

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

November 23, 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 - Jim Brown, Bryan Cook, Richard Johnson, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor and Annette Williams. Also present: Carol Intlekofer, City Clerk; Dan White, City Attorney, and Jeff White, appointment nominee for City Council Ward I vacancy. The pledge of allegiance was recited.

APPOINTMENT OF JEFF WHITE TO FILL A VACANCY ON CITY COUNCIL WARD I, FOR THE UNEXPIRED TERM OF THE LATE JIMMY R. VALDEZ. Ms. Williams moved to approve, seconded by Mr. Roybal. Comments in support of Mr. White's appointment were made. Motion carried. Voting "yes" -- all current members of the governing body. The Honorable Mark Moran, Municipal Court Judge, administered the oath of appointment to Mr. White. Mr. White expressed appreciation for being selected to serve as a City Council member and joined other members of the governing body on the dais.

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. Shanor. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on November 9, 2015. Motion (per Consent Agenda) carried.

Mr. Shanor moved to approve payment of vouchers as presented, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body.

ORDINANCE - 3rd 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. Reporting for Public Services Committee, Mr. Cook moved to approve on third and final reading, seconded by Mr. Johnson. Upon inquiry regarding whether sidewalks would be included with this project, Mayor Kaysen advised sidewalks are normally constructed when an area is developed. Motion carried. Voting "yes" -- all members of the governing body. (#4103)

ORDINANCE - 2nd 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. Reporting for Finance Committee, Mr. Brown advised there was no recommendation on the item from Finance Committee. Mr. Brown moved to approve on second reading, seconded by Mr.

Shanor. It was advised the amendment would allow eligible applicants to apply for a 6 month license vs. a 14 day license. Discussion followed on the proposed fee (\$300.00) for a 6 month license vs. a 14 day license (\$100.00) and loss of revenue to the City; support for the amendment to benefit those licensees who comply with door-to-door soliciting requirements, and intent of the major changes made to the licensing provisions earlier this year enacting additional restrictions on solicitation practices. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mr. Johnson, Dr. Rinne and Ms. Williams voting “no”.

ORDINANCE - 2nd 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). Mr. Cook moved to approve on second reading, seconded by Mr. Shanor. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 2nd 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). Mr. Cook moved to approve on second reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 2nd 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). Mr. Cook moved to approve on second reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 2nd 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). Mr. Cook moved to approve on second reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 2nd 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). Mr. Cook moved to approve on second reading, seconded by Ms. Williams. Motion carried. Voting

“yes” -- all members of the governing body.

ORDINANCE - 1ST READING - Pursuant to Sections 1.1.6 and 2.4.1(b) of the Cheyenne Unified Development Code (UDC), amending Section 5.1.5 for the purpose of increasing maximum total lot coverage allowed in some residential lot types -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - Pursuant to Sections 1.1.6 and 2.4.1(b) of the Cheyenne Unified Development Code (UDC), amending Article 5, Zoning Regulations, Table 5-1, Districts and Uses, contained in Section 5.1.4, and Section 5.7.3, Accessory Dwelling Units, for the purpose of modifying the existing regulation of accessory dwelling units and to provide an expanded as-of-right path after administrative review -- referred to Public Services Committee (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - Amending Section 2.64.030, Definitions, and deleting Section 2.64.090, Demolition Permit Review, and re-creating Section 2.64.090, Demolition Permit and Moving Permit Review, of Chapter 2.64, Historic Preservation Board, of Title 2, Administration and Personnel, of the City Code of the City of Cheyenne, Wyoming -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Authorizing the City Treasurer to discharge uncollectible debts in the amount of \$43,643.08 pursuant to Wyo. Stat. §16-4-502. Motion (per Consent Agenda) carried. (#5725)

[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). Motion (per Consent Agenda) carried. (#5726)

[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. Motion (per Consent Agenda) carried. (#5727)

[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). Motion (per Consent Agenda) carried. (#5728)

