

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

February 8, 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, Richard Johnson, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor, Annette Williams and Jeff White. Absent: Bryan Cook. 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.) Upon request by Mr. Shanor, and pursuant to support received by Mr. Roybal and Mr. Brown, item #27(d) was removed from the Consent Agenda. Mr. Shanor recused himself from participating on action involving Consent Agenda items due to items pertaining to the State Land and Investment Board, and vacated Council Chambers. Upon request by Dr. Rinne, and pursuant to support received by Mr. Roybal and Mr. Johnson, agenda item #16 was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. White. 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 January 25, 2016. 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. Luna moved to approve payment of vouchers as presented, seconded by Mr. Johnson. 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.

Mayor Kaysen opened a public hearing for the purpose of receiving comments and input 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). Seth Lloyd, Development Department, advised the proposed annexation is pursuant to a petition that had been submitted; noted the property will go through a zone change and possibly a final plat process; briefly reviewed the area to be annexed, and stated that requirements and compliance of annexation conditions contained in state statutes had been met. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

ORDINANCE - 3rd 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 spoke regarding bicycle safety; bicyclists obeying rules of the road and bicycle owner responsibility. He requested the ordinance continue to remain in effect and that each applicant for a license receive a copy of City Code (Chapter 10.80) concerning operating bicycles within the City, and a pamphlet on bicycle safety. During his comments, Mr. Dorr submitted a copy of City Code Chapter 10.80 and a sample of the pamphlet he had received from the Wyoming Department of Transportation (on file with City Clerk's office). Reporting for Finance Committee, Mr. Brown moved to approve on third and final reading, seconded by Mr. Luna. Comment was made concerning bicyclists' responsibility involving safety and compliance with laws, and using licensing fees collected per the current ordinance for bike path costs. Motion carried. Voting "yes" -- all members of the governing body present with the exception of Ms. Williams voting "no". (#4116)

ORDINANCE - 3rd READING - Annexing to the City of Cheyenne, Wyoming, Tract 318, Sunnyside Addition, 7th 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 third and final reading, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body present. (#4117)

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 Unified Development Code, changing the zoning classification from County CB Community Business to MR-2 Medium-Density Residential-Developing for a portion of PKT Subdivision, within Tract 318, Sunnyside Addition, 7th Filing, Cheyenne, Laramie County, Wyoming (located at the northwest corner of the intersection of Polk Avenue and Rock Springs Street). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present. (#4118)

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 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 third and final reading, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body present. (#4119)

ORDINANCE - 2nd 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. Ed Strader spoke in opposition to the fee increase, commenting on municipal court and trainer costs and expressing the proposed fee increase is excessive. Mr. Brown moved to approve on second reading, seconded by Ms. Williams. Mr. White moved to amend by changing the proposed administrative fee from \$25.00 to \$40.00 with the fee not to exceed \$60.00, seconded by Ms. Williams. Discussion followed on the intent of the amendment, and consideration of a friendly amendment was offered to remove the "not to exceed

\$60.00" clause from the amendment. Pursuant to inquiry from Mr. Strader, it was advised that if the fee were to be changed in the future, it would require governing body approval. Mr. White, as maker of the motion, accepted the friendly amendment and indicated his revised motion was to change the current \$25.00 administrative fee to \$40.00, and to eliminate language regarding "not to exceed \$60.00". As second to the motion to amend, Ms. Williams concurred. Discussion included: Procedurally entertaining motions to amend an amendment as has been the practice of the governing body; leaving latitude of determining when to increase the administrative fee to the municipal court judge, and administrative fee only affecting violators who the court believes would benefit from traffic school attendance. The Honorable Mark Moran, Municipal Court Judge, described components and benefits of the traffic school program and advised that the program is labor intensive to administer so that is the reason for requesting an increase in the administrative fee. He noted it had been 11 years since the fee has been reviewed and the intent of requesting an amount not to exceed \$60.00 was to gradually increase the fee over time, beginning with an increase to \$40.00. Judge Moran explained program costs to participants and that it is a voluntary option for eligible individuals, and reviewed options to violators regarding payment of fines, appearing in court or attending the program. Motion to amend failed. Voting "no" -- all members of the governing body present. Mr. Shanor moved to amend by changing the administrative fee to be in an amount not to exceed \$50.00 instead of \$60.00, seconded by Mr. Brown. Discussion included program fees; ticket costs, and the program providing an incentive for people to attend by having a ticket dismissed upon successful completion of the program. Motion to amend carried. Voting "yes" -- Mr. Brown, Mr. Johnson, Mr. Luna, Mr. Shanor and Mayor Kaysen. Voting "no" -- Dr. Rinne, Mr. Roybal, Mr. White and Ms. Williams. Main motion as amended carried. Voting "yes" -- Mr. Brown, Mr. Johnson, Mr. Luna, Mr. Shanor and Mayor Kaysen. Voting "no" -- Dr. Rinne, Mr. Roybal, Mr. White and Ms. Williams voting "no".

