

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

March 14, 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, Annette Williams and 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. Cook moved to approve Consent Agenda items, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on February 22, 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. Cook. 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 to receive comments and input for a bar & grill liquor license application filed with the City Clerk's Office for S & S Wyoming, LLC d/b/a The Suite Bistro, 1901 Central Avenue, Cheyenne, Wyoming. Upon inquiry, Carol Intlekofer, City Clerk, reviewed the differences between a Bar & Grill Liquor License and Resort Liquor License, noting with approval of this application there would be one bar & grill liquor license available for issuance by the City based upon the statutory population formula. There being no further comments and purpose of the public hearing having been met, Mayor Kaysen closed the hearing and referred the application to Finance Committee.

Mayor Kaysen opened a public hearing to receive comments and input for a resort liquor license application filed with the City Clerk's Office for Astride A Starship, LLC d/b/a The Plains Hotel, 1600 Central Avenue, Cheyenne, Wyoming (License currently held by The Plains Hotel Company, LLC d/b/a The Plains Hotel, 1600 Central Avenue, Cheyenne, Wyoming). Astrid, introduced herself as the applicant and new owner of The Plains Hotel and expressed appreciation for consideration of the application. Comments were made welcoming Astrid to the business community. There being no further comments and purpose of the public hearing having been met, Mayor Kaysen closed the hearing and referred the application to Finance Committee.

Mayor Kaysen opened a public hearing to receive comments and input for a resort liquor license application filed with the City Clerk's Office for JPK TR Cheyenne, LLC d/b/a Cheyenne Staybridge Suites Hotel, 5109 Frontier Mall Drive, Cheyenne, Wyoming. There being no comments and purpose of the public hearing having been met, Mayor Kaysen closed the hearing and referred the application to Finance Committee.

Mayor Kaysen opened a public hearing to receive comments and input for a restaurant liquor license application filed with the City Clerk's Office for Vreeland\Mazza, LLC d/b/a Godfather's Pizza, 5719 Yellowstone Road, Cheyenne, Wyoming. There being no comments and purpose of the public hearing having been met, Mayor Kaysen closed the hearing and referred the application to Finance Committee.

ORDINANCE - 3<sup>rd</sup> 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. Reporting for Public Services Committee, Mr. Shanor moved to approve on third and final reading, seconded by Mr. Roybal. Upon inquiry, John Hall, City Engineer, advised to the best of his knowledge no traffic study has been conducted as part of the PlanCheyenne document, and no traffic study, as required by State Statute, was conducted relative to a past ordinance change. Upon further query, he explained the difference between a traffic count (which is counting the number of vehicles that pass through on a street or an intersection on a particular day) and a traffic study (which measures and studies vehicle speeds). Motion carried. Voting "yes" -- all members of the governing body with the exception of Ms. Williams voting "no". (#4121)

ORDINANCE - 1<sup>ST</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 MUB Mixed-Use Business Emphasis to CB Community Business for all of Lot 1, Block 3, Plaza Dell Range, Cheyenne, Wyoming (located between Dell Range Boulevard and Sheridan Street, west of Ridge Road) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

ORDINANCE - 1<sup>ST</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 MUB Mixed-Use Business Emphasis for all of Block 349, Original City, except the north 1/2 of Lot 1, Block 349, Original City, Cheyenne, Wyoming (located at the northwest corner of the intersection of West 17th Street and Reed Avenue) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

ORDINANCE - 1<sup>ST</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 CB Community Business to MUB Mixed-Use Business Emphasis for Lots 7 and 8, Block 396, Original City, Cheyenne, Wyoming (located west of and adjacent to Reed Avenue, between West Lincolnway and West 17th Street)) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Authorizing the City of Cheyenne to approve and file the Wyoming Division of Victim Services Funding Application State Fiscal Year 2017 and 2018, July 1, 2016 to June 30, 2018. Motion (per Consent Agenda) carried. (#5755)

[CA] RESOLUTION - Authorizing the Mayor and City Clerk to execute a State Historic Preservation Office Certified Local Government (CLG) grant agreement for the 2016 Historic Cheyenne Facade Improvement Program. Motion (per Consent Agenda) carried. (#5756)