[CA] RESOLUTION - Supporting the City of Cheyenne’s application for a Land and Water Conservation Fund Grant for a Universally Accessible Playground in Cahill Park -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Cheyenne Baptist Temple Addition, a replat of a portion of Lot 5, Block 186; Lots 1-4, Block 187; and a portion of E. 23rd Street, Original City, 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).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for 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 a street name change from Monroe Avenue to Frank Court for the portion of the street located north of Rock Springs Street and originally platted with Sunnyside Addition, 7th Filing, City of Cheyenne, Laramie County, Wyoming -- referred to Public Services Committee (sponsor -- Mr. Cook).

[CA] RESOLUTION - Approving the budget of the Laramie County Community Juvenile Services Joint Powers Board for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016 -- referred to Finance Committee (sponsor -- Mr. Brown).

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). Mr. Cook moved to acknowledge the Planning Commission's recommendation to approve with staff recommendations #1 and 4, seconded by Mr. Shanor. Mr. Cook moved to postpone to December 14, 2015, seconded by Ms. Williams. It was noted that staff had requested postponement to allow for further review regarding concerns involving potential environmental exposure. Motion to postpone carried. Voting "yes" -- all members of the governing body.

[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). Motion (per Consent Agenda) carried (acknowledged Planning Commission's recommendation to approve).

[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). Motion (per Consent Agenda) carried. (#6436)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$574,755.00). (#6437)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$88,407.00). (#6438)

[CA] Grant Award Agreement with the State of Wyoming Office of Homeland Security for a Grant from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Grant Programs Directorate, State Homeland Security Program (SHSP) Grant Fiscal Year 2015, in the amount of \$305,856.00, for the City of Cheyenne Regional Emergency Response Team #7 (Department of Homeland Security, Federal Emergency Management Agency, Grant Programs Directorate, State Homeland Security Program) -- referred to Finance Committee.

Consideration of Proposal from CIGNA Health and Life Insurance Company to provide Group Health Care for employees of the City of Cheyenne -- referred to Finance Committee. Mr. Brown advised the item had been reviewed under other items for the agenda at the December 16, 2015 Finance Committee meeting and provisions of Title 2 of City Code had been met. Mr. Brown advised that Finance Committee's recommendation was to approve contingent upon receipt of the proposed contract no later than the current meeting, and noted the contract had been received. Mr. Brown moved to approve, seconded by Mr. Roybal. Rich Wiederspahn, Human Resources Director, provided information on the Request for Proposals (RFPs) process, which involved review of proposals by an ad-hoc employee insurance committee, and stated that subsequent to proposals being received, the City received notice that its current provider (WINHealth) was in receivership under the State Department of Insurance. He advised current coverage under WINHealth would expire on December 31, 2015 and that switching to CIGNA as a new provider is hoped to be a fairly seamless transition for employees, although there is a need to expedite the open enrollment process contingent upon approval of CIGNA's proposal. Mr. Wiederspahn briefly reviewed costs, benefits and main provisions of the proposal. Matt Pickett, CIGNA representative, advised they have a long history of providing services in Wyoming, including large member groups, and stated CIGNA is looking forward to serving City employees. Upon inquiry, Mr. Wiederspahn provided information on membership composition of the insurance committee and the process that was followed resulting in the CIGNA recommendation. Motion carried. Voting "yes" -- all members of the governing body. (#6439)

[CA] Professional Services agreement with AVI, Inc. for preliminary design and construction observation for the 17th Street Lighting project -- referred to Finance Committee.

[CA] Amendment No. 4 to Contract No. 3516 between the City of Cheyenne and the Wyoming Association of Risk Management Property Insurance Joint Powers Board for an Amended and Restated Joint Powers Agreement relating to property insurance -- referred to Finance Committee.

