

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

April 11, 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. 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 March 28, 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. Shanor 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 returned to Council Chambers.

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 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). 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. (#4122)

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 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). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Brown. Motion carried. Voting "yes" -- all members of the governing body. (#4123)

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 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)). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body. (#4124)

ORDINANCE - 2ND READING - Pursuant to Sections 1.1.6 and 2.4.1(b), of the Cheyenne Unified Development Code (UDC), amending Article 6, Section 6.6.3(b)3, for the purpose of providing alternate compliance for design features of multi-dwelling buildings. Jean Vetter, High Plains Design, expressed support for the originally proposed amendment to the UDC on the topic of alternate compliance involving primary materials and landscaping and not the ordinance version as placed on the agenda, and discussed positive amenities involving landscaping options. She referenced a letter she had previously submitted to the governing body and noted the proposed change would affect residential multi-family housing and not commercial buildings. Commenting in opposition to the proposed ordinance and in favor of retaining the current UDC provisions were Don Jones with Harold F. Johnson Masonry, and Carl Schadel, General Shale Brick. Topics discussed included the benefits of brick/masonry and quality design. Jim Woods, Heartland Homebuilders, and Tom Jacobson, local real estate agent, spoke in favor of the proposed ordinance, commenting on affordable housing and offering builders a choice. Boyd Wiggam, Wyoming Liberty Group, stated his belief that the proposed ordinance provides the governing body with an opportunity to fix a current problem with the UDC and will help contain builder costs. Dr. Rinne reported there was no recommendation on the item from Public Services Committee. Dr. Rinne moved to approve on second reading, seconded by Mr. Shanor. Discussion followed on builder costs vs. profit and costs passed on to renters or buyers; purpose of the amendment being proposed at this time; lack of affordable housing in the community; economic growth; private property rights; upcoming multi-dwelling construction projects, and estimated number of projects (i.e. building permits) that may be affected by the proposed ordinance. During discussion and upon inquiry, Ms. Vetter, Mr. Woods, Mr. Jacobson and Brandon Cammarata, Development Director, provided information in response to the inquiries. Motion failed (due to a tie vote). Voting “yes” -- Mr. Brown, Mr. Cook, Mr. Luna, Dr. Rinne and Mr. Shanor. Voting “no” -- Mr. Johnson, Mr. Roybal, Mr. White, Ms. Williams and Mayor Kaysen.

ORDINANCE - 2ND READING - Repealing Section 9.16.030, Minors on Premises of Billiard or Pool Hall, of Chapter 9.16, Offenses by or Against Minors, of Title 9, Public Peace and Welfare, of the Code of the City of Cheyenne, Wyoming. Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Mr. Johnson advised, upon inquiry, that the stipulation (i.e. minors prohibited in pool halls) has been removed from state statute and the ordinance will remove the requirement from City Code. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 2ND READING - Amending Section 6.08.020, Keeping or Slaughtering of Certain Animals - Restrictions Within the City, of Chapter 6.08, Animal Care and Control Regulations Generally, of Title 6, Animals, of the Code of the City of Cheyenne, Wyoming. Expressing opposition to the ordinance were: Kurt Buchhammer and Dave Reed. Comments included the following topics: Chickens constituting a nuisance; property rights; health risks and