[CA] RESOLUTION - Authorizing the Mayor and City Clerk to execute a State Historic Preservation Office Certified Local Government (CLG) grant agreement for a survey of the Downtown Historic District. Motion (per Consent Agenda) carried. (#5757)

[CA] RESOLUTION - Acknowledging receipt of the "2016 Downtown Cheyenne Core Plan" presented by the Downtown Development Authority of the City of Cheyenne and referring said plan to the City of Cheyenne Planning Commission. Motion (per Consent Agenda) carried. (#5758)

[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 Country Homes Subdivision 4<sup>th</sup> Filing, a replat of Lot 3, Block 1, Country Homes Subdivision 3<sup>rd</sup> Filing, Laramie County, Wyoming (located between Cedar Avenue and Peach Street, south of Grape Street) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] Professional Services Agreement between the City of Cheyenne, City of Cheyenne Board of Public Utilities and McGee, Hearne and Paiz, LLC, to audit the annual financial statements of the City of Cheyenne, Wyoming. Motion (per Consent Agenda) carried. (#6473)

[CA] Agreement between the City of Cheyenne and Cheyenne Umpires Association to provide umpire services for the 2016, 2017 and 2018 City league softball seasons. Motion (per Consent Agenda) carried. (#6474)

[CA] Surface Transportation Urban Program Subrecipient Agreement between the City of Cheyenne, Wyoming, and Wyoming Department of Transportation for the Prairie Avenue/Frontier Mall Drive Project (Federal Funds, 2015 - 2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Contract between the City of Cheyenne, Sanitation Division, and Clean Harbors Environmental Services, Inc. for hazardous waste disposal services at the Cheyenne Household Hazardous Waste Facility (Solid Waste Fund) -- referred to Finance Committee.

[CA] Professional Services Agreement between the Cheyenne Metropolitan Planning Organization and Traffic Research and Analysis, Inc. for Traffic Signal Turning Movement Counts (Metropolitan Planning Organization Funds) -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Police Department, Laramie County, Wyoming and Laramie County Sheriff's Department for housing City prisoners at the Laramie County Detention Center -- referred to Finance Committee.

[CA] Juvenile Housing Agreement between the City of Cheyenne, Wyoming, and Laramie County, Wyoming -- referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne, Parks and Recreation Department, and Laramie County School District No. 1 to provide transportation services for the City's Summer Recreation Camp Program -- referred to Finance Committee.

[CA] Addendum No. 3 to City Contract No. 2985 to allow the City of Cheyenne, Wyoming - Laramie County, State of Wyoming Joint Powers Board to sublease with AT&T for the installation of a telecommunications facility (cellular tower), and to sublease with Verizon Wireless for the installation of two cellular antennas within the Exhibition Hall, all to be located on the leased premises known as Frontier Park. Motion (per Consent Agenda) carried. (#2985)

[CA] Amendment No. 1 to City Contract No. 5696 to extend the contract term for an additional five year period to allow the Laramie County School District No. 1 to continue the lease of a parcel of real property located at Cosgriff Court, Talbot Court and I-25 in Pioneer Park, City of Cheyenne, Wyoming. Motion (per Consent Agenda) carried. (#5696)

[CA] Amendment No. 1 to City Contract No. 6454 between the City of Cheyenne, Forestry Division, and Green Lawn and Tree Care, Inc., Cheyenne, Wyoming for an additional ten (10) trees to be removed for the cemetery tree removal project to be completed by April 15, 2016 (Cemetery Tree Removal Project) -- referred to Finance Committee.

[CA] Consideration of Bid #S-12-16 for a contract between the City of Cheyenne, Engineering Department, and JTL Group, Inc, d/b/a Knife River, Cheyenne, Wyoming, for the Fiscal Year 2016 City Overlay Part 1 Project (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (amount not to exceed \$1,015,265.00). (#6475)

[CA] Consideration of Bid #S-13-16 for a contract between the City of Cheyenne, Engineering Department, and Simon Contractors, Cheyenne, Wyoming, for the Fiscal Year 2016 City Overlay Part 2 Project (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (amount not to exceed \$1,868,160.80). (#6476)

[CA] Consideration of Bid #E-21-16 for furnishing one new 2015 - 2016 cab and chassis, 4x4 truck for the Cheyenne Fire and Rescue Department (Homeland Security Grant) -- referred to Finance Committee.