[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). Motion (per Consent Agenda) carried (amount not to exceed \$5,391,668.60). (#6440)

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. Mr. Brown

moved to accept the bid, contingent upon funding approval, in an amount not to exceed \$104,934.60, seconded by Mr. Roybal. Motion carried. Voting “yes” -- all members of the governing body.

[CA] Consideration of Bid #E-13-16 for the surplus sale of bulk wood (revenue to the City) -- referred to Finance Committee.

[CA] Consideration of Bid #E-15-16 one new 2015-2016 SUV and one new mid-size pickup for the City of Cheyenne (2015- 2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-16-16 for two new 2015-2016 Steiner 440 tractor mowers (or equal) for the Parks Division and for the Street & Alley Division (2011- 2014 1% Sales Tax) -- referred to Finance Committee.

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 announced that Dough Dog, LLC requested their application be withdrawn from the agenda. Upon query and with no objection raised by members of the governing body, Mayor Kaysen announced the application was being withdrawn for consideration. Randy Reed, attorney representing Sam's Club, clarified, pursuant to information provided at the public hearing, that if Sam's Club is approved for the license that no direct sales to the general public will be conducted and products would only be available to Club members. He referenced and discussed a letter he had previously submitted on the topic of comments by competing local liquor licensees and stated those comments should not play a role in the governing body's decision on a successful applicant. Mr. Reed provided additional comments and information in support of the Sam's Club application and the Club's contributions to the economy and tax base; discussed the governing body's applicant guidelines pursuant to Resolution #5692, and advised the retail license is the only license type that would allow for the store's proposed package sales environment. Cody Nelson, Sam's Club Store Manager, also spoke in favor of the application and provided additional information on the assortment of beverages that would be offered. Deborah Herron, Director of Public Affairs, Walmart, stated if the license is awarded to Sam's Club, the organization plans to become involved in the county beverage association, and reiterated the retail license type is what is needed for the proposed operation. Sam Galeotos, Central Enterprises, Inc., provided a handout (on file with City Clerk's Office) titled "Summary of Project Benefits", and reviewed key points outlined in the summary involving support of the Downtown Development Authority (DDA) vision; renovation of a historic building; economic benefits; additional dining and catering service opportunities for the community; anticipated construction schedule providing for a completion date in 2017, and property ownership and financing that is already in place. Chet Halvorson, Chet Halvorson Properties, LLC, advised their plans to utilize the license involves renovation of the old steam plant property and the focus is on redevelopment of the neighborhood. He stated the project would serve as an anchor for the West Edge, downtown and 17th Street Lighting projects. Art Hanson, Cheyenne Event Center at Pershing Plaza, LLC, noted their application involves creation of an event center for families and the community, and noted that he has been contacted by several individuals recently who have