ORDINANCE - 1ST READING - Amending Section 10.32.030, Decreasing State Speed Limits in Certain Zones, of Chapter 10.32, Speed Limits, of Title 10, Vehicle and Traffic, of the Code of the City of Cheyenne, Wyoming -- referred to Public Services Committee (sponsors -- Mr. Brown, Dr. Rinne and Mr. Shanor).

RESOLUTION - Amending the Neighborhood Traffic Management Program (NTMP) - 2015 which was adopted by Resolution No. 5657. Dr. Rinne moved to adopt, seconded by Mr. Roybal. Dr. Rinne moved to amend by substitute, seconded by Mr. Roybal. Pursuant to inquiry regarding the substitute, Carol Intlekofer, City Clerk, clarified the resolution itself is not being amended and that the substitute pertains to a proposed revision of the NTMP document affiliated with the resolution. Upon inquiry, Tom Mason, Director, Metropolitan Planning Organization, summarized the proposed changes contained in the substitute NTMP document as a result of a meeting between administrative staff and certain Council members. He explained most of the changes were simple edits and reviewed the main highlights that were included in the substitute. 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. (#5743) Under other business, Jeff Dierksen, spoke in reference to the NTMP changes, noting he thought some of the changes were an improvement but others were not. He commented in opposition to the speed watch portion of the program and expressed concern that certain data collecting methods may be misleading and suggested the governing body review this section further.

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for PKT Subdivision, a replat of Tract 318, Sunnyside Addition, 7th Filing; and Lot 2, Sunnyside Meadows, Cheyenne, Wyoming (located at the northwest corner of the intersection of Polk Avenue and Rock Springs Street). Motion (per Consent Agenda) carried. (#5744)

RESOLUTION - Adopting the Dell Range/Prairie Avenue/Section 20 Corridor Study. Dr. Rinne moved to adopt, seconded by Mr. Roybal. Inquiry followed regarding the rationale of narrowing lanes from four to two lanes on Prairie Avenue, and installing a roundabout at Prairie and Frontier Mall Drive instead of utilizing traffic signals and the cost difference. Darci Hendon, Ayres Associates, explained that Prairie Avenue projected future traffic volumes doesn't justify a four lane street and that even with future projected growth, only one lane in each direction is necessary. She noted that roundabouts keep traffic moving, not stopping at signals. John Hall, City Engineer, advised the estimated cost of traffic signals would be approximately \$250,000 - \$300,000 dollars where as the roundabout would cost approximately \$2 million. He noted a roundabout may qualify for federal funding through the Metropolitan Planning Organization process to help with the cost, and stated a roundabout is a better long term solution. Comment was made that Melton Street should "go all the way through". Motion carried. Voting "yes" -- all members of the governing body present with the exception of Dr. Rinne voting "no". (#5745)

[CA] RESOLUTION - Adopting the Lincolnway Placemaking: Downtown Pedestrian and Urban Design Plan. Motion (per Consent Agenda) carried. (#5746)

[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. Motion (per Consent Agenda) carried. (#5747)

[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. Motion (per Consent Agenda) carried. (#5748)

[CA] RESOLUTION - Prioritizing the City of Cheyenne's two 2016 applications for Mineral Royalty Capital Construction Grants. Motion (per Consent Agenda) carried. (#5749)

[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. Motion (per Consent Agenda) carried. (#5750)