concerns; allergy to feathers by some individuals; predatory animals attracted to chickens; concern with effect on neighboring property values; banning of backyard chickens in other U.S. cities, and costs to capture or control abandoned chickens. Major Dorr questioned whether a permit would be required and how complaints would be addressed. Speaking in favor of the ordinance were: Wesley Frain, Luke Salsgiver, Amy Spieker, Devin Henry, Carol Stearns, Katie Bryan, Gabriel Pina, Callie Hurst, Tiffany Healey, Elizabeth Marshall, Christine Johnson, George Moser and Callie Shelton. Topics discussed included: Eggs as a fresh and healthy food source; responsibility of chicken owners; permission by neighbor(s) requirement; individual and property rights; other scenarios (ex: dogs, rabbits) that could be considered a nuisance; educating and communicating with the community on benefits of backyard chickens; ability to revisit the ordinance at a later date if needed; benefits of chickens in general; current ordinance restriction on slaughtering or butchering of chickens within the City, and financial investment, relative to owner responsibility, by those interested in implementing a backyard chicken environment. Boyd Wiggam, Wyoming Liberty Group, referenced an email he had sent to governing body members and expressed his concerns with the way the ordinance is written, including textual issues; allowable zones, and predator control measures and neighbor recourse. Catherine Wissner, Laramie County Extension Office, offered to provide training through Extension Office services on how to raise and keep chickens and being a good neighbor, and to help mitigate problems or concerns. Reporting for Committee of the Whole, Mr. Cook moved to approve on second reading, seconded by Mr. Roybal. Upon inquiry, Chief Brian Kozak, Police Department, provided information on services that would be provided by the Nuisance Code Enforcement Officer relative to complaints that may be received. Discussion followed and included the following topics: Limitation of 5 chickens per property; other portions of City Code restricting the sale of chickens under a certain age and the quantity that can be sold; responsible party(s); permit vs. an honor system; chicken coop size; requirement for annual permission from adjacent property owners, including any adult residents residing in accessory buildings upon the property proposed for backyard chickens; scenario of receiving permission from an adjacent property owner(s) and, at a later date, a new adjacent property owner perhaps not providing continuing permission; provision that chickens can not be killed at the direction of the owner or keeper except pursuant to lawful order of state or county health officials, or as determined by a veterinarian, and differences in lot sizes per zoning and neighborhoods. Mr. Shanor moved to amend the ordinance as follows, seconded by Mr. Brown: Add the following sentence at the end of Section 6.08.020 (D) (3) “ ... No coop shall have an enclosed floor space exceeding sixty (60) square feet, and no portion of any coop or pen shall exceed a height of seven feet from the ground surface at any point.”; add the following sentence at the end of the first paragraph under Section 6.08.020 (D)(10) “ ... All lot owners and adult residents’ consent shall be effective and subject to revocation in the same manner as described in Sub-section 10.a.; and strike the current wording in Section 6.08.020 (D) (10) (a) and insert the following new language “ ... No chickens may be kept on an eligible lot unless the owners and all adult residents of adjacent lots consent in writing. The consent of an adjacent owner or an adult resident shall be irrevocable for a period of one year from the date consent is given in writing. After the expiration of one year, an adjacent owner or adult resident may revoke consent by providing a written notice of revocation to the record owner of the eligible lot and to any person keeping chickens on the eligible lot that was the subject of the original consent. Upon receiving written notice of the revocation of consent from any adjacent owner or adult resident, the owners and occupants of the eligible lot shall have sixty (60) days to remove all chickens.” Discussion followed regarding communication with neighbors and fairness issues relative to zoning and a 60 day grace

period in which to remove chickens, if necessary. Pursuant to inquiries from Amy Fagan and Ms. Shelton, information was provided regarding consent requirements by adjacent neighbors, and clarification was made that alleys will not be considered to be adjacent properties for the purposes of the required consent.

Following a 15 minute recess, Mayor Kaysen reconvened the meeting at 8:20 p.m. Discussion continued on the proposed amendment and included adjacent property owner permission and chicken owner responsibility to maintain permission records, and the penalty provision for violations. Motion to amend carried. Voting “yes” -- all members of the governing body. Discussion on the main motion as amended followed. Topics included: Enforcement procedures; adjacent neighbor permissions; potential costs involved for response, enforcement and sheltering of abandoned or unconfined chickens; possible further amendments on third reading of the ordinance; property values; property covenants, and whether a permit should be required. During discussion Chief Kozak advised that, based on information he had received, the Animal Shelter was not overly concerned with housing and affiliated costs of abandoned or unconfined chickens that are captured. Main motion as amended carried. Voting “yes” -- Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor, Ms. Williams and Mr. White. Voting “no” -- Mr. Brown, Mr. Cook and Mayor Kaysen.

ORDINANCE - 1ST READING - Annexing to the City of Cheyenne, Wyoming, Lots 1-4, Block 1, Braden Homesites, and the adjacent 16’ alley, and the adjacent portion of Gysel Place right of way, Cheyenne, Wyoming (located at the northeast corner of the intersection of Dell Range Boulevard and Gysel Place) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

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 County AR Agricultural Residential to MUB Mixed-Use Business Emphasis for Lots 1-4, Block 1, Braden Homesites, and the adjacent 16’ alley, Cheyenne, Wyoming (located at the northeast corner of the intersection of Dell Range Boulevard and Gysel Place) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Authorizing the Cheyenne Police Department to apply for Wyoming Department of Transportation, Highway Safety Program, grant funding for the City’s Mobile D.U.I. Command Post. Motion (per Consent Agenda) carried. (#5761)