expressed support for the project and offered to volunteer their services. Inquiries to applicants posed by City Council members included: Applicant's anticipated time frame in which to operate under the license; applicant plans involving their project if they were not approved to receive the license, and proposed business trade names. Applicants provided information in response to the inquiries. Jeff Dierkson expressed his preference that the governing body lean towards approving the license that would go towards the greatest good of all residents, and commented on the license being a financial asset and utilization of the license in the downtown area. Kevin Georges, President, Laramie County Liquor Association, expressed concern with membership requirements vs. sales open to the general public; commented on attracting and retaining businesses, and stated the capability of offering alcohol catering services (off-premise) is a big issue as other liquor license types prohibit this type of service. Mr. Brown stated there was no recommendation on the agenda item from Finance Committee. Ms. Williams moved to award the retail license to Chet Halvorson Properties, LLC, seconded by Mr. Brown. Comment followed on development of this portion of the City to include restaurant/liquor services and how it ties in with the West Edge project and potential investors. Mr. Shanor and Mr. Luna stepped down from the dais to provide a presentation on a metrics model they developed to rate each application based upon the main criteria of social and economic benefit with Mr. Shanor reviewing the criteria they had established and the rating for each applicant (hand-out provided on file with City Clerk's office). Following their presentation, Mr. Shanor and Mr. Luna re-assumed their seats on the dais and, pursuant to clarification requested by Mayor Kaysen, Mr. Shanor clarified the metrics criteria and applicant ranking were the result of review conducted by himself and Mr. Luna and not all members of the governing body. Upon inquiry, Mr. Halvorson advised he wouldn't have already invested financially in the old steam plant property project if he didn't think he could move forward with the project. He noted they plan to close on acquiring ownership of the property in January, and indicated there will be minor mitigation of property environmental issues. Further comment followed on the historic theme proposed for the project and economic development for the vicinity. Motion failed. Voting "yes" -- Mr. Brown, Mr. White and Ms. Williams. Voting "no" -- Mr. Cook, Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor and Mayor Kaysen. Mr. Shanor moved to award the license to Central Enterprises, Inc., seconded by Mr. Roybal. Discussion topics included: Support of downtown revitalization; resources and physical building already being in place; favorable timeline in which to have the business operational; the financial "gift" a retail-type liquor license affords to licensees due to state liquor laws; best use of a retail license; licenses as an economic tool; metrics criteria, and vision of the 17th Street Lighting project. Upon inquiry, Mr. Galeotos stated he is a supporter of the DDA. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mr. Johnson, Mr. White and Ms. Williams voting "no".

Re-Appointment of Tim Thorson to the City-County Health Board. Mr. Luna moved to approve, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mayor Kaysen who did not vote (Mayoral appointee).

[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. Motion (per Consent Agenda) carried (approved Mayor Richard L. Kaysen, Official Voting Delegate; City Clerk Carol Intlekofer, Alternate Delegate).

[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). Motion (per Consent Agenda) carried (amount not to exceed \$81,842.30).

Announcement was made of the Appointments of Chuck West to Board of Adjustment; Craig E. Kerrigan and Lori Kempter-Mansell to the Housing & Community Development Advisory Council; Marcene VanDerHaar and Gary Sims to the Historic Preservation Board; Mark Gaskill to Mayor's Council for People with Disabilities, to be confirmed December 14, 2015.

Announcement was made of the Re-Appointments of Michael R. O'Donnell and John G. Knepper to the Board of Adjustment; Stephen M. Ganison, Carol Slane and Jared S. Olsen to the Housing & Community Development Advisory Council, to be confirmed December 14, 2015.

Announcement was made of a Public Hearing to be held December 14, 2015 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a retail liquor license application filed with the City Clerk's Office for Scooters Scoreboard, LLC d/b/a Scooters Scoreboard Bar, 507 E. Lincolnway, Cheyenne, Wyoming (License currently held by Community Investments, Inc., 507 E. Lincolnway, Cheyenne, Wyoming).

Announcement was made of a Public Hearing to be held December 14, 2015 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a restaurant liquor license application filed with the City Clerk's Office for Anong's Thai Cuisine LLC d/b/a Anong's Thai Cuisine, 620 Central Avenue, Cheyenne, Wyoming (License currently held by Anong and Brett Larson d/b/a Anong's Thai Cuisine, 620 Central Avenue, Cheyenne, Wyoming).

Announcement was made of a Public Hearing to be held December 14, 2015 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for approximately 8.68 acres of land situated in a portion of Dell Range Addition, Second Filing, North ½ Tract 31, Laramie County, Wyoming (located at the southeast corner of the intersection of Ridge Road and Summit Drive); and a portion of Summit Drive right-of-way, Laramie County, Wyoming (located between Ridge Road and College Drive).

Announcement was made of a Public Hearing to be held December 14, 2015 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, to hear public comment on a proposed trade of real property owned by the City of Cheyenne at the intersection of East 23rd Street and Pershing Boulevard in exchange for additional right-of-way along Pershing Boulevard to be dedicated to the public by Cheyenne Baptist Temple, a Wyoming non-profit corporation.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:42 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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