

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

April 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, 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. Upon request by Dr. Rinne, and pursuant to support received by Mr. Shanor and Mr. Roybal, item #20(a) was removed from the Consent Agenda. Mr. Shanor moved to approve remaining Consent Agenda items, seconded by Mr. Cook. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on April 11, 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. Shanor. 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 the City of Cheyenne Annual Action Plan 2016 - 2017, City of Cheyenne Community Development Block Grant (CDBG) entitlement. Deanne Widauf, Housing and Community Development Office, provided a brief overview of the history and purpose of the CDBG program, noting the City has received entitlement grant funds since 1975. She advised the proposed plan is consistent with the 5 year Comprehensive Consolidated Plan completed in 2015, and stated the anticipated allocation funding amount is \$397,441.00 with anticipated program income of \$1,000.00 and \$135,578.00 in recaptured funding. Ms Widauf explained the grant application process, public notifications and opportunities for input, and role of the Advisory Council in reviewing and recommending projects to be funded. She stated 13 projects are proposed under the categories of public services and general services, and noted funding for program administration. She reviewed the projects and funding amounts as recommended by the Advisory Council. There being no further comments and input, and purpose of the hearing having been met, Mayor Kaysen closed the hearing.

Mayor Kaysen opened a Public Hearing to receive comments and input for a transfer of

ownership for a restaurant liquor license 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). Don Christianson, representative for applicant, advised he was available to respond to any questions. There being no comments or input, Mayor Kaysen closed the hearing and referred the application to the Finance Committee.

Mayor Kaysen opened a Public Hearing to receive comments and input on the "2016 Downtown Cheyenne Core Plan" as proposed by the Downtown Development Authority of the City of Cheyenne. Darren Rudloff, Visit Cheyenne, and Amy Surdam, Cheyenne Downtown Development Authority, provided information on the development of the Core Plan. They advised proposed projects affiliated with the plan are focused within a six block area around the Depot Plaza, and referred to as the downtown "core"; that the action plan provides for a short list of projects at relatively low cost, and noted financial assistance for some of the projects will be available. Appreciation was expressed for the economic development partners that were involved in developing the plan. There being no further comments or input, Mayor Kaysen closed the hearing.

Mayor Kaysen opened a Public Hearing to receive comments and input 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. Cindy Schneider, Grants Manager, explained the intent of the grant and use of the funds, if received, for a raised walkway from the Jack R. Spiker Parking Structure to Capitol Avenue (Carey Avenue and through alley) to connect with the Hynds Building to promote economic development. The walkway will be a public facility and will have connections available to adjacent businesses at the business owner's expense. She advised a developer of the Hynds Building has a tenant interested in occupying the building and the application is in conjunction with their request for the SkyPath to provide parking access, and noted the project will have a positive effect on the development of the Hynds Building, which has been largely vacant for 30 years, and the downtown. She stated this is a cooperative project between the DDA, Cheyenne LEADS, Chamber of Commerce, Visit Cheyenne and the Hynds Building project developer and the potential tenant. Ms. Schneider stated the project is estimated to cost \$2.5 million dollars and that the maximum grant request under the program is \$2.0 million dollars. She further advised the application is due May 15, 2016 and will be considered by the Wyoming Business Council in September. Anja Bendel, Director of Development, Cheyenne LEADS, advised that representatives from all four economic development organizations were present and in support of the project. She explained the proposed SkyPath is incorporated into the Downtown Core Plan and stated the project is important for redevelopment of the Hynds Building, the alley way behind it and all properties along the block by providing parking access. Upon inquiry as to the source of funding for the City's grant match (\$450,000.00), Mayor Kaysen explained determination of where the funding match would come from would be by the governing body. There being no further comments or input, Mayor Kaysen closed the public hearing.

Public Hearing 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. Mayor Kaysen advised the application for this project was being postponed, therefore, there was no

longer a purpose to conduct the public hearing and announced the hearing was cancelled.

ORDINANCE - 3RD 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. Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Ms. Williams. Motion carried. Voting “yes” -- all members of the governing body. (#4125)