[CA] RESOLUTION - Certifying that the Governing Body of the City of Cheyenne concurs with the application of the Board of County Commissioners of Laramie County, Wyoming, for an award of Fiscal Year 2013-2014 Countywide Consensus Block Grant Funding in the amount of \$2,201.37 for the Stone Trash Receptacles Project for the Town of Pine Bluffs -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Certifying that the Governing Body of the City of Cheyenne concurs with the application of the Board of County Commissioners of Laramie County, Wyoming, for an award of Fiscal Year 2015-2016 Countywide Consensus Block Grant Funding in the amount of \$107,618

for a replacement loader for the Town of Pine Bluffs -- 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 - Authorizing the Mayor and the City Clerk to sign a County Final Plat for Kemp Subdivision, a replat of Tracts 14-16, Foster Tracts, Laramie County, Wyoming (located between Pershing Boulevard and Archies Road east of Foster Drive) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] County Preliminary Plat for Woods Landing Estates, all of the SE¼ of Section 14, T.14N., R.66W., 6th P.M., Laramie County, Wyoming (located west of and adjacent to Whitney Road, north of Beckle Road) -- referred to Public Services Committee.

[CA] Preliminary Plat for Holmes Corner, a replat of Lot 2, Block 2, Atkins Addition; and all the remaining portions of Block 1, Holmes Addition, First Filing, Cheyenne, Wyoming (located at the southeast corner of the intersection of E. Pershing Blvd. and Ridge Road) -- referred to Public Services Committee.

[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). Motion (per Consent Agenda) carried (amount not to exceed \$47,858.87). (#6455)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$362,965.60). (#6456)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$888,131.00). (#6457)

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, 8th Filing (Community Facilities and Fees). Mr. Brown moved to approve, seconded by Mr. Luna. Upon inquiry regarding using MOU's as a standard operating procedure where developers are swapping land in lieu of park fees, Rick Parish, Director of Parks and Recreation, explained that the developer will pay the fees and reimbursement would be made when certain provisions are met as outlined in the MOU. He noted the MOU was in conjunction with the Final Plat and a condition of approval of the plat required the MOU to come before the governing body. Discussion followed on amenities and improvements to be provided by the developer. Upon inquiry, Dan White, City Attorney, explained the reason for deeding the land is to change ownership to the City, but under MOU provisions the developer is to make certain improvements to qualify for fee reimbursement. He advised some of the improvements will be on privately owned land; provided information

specific to certain sections of the MOU, and stated that any future modification to the MOU, if needed, would come before the governing body. Further discussion followed on the determination of the valuation of the land vs. park fees, and City and developer responsibilities. During discussion, Mr. Parish provided information regarding determination of land value and components involved, and MOU areas that had been negotiated between City staff and the developer. Motion to approve carried. Voting “yes” -- all members of the governing body present. (#6458)

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. Mayor Kaysen advised that the parties involved have mutually requested the item be withdrawn from the agenda. Upon query to City Council members, and there being no objection voiced, Mayor Kaysen announced the item was being withdrawn from the agenda.

[CA] Consideration of Bid #E-20-16 for furnishing six (6) new 2015 - 2016 Ford Utility Police Interceptors, and four (4) new 2015 - 2016 four door Ford Sedan Police Interceptors for the City of Cheyenne, Police Department (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

Announcement was made of a Public Hearing to be held Monday, February 22, 2016 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, for renewal applications for existing City liquor licenses (retail, restaurant, limited retail, resort, bar and grill licenses, and microbrewery permits) filed with the City Clerk’s Office.

Announcement was made that due to the Presidents’ Day Holiday on Monday, February 15, 2016, regularly scheduled City Council Committee meetings will instead be held in the Municipal Building, 2101 O’Neil Avenue, Room 122, Cheyenne, Wyoming, as follows: Finance Committee will meet Tuesday, February 16, 2016 at 11:00 a.m. and Public Services Committee will meet Wednesday, February 17, 2016 at Noon.

Announcement was made of the Appointments of Will Harden and Gabriel J. Pina to the Cheyenne Downtown Development Authority, to be confirmed February 22, 2016.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:28 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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