[CA] RESOLUTION - Acknowledging receipt of the City of Cheyenne Capital Improvement Plan dated April 1, 2016 and directing the Mayor and City staff to provide the Governing Body with annual updates of the Capital Improvement Plan -- referred to Finance Committee (sponsors -- Mr. Brown and Mr. Shanor).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Saddle Ridge, 9th Filing, a replat of Lots 8-41, Block 2, Saddle Ridge, 7th Filing, Cheyenne, Wyoming (located at the southeast corner of the intersection of Whitney Road and US Highway 30) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for Long View Subdivision, a replat of a portion of Tract 6, Mesa Tracts, Laramie County, Wyoming (located south of and adjacent to US Highway 30, east of Christensen Road) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] Professional Services Agreement between the Cheyenne Metropolitan Planning Organization and Kimley-Horn and Associates for the Cheyenne Downtown Strategic Parking Plan (MPO Planning Funds) -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6301 between the City of Cheyenne, Engineering Department, and Reiman Corporation for the 19th Street Rehabilitation, Phase I Project. Motion (per Consent Agenda) carried (amount not to exceed \$10,000.00). (#6301)

[CA] Contract Modification No. 2 to Contract No. 6000 between the City of Cheyenne, Engineering Department, and AVI Professional Corporation for additional construction management services for the Logan Avenue Reconstruction Project. Motion (per Consent Agenda) carried (amount not to exceed \$21,336.00). (#6000)

[CA] Contract Modification No. 4 Contract No. 6219 between the City of Cheyenne, Parks and Recreation Department, and Recco, Inc., dba Five-R Company, for the Botanic Gardens Expansion and Renovation to furnish and install tile (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Contract Modification No. 5 Contract No. 6219 between the City of Cheyenne, Parks and Recreation and Recco, Inc., dba Five-R Company, for the Botanic Gardens Expansion and Renovation; credit for reducing cast stone size, refund will be used for additional lighting, cost associated with RFI #25 and RFI #11 and supplementary hydronic piping for the greenhouse system (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #S-14-16 for a contract between the City of Cheyenne, Engineering Department, and Reiman Corporation and Subsidiary, Cheyenne, Wyoming, for the West Lincolnway Streetscape, Phase 2 Rebid Landscape and Irrigation Project. Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$386,839.00). (#6491)

[CA] Consideration of Bid #E-24-16 for furnishing approximately 89 new desktop computers and operating systems for the City of Cheyenne, Information Technology Division, pursuant to the City's replacement program (2015-2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-25-16 for annual purchase of hot mix, tack oil and cold mix for the Street and Alley Division (2015-2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-26-16 for annual purchase of furnishing aggregate for the Street and Alley Division (2015-2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #S-16-16 for a contract between the City of Cheyenne, Parks & Recreation Department, and Construction Specialists, Inc., Cheyenne, Wyoming, for the renovations to Lions Park Restroom project (Park Projects) -- referred to Finance Committee.

[CA] Consideration of Bid #E-22-16 for furnishing one new 2016 twin screw diesel-powered cab and chassis for the City of Cheyenne, Sanitation Division (Solid Waste Management) -- referred to Finance Committee.

Announcement was made of a Public Hearing to be held Monday, April 25, 2016 at 6:00

p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for the City of Cheyenne Annual Action Plan 2016 - 2017, City of Cheyenne Community Development Block Grant (CDBG) entitlement.

Announcement was made of a Public Hearing to be held April 25, 2016 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 Twin Dragon Chinese Food LLC, d/b/a Twin Dragon, 1809 Carey Avenue, Cheyenne, Wyoming (License currently held by Twin Dragon Chinese Restaurant, Inc. d/b/a Twin Dragon, 1809 Carey Avenue, Cheyenne, Wyoming).

Announcement was made of a Public Hearing to be held April 25, 2016 at 6:00 p.m. in City Council Chambers, Municipal Building, 2101 O'Neil Avenue, Cheyenne, Wyoming, to receive comments and input on the "2016 Downtown Cheyenne Core Plan" as proposed by the Downtown Development Authority of the City of Cheyenne.

Announcement was made of a Public Hearing to be held April 25, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, to receive public comment regarding the intent of the City of Cheyenne to submit an application to the Wyoming Business Council's Business Ready Community, Downtown Development Grant Program, to assist in funding the Downtown SkyPath Parking Garage Connector Project.

Announcement was made of a Public Hearing to be held April 25, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, to receive public comment regarding the intent of the City of Cheyenne to submit an application to the Wyoming Business Council's Business Ready Community, Downtown Development Grant Program, to assist in funding the Hynds Building Facade Improvement Project.

Announcement was made of the Re-Appointment of Gale L. Shenefelt to the Mayor's Council for People with Disabilities, to be confirmed April 25, 2016.

Under other business, Ms. Williams provided information on the Day of Giving event which will be held May 12 and 13, 2016 at the Kiwanis Community House.

There being no further business to come before the governing body, the meeting was officially adjourned at 8:47 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

Published: Wyoming Tribune-Eagle
April 23, 2016