

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

January 25, 2016

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. Absent: Jeff White. 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 moved to approve Consent Agenda items, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on January 11, 2016. Motion (per Consent Agenda) carried.

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

ORDINANCE - 2<sup>nd</sup> READING - Amending Title 10, Vehicles and Traffic, Chapter 10.80, Bicycles, of the Cheyenne City Code for the purpose of removing certain chapter sections relating to bicycle licensing requirements. Major Dorr expressed his belief the current ordinance requiring licensing should remain in effect, and commented on the need for enforcement of bicyclists who do not follow the "rules of the road" and to provide education on "rules of the road" to bicyclists. Reporting for Finance Committee, Mr. Brown moved to approve on second reading, seconded by Mr. Luna. Discussion included the purpose of licensing bicycles; enforcement of city code provisions involving violations by bicycle operators; safety training for bicyclists of all ages, and provisions of Chapter 10.80 that will not be affected by the proposed ordinance. Upon inquiry, Chief Brian Kozak, Police Department, provided information on the history of the bicycle licensing requirement; advised the basic intent for licensing has changed over the years, and commented on enforcement issues. He provided examples of current methods that can be utilized to assist with returning stolen bicycles to rightful owners, which was the initial intent of licensing created by ordinance in 1937. Motion carried. Voting "yes" -- all members of the governing body present with the exception of Ms. Williams voting "no."

ORDINANCE - 2<sup>nd</sup> READING - Annexing to the City of Cheyenne, Wyoming, Tract 318, Sunnyside Addition, 7<sup>th</sup> Filing, Laramie County, Wyoming (located at the northwest corner of the intersection of Polk Avenue and Rock Springs Street). Reporting for Public Services Committee, Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Motion carried. Voting “yes” -- all members of the governing body present.

ORDINANCE - 2<sup>nd</sup> 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 County CB Community Business to MR-2 Medium-Density Residential-Developing for Tract 318, Sunnyside Addition, 7<sup>th</sup> Filing, Cheyenne, Laramie County, Wyoming, to be known as PKT Subdivision (located at the northwest corner of the intersection of Polk Avenue and Rock Springs Street). Dr. Rinne moved to approve on second reading, seconded by Mr. Johnson. Dr. Rinne moved to amend by substitute dated January 21, 2016, seconded by Mr. Roybal. Upon inquiry, Dan White, City Attorney, advised the proposed substitute clarifies what portion of the PKT Subdivision would be affected by the re-zoning action. Motion to amend carried. Voting “yes” -- all members of the governing body present. Main motion as amended by substitute carried. Voting “yes” -- all members of the governing body present.

ORDINANCE - 2<sup>nd</sup> 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 LI Light Industrial to HI Heavy Industrial for Lot 2, Block 2, Campstool Addition, Third Filing, Cheyenne, Wyoming (located between Trucker Trail and Venture Drive, east of Industry Drive). Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Motion carried. Voting “yes” -- all members of the governing body present.

ORDINANCE - 1<sup>ST</sup> READING - Amending Section 2.40.035(B), Traffic School-Administrative Fee, of Chapter 2.40, Municipal Court, of Title 2, Administration and Personnel, of the Code of the City of Cheyenne, Wyoming -- referred to Finance Committee (sponsor -- Mr. Brown).

RESOLUTION - Amending the Neighborhood Traffic Management Program (NTMP) - 2015 which was adopted by Resolution No. 5657. Dr. Rinne moved to approve on second reading, seconded by Mr. Johnson. Dr. Rinne moved to postpone to February 8, 2016, seconded by Mr. Roybal. It was advised postponement will allow staff time to incorporate changes that were discussed at a recent meeting and submit a proposed revised resolution. Motion to postpone carried. Voting “yes” -- all members of the governing body present.

[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. (#5742)

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for PKT Subdivision, a replat of Tract 318, Sunnyside Addition, 7<sup>th</sup> Filing; and Lot 2, Sunnyside Meadows,

Cheyenne, Wyoming (located at the northwest corner of the intersection of Polk Avenue and Rock Springs Street) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Adopting the Dell Range/Prairie Avenue/Section 20 Corridor Study -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Adopting the Lincolnway Placemaking: Downtown Pedestrian and Urban Design Plan -- referred to Public Services Committee (sponsor -- Dr. Rinne).

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

[CA] RESOLUTION - Authorizing submission of a Mineral Royalty Capital Construction Account Grant (Chapter 3) application to the State Loan and Investment Board for the Lions Park Restroom Remodel Project -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Prioritizing the City of Cheyenne's two 2016 applications for Mineral Royalty Capital Construction Grants -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Supporting the Wyoming Association of Municipalities' Legislative Agenda and the Association's efforts in seeking appropriation of State funding for all 99 Wyoming Cities and Towns during the 2016 Budget Session of the Wyoming Legislature -- referred to Finance Committee (sponsor -- Mr. Brown).