Renewal applications for existing City liquor licenses (retail, restaurant, limited retail, resort, bar and grill liquor licenses and microbrewery permits) filed with the City Clerk's Office. The name of said applicant, type of license and description of premises which applicant desires to use as the place of sale are set forth as follows: High Plains Entertainment, Inc. d/b/a Redwood Lounge and Package Liquor, retail, 2105 E. Lincolnway; Cheyenne Vail Investments, Inc. d/b/a Gus & Jon's Crown Bar, retail, 222 West Lincolnway; Poor Richard's d/b/a Poor Richard's, retail, 2233 E. Lincolnway; W.W. Enterprises, Inc. d/b/a Les' Lamp Lounge and Drive-In Liquor, retail, 101 W.

6th St.; The Blue Bird, Inc. d/b/a Uncle Charlie's, retail, 6001 Yellowstone Road; Langhoff Enterprises d/b/a Two Bar Bowl, retail, 700 E. Carlson; Cadillac Ranch Bar, Inc. d/b/a Cadillac Ranch Bar, retail, 3307 Nationway; Fraternal Order of Eagles Aerie #128, ltd. retail, 1600 Thomes Ave.; B.P.O. Elks #660, ltd. retail, 100 E. 17th St.; Robert Moberly d/b/a TBD, retail, 1600 E. Pershing Blvd.; KEG, Inc. d/b/a D.T.'s Liquor Mart & Tusker Bar, retail, 3310 Ridge Road; Cheyenne Club, Inc. d/b/a Cheyenne Club, retail, 1617 Capitol Ave.; Twin Dragon Chinese Rest., Inc. d/b/a Twin Dragon, rest., 1809 Carey Avenue; South Side Bar, Inc. d/b/a Keg 'n Kork Liquors, retail, 822 Central Ave.; Rande's Ritz, LLC d/b/a Midtown Tavern, retail, 1303 E. Pershing Blvd.; Cheyenne Country Club, ltd. retail, 800 Stinner Road; F & G Corp. d/b/a The Green Door, retail, 301 E. Lincolnway; ENI, Inc. d/b/a Eagle's Nest, retail, 1101 W. Lincolnway; Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse, retail, 1626 Fleischli Parkway; Lambousis Revocable Trust, retail, 112 W. 17th St.; Four Winds, Inc. d/b/a Four Winds, retail, 1103 E. Pershing; EKG, Inc. d/b/a D.T.'s Package Liquor and Lounge, retail, 2121 E. Lincolnway; Alf in Wyoming Enterprise, LLC d/b/a Alf's Pub and Package Liquor, retail, 1622 E. 19th St.; Francis E. Self Post #6 d/b/a The American Legion Post #6, ltd. retail, 2001 E. Lincolnway; The Peaks Cafe II, LLC d/b/a The Peaks Cafe II at the Airport, rest., 300 E. 8th Ave.; F.E. Warren Post #1881 d/b/a V.F.W. Post #1881, ltd. retail, 2816 E. 7th St.; Knights of Columbus Council #801 d/b/a Casey's Club, ltd. retail, 507 W. 28th St.; Blanne Enterprises, Inc. d/b/a Cool River Wine & Spirits, retail, 5225 Yellowstone Rd.; Re-o-na Sushi and Thai d/b/a Re-o-na Sushi Bar and Thai Cuisine, rest., 112 W. 17th St.; Los Abuelos Mexican Restaurant, LLC d/b/a Los Abuelos Mexican Restaurant, retail, 1601 Central Ave.; Airport Golf Club, Inc., ltd. retail, 4801 Central; Central Enterprises, Inc., retail, 