Rock, Texas -- referred to Finance Committee.

Announcement was made of the Re-Appointment of Tim Thorson to the City-County Health Board, to be confirmed November 23, 2015.

[CA] Designation of Official Voting Delegate and Alternate Delegate for the City of Cheyenne at the February 17, 2016 Wyoming Association of Municipalities Business Meeting -- referred to Finance Committee.

[CA] Consideration of single source purchase of building security video and interview rooms video systems for the new Cheyenne Public Safety Center from CDW-G, Parrish, Florida (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

Under other business, Bart Stolp referenced comments he had made during an October 2014 City Council meeting concerning traffic and speed limits on Van Buren Avenue, near Dildine Elementary School, and noted limited improvements have been made, and requested additional measures be implemented to reduce the speed limit. Mayor Kaysen advised that staff has conducted several studies for the area and the findings did not warrant any additional changes. Ms. Williams commented on traffic concerns involving speed limits in certain neighborhoods in other locations within the City, and suggested review by the governing body on standards and guidelines be conducted.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:39 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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