Master Rental Agreement between the City of Cheyenne and Bergkamp Inc., for Flameless Pothole Patcher and Truck (2015 - 2018 1% Sales Tax). Vicki Nemecek, Director of Public Works, advised arrangements had been made for a short video showing use of the equipment involved to provide a better understanding of the automated pothole process, and provided brief information on the proposed rental time frame and cost, and the advantages of renting to evaluate the effectiveness of the new technology, particularly during the City's winter weather conditions, and to assist in providing information on any recognized efficiencies and costs. Following airing of the video, Mr. Brown reported there was no recommendation on the item from Finance Committee. Mr. Brown moved to approve in an amount not to exceed \$107,100.00, seconded by Mr. Luna. Discussion followed and included the following topics: Concern with certain provisions of the rental agreement, particularly those involving City maintenance and repair responsibilities; used demo equipment that is proposed to be rented in "as is" condition; cost of the rental agreement (\$53,550.00 for minimum 6 month rental; \$107,100.00 for 1 year); opportunity to evaluate new technology involving more timely and efficient pothole repairs; staffing level changes that may be affected if the equipment is purchased at a later date; equipment insurance coverage by the City, and operator training requirements. During discussion, Ms. Nemecek responded to inquiries and provided information regarding the equipment utilizing the new type of automated (one operator) patcher process vs. current staffing, equipment and costs incurred to do pothole repairs, and agreement provisions that had been raised as a concern. Also during discussion, Craig LaVoy, Assistant Director of Public Works,

provided additional information on the department's current pothole filling process and time frames involved, and Dan White, City Attorney, verified that many provisions of the rental agreement had been negotiated with Bergkamp. Motion failed. Voting "yes" -- Mr. Cook, Mr. Johnson, Dr. Rinne and Mr. Roybal. Voting "no" -- Mr. Brown, Mr. Luna, Mr. Shanor, Ms. Williams and Mayor Kaysen.

[CA] Purchase and Installation Agreement between the City of Cheyenne and OfficeScapes, for the supply and installation of interior furnishings for the Cheyenne Public Safety Center (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Purchase and Installation Agreement between the City of Cheyenne and Elements, for the supply and installation of interior furnishings for the Cheyenne Public Safety Center (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Construction Manager At Risk Agreement between the City of Cheyenne and FCI Constructors of Wyoming, LLC, for the Additions and Renovations to the Waste Transfer Station Project (Solid Waste Fund) -- referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne and WJE, LLC, to outline responsibilities for the donation of land and for the construction and management of a multi-purpose non-motorized pedestrian and bicycle pathway, park and landscape amenities in a portion of Saddle Ridge, 8<sup>th</sup> Filing (Community Facilities and Fees) -- referred to Finance Committee.

[CA] Second Amendment to City Contract No. 4913, Wind Park Easement Agreement, between the City of Cheyenne and Happy Jack Windpower, LLC, granting the option to extend the term of the easement and increasing fees during the extended term for wind generation facilities at the Happy Jack Landfill property -- referred to Finance Committee.

Announcement was made of a Public Hearing to be held February 8, 2016 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 43,770 square feet of land situated in Lots 1 through 4, and those adjacent portions of 16' alley, Block 1, Braden Homesites, Laramie County, Wyoming (located at the northeast corner of the intersection of Gysel Place and Dell Range Boulevard).

Under other business:

Mr. Dorr clarified his main objective relative to his previous comments on the bicycle licensing ordinance was to voice support for public education on bicycle "rules of the road" and safe operating practices by bicyclists.

Ms. Williams asked that the record (i.e. January 11, 2016 City Council meeting record of proceedings) reflect changing her "yes" vote to a "no" vote on the election of City Council Vice-President. Mayor Kaysen advised unanimous consent from governing body members was required to enable her to change her vote. Upon inquiry to Council members by Mayor Kaysen, Mr. Roybal stated his objection to the request. Upon request by Mayor Kaysen, Dan White, City Attorney, explained the process in which

to change a vote per Ms. Williams' request is pursuant to Robert's Rules of Order, 10<sup>th</sup> Edition, which the governing body has adopted, and stated under Robert's Rules to allow a change of vote requires unanimous consent by members of the governing body and, therefore, Ms. Williams' request could not be granted.

Mr. Johnson commented on concerns from parents he had received regarding distribution of a pamphlet to students in local elementary schools by the school district involving information on the Talk Early and Often Program, noting the matter does not involve the City of Cheyenne.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:07 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

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

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