1701 Carey Ave.; Scooters Scoreboard, Inc. d/b/a Scooter's Scoreboard Bar, retail, 507 E. Lincolnway; Cloud 9, Inc. d/b/a Cloud 9 Liquorland, retail, 1958 Dell Range Blvd. #C; Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, retail, 1931 Bluegrass Circle; HEJE, Inc. d/b/a Outlaw Liquors, retail, 4503 Western Way; Mason Properties, LLC, retail, 2801 E. Lincolnway; Minglemill Inc. d/b/a Peppermill, retail, 1618 Stillwater Ave.; Prairie View Golf Club, ltd. retail, 3600 Windmill Road; Albany, Inc. d/b/a Albany Rest., Bar and Liquormart, retail, 1506 Capitol Ave.; Mehn, Inc. d/b/a Casa De Garcia, rest., 122 W. 6th St.; S&W Properties, LLC d/b/a Vinos Wine and Spirits, retail, 453 Vandehei Ave., #190; The Plains Hotel Co., LLC d/b/a The Plains Hotel, resort, 1600 Central Ave.; Anong's Thai Cuisine, LLC d/b/a Anong's Thai Cuisine, rest., 620 Central Ave.; Avanti, Inc. d/b/a Dell Range Liquor, retail, 3806 Dell Range Blvd., Suite 4; Pizza Hut on Yellowstone, Inc, rest., 5320 Yellowstone Rd.; 204 Fox Holdings, LLC d/b/a Radisson Hotel Cheyenne, resort, 204 W. Fox Farm Rd.; AMVETS Post #10, ltd. retail, 3839 E. Lincolnway; Moreno & Reyes, LLC d/b/a Guadalajara Family Mexican Rest., rest., 1745 Dell Range Blvd.; Pizza Hut of Cheyenne, Inc. d/b/a Pizza Hut/Wing Street, rest., 4503 Western Way; Morris House Enterprises, Inc. d/b/a Morris House Bistro, rest., 2114 Warren Ave.; Bighorn Associates, LC d/b/a Chili's Southwest Grill and Bar, retail, 1320 Dell Range Blvd.; Cheyenne Little Theatre Players, 211 W. Lincolnway, ltd. retail; Appaloosa Enterprises, LLC d/b/a Sanford's Grub & Pub, retail, 115 E. 17th St.; Maria Ramos d/b/a El Charrito Mexican Restaurant, rest., 216 E. 17th St.; RMH Franchise Corporation d/b/a Applebee's Neighborhood Grill and Bar, retail, 1401 Dell Range Blvd.; Delilah R. Pineda d/b/a Estevan's Cafe, rest., 1820 Ridge Road; Hospitality LLC d/b/a Red Lobster #639, retail, 1923 Dell Range Blvd.; Dynasty Café, Inc. d/b/a Dynasty Cafe, rest., 600 W. 19th St.; Mondello Corporation d/b/a L'Osteria Mondello, rest., 1507 Stillwater; China Buffet, Inc. d/b/a China Buffet, rest., 1958 Dell Range Blvd.; East Coast Pizza - Frontier, LLC d/b/a East Coast Pizza, rest., 1400 Dell Range Blvd. #80; Steamboat's, LLC d/b/a Steamboat's Wyoming Steak and Smoke House, retail, 1947 Dell Range Blvd.; Nagle-Warren Mansion, LLC d/b/a Nagle-Warren Mansion LLC, rest., 222 East 17th St.; Wadsworth Old Chicago, Inc. d/b/a Old Chicago Rest., retail, 1734 Meadowland Dr.; Sandra J. Innis d/b/a 2 Doors Down, rest., 118 E. 17th St.; Freedoms Edge Brewing Co., LLC, microbrewery, 1509 Pioneer; Danielmark's Brewing Co., Inc., 209 E. 18th St., microbrewery; OG

of Cheyenne, Inc. d/b/a The Olive Garden Italian Rest., bar & grill, 1536 Dell Range Blvd.; Moreno and Aguilar, LLC d/b/a Hacienda Guadalajara, bar & grill, 317 E. Lincolnway; O'Jackson's, Inc. d/b/a Jackson's All American Sports Bar & Grill, bar & grill, 1121 Old Town Lane; Blazin Wings, Inc. d/b/a Buffalo Wild Wings #403, bar & grill, 1740 Prairie Ave.; WRCH-Cheyenne, Inc. d/b/a Wyoming's Rib and Chop House, bar & grill, 400 W. Lincolnway; Wasabi Japanese Steakhouse, Inc. d/b/a Wasabi Japanese Grill & Bar, bar & grill, 4620 Grandview Ave., #205. Carol Intlekofer, City Clerk, offered a suggestion that in lieu of reading the list of renewal applicants for the 2016-2017 term, as shown on the meeting agenda, the listing itself be recorded in its entirety in the official minutes of the meeting together with any motions and votes. She noted, pursuant to state statute requirements, publication of the notice of renewal applications and posting of notices on respective licensee premises have been achieved, and the holding of a public hearing before the governing body has been conducted. She further stated that the City Attorney has advised that this statement on the record provides sufficient documentation to identify those individual renewal applications that may be acted upon at the current meeting. Upon query by Mayor Kaysen to City Council members, there was no objection voiced to recognize the renewal applicants as listed on the agenda in lieu of the Clerk reading the individual applicants, and Mayor Kaysen announced the reading of renewal applicants' information would be waived. Reporting for Finance Committee, Mr. Luna moved to approve the renewal applications "en masse", seconded by Ms. Williams. Mr. Luna stated that at the Finance Committee meeting staff advised there was one applicant, Nagle-Warren Mansion, LLC, a restaurant liquor licensee, who has not met renewal compliance as they have not yet submitted proof of purchase of at least \$500.00 of alcoholic or malt beverages during the current licensing term, which is a state statute requirement. He reported due to lack of compliance, a motion to divide the question to allow for a separate vote on this application was made and approved at the Finance Committee meeting. Committee members unanimously voted "no" on the motion to approve this application. He further reported that following the Finance Committee meeting, and pursuant to compliance information provided by City Clerk staff at the Committee meeting, a suggestion has been made that, following a motion to divide the question at the current meeting, a motion be made to approve the renewal application with conditional wording. Mr. Luna moved to divide the question to allow for a separate vote on the renewal application filed by Nagle-Warren Mansion, LLC, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body. Mr. Luna moved to approve the renewal liquor license application submitted by Nagle-Warren Mansion, LLC on the condition the applicant submits proof of the statutory minimum \$500.00 purchase requirement to the City Clerk's office no later than 5:00 pm on March 31, 2016, seconded by Mr. Shanor. Upon inquiry, Carol Intlekofer, City Clerk, explained that the applicant was in disagreement with the State Department of Revenue and Taxation regarding payment of a past sales tax delinquency and as a result purchase of alcohol from the Wyoming Liquor Division had been denied by the Division, which affected statutory compliance with the minimum \$500.00 purchase requirement. She noted communication efforts with the applicant by City Clerk staff during the licensing renewal process to remedy the lack of compliance. Motion carried. Voting "yes" -- all members of the governing body. Main motion to approve remaining renewal applications "en masse" carried. Voting "yes" -- all members of the governing body.

Re-Appointment of William C. Beaman to the City of Cheyenne, Wyoming - Laramie County, State of Wyoming Joint Powers Board for Frontier Park Improvements. Mr. Brown moved to approve, seconded by Mr. Cook. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mayor Kaysen who did not vote (Mayoral appointee).

[CA] Consideration of single source purchase from Wireless Advanced Communications, Evans, Colorado, for Consolettes and MCD5000's Motorola Radios for the Cheyenne Fire and Rescue

Department (2011-2014 1% Sales Tax) -- referred to Finance Committee.

There being no other business raised by the public and City Council members, Dan White, City Attorney, requested the governing body meet in executive session, pursuant to provisions of Wyo. Stat. §16-4-405 (a) (iii) and (ix), for the purpose of providing a legal briefing pertaining to research he had been requested to conduct by a Council member, and for the purpose of discussing potential litigation. Mr. Cook moved to meet in executive session, seconded by Ms. Williams. Motion failed (due to a tie vote). Voting “yes” -- Mr. Cook, Dr. Rinne, Mr. Shanor, Ms. Williams and Mayor Kaysen. Voting “no” -- Mr. Brown, Mr. Johnson, Mr. Luna, Mr. Roybal, and Mr. White voting “no”.

The meeting was officially adjourned at 6:24 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

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

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