ORDINANCE - 3RD 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. Julie Gliem, Cheyenne Landlords Association, commented on concerns with the ordinance relative to landlords and tenants and restrictive use of property; scenarios involving special service animals; abandoned or deceased chickens and responsible parties, and advised that landlords in general aren't in support of the ordinance. Speaking in support of the ordinance generally were: Victoria Fry, Rebecca Pike, Landon Brown, Lisa Glauner, Lucy Pauley, Jessica Fehlberg and Lindsay Simineo. Topics discussed were: Cities that currently allow backyard chickens; future development and promoting a progressive image of Cheyenne; benefits of chickens and value of locally raised food; concern with acquiring permission from adjacent property owners; public support for the ordinance through local media polls, and therapeutic animals. Major Dorr spoke in opposition to the ordinance, commenting on ordinance requirements and concerns involving adjacent property owner permissions, procedures and records, and the ordinance potentially creating a neighborhood “friendship” problem. During her comments, Ms. Pauley stated she was prepared to donate a coop to the Cheyenne Animal Shelter, if needed, relative to concerns expressed with abandoned chickens being housed at the Shelter. Catherine Wissner, UW Laramie County Extension Office, reiterated her offer made at the April 11th City Council meeting regarding community education classes on chicken care and owner responsibility. Upon inquiry from Wesley Frain, Dan White, City Attorney, advised the ordinance will require permission from adjacent land owners and applicable tenants. Reporting for Committee of the Whole, Mr. Cook moved to approve on third and final reading, seconded by Mr. Roybal. Upon inquiry, Ms. Gliem explained that a lot of Cheyenne property owners do not reside locally; that land owners may be different than structural property owners, and, in some cases, owners may be deceased. Mr. Cook moved to amend by substitute ordinance, seconded by Mr. Shanor. Mr. Shanor and Mr. Roybal provided information on the changes contained in the proposed substitute. Boyd Wiggam, Wyoming Liberty Group, spoke in support of the proposed amendment. Comment was made on the change of increasing the number of allowable hens to six and future consideration of amending a section of City Code involving quantities of animals that can be purchased. Motion to amend carried. Voting “yes” -- Mr. Brown, Mr. Johnson, Mr. Luna, Mr. Roybal, Mr. Shanor and Mr. White. Voting “no” -- Mr. Cook, Dr. Rinne, Ms. Williams and Mayor Kaysen. Discussion on the main motion as amended followed and included the following topics: Property tenant and owner approvals; covenants vs. ordinances; neighborhood conflicts; responsibility of chicken owners; progressive communities; communities that allow urban chickens; ordinance effect on Cheyenne Animal Shelter; investment of owning chickens; training offered and potential neighborhood conflicts. Upon inquiry during discussion, Ms. Gliem provided information on landlord issues, and Robert Fecht, Cheyenne Animal Shelter, stated his belief that the ordinance will result in an impact of some kind to the Shelter but what that impact may be is

unknown at this time, and that they are counting on citizens who wish to raise chickens to be responsible. During discussion, Mr. Shanor raised a point of order stating a general question asked of the audience for response was inappropriate with Mayor Kaysen concurring, stating his interpretation that the inquiry was more of a statement and not a question requiring response. Main motion as amended carried. Voting “yes” -- Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor and Mr. White. Voting “no” -- Mr. Brown, Mr. Cook, Ms Williams and Mayor Kaysen. (#4126)

ORDINANCE - 2ND 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). Dr. Rinne moved to approve on second reading with staff recommendations #1, 2, 3 and 4, seconded by Mr. Roybal. 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 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). Dr. Rinne moved to approve on second reading, seconded by Mr. Shanor. Discussion followed on the Planning Commission’s recommendation vs. staff’s recommendation, and concern with allowing business development to encroach into residential areas. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mr. Cook and Dr. Rinne voting “no”.

ORDINANCE - 1ST READING - Amending the City of Cheyenne’s Solid Waste Fee Schedule -- referred to Finance Committee (sponsor -- Mr. Brown).

ORDINANCE - 1ST READING - Amending various Sections of Chapter 9.24, Weapons, of Title 9, Public Peace and Welfare, of the Code of the City of Cheyenne, Wyoming -- referred to Public Services Committee (sponsor -- Mr. Johnson).

[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. Motion (per Consent Agenda) carried. (#5762)

[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). Motion (per Consent Agenda) carried. (#5763)

[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). Motion (per Consent Agenda) carried. (#5764)

[CA] RESOLUTION - Adopting the City of Cheyenne Annual Action Plan 2016-2017, prepared

by the Cheyenne Housing and Community Development Office -- referred to Finance Committee (sponsors -- Mr. Brown, Ms. Williams).

[CA] RESOLUTION - Authorizing the addition of nine (9) structures and removal of twelve (12) structures in the Capitol North Historic District from the contributing structures list maintained by the City's Planning Office -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Adopting the '2016 Downtown Cheyenne Core Plan' presented by the Downtown Development Authority of the City of Cheyenne -- referred to Public Services Committee (sponsor -- Dr. Rinne).

Professional Services Agreement between the Cheyenne Metropolitan Planning Organization and Kimley-Horn and Associates for the Cheyenne Downtown Strategic Parking Plan (MPO Planning Funds). Reporting for Finance Committee, Mr. Brown moved to approve, seconded by Mr. Luna. Upon inquiry, Sreyoshi Chakraborti, Metropolitan Planning Office, provided information relative to public engagement assistance; target audience and scope of work to be provided; estimated time lines for the project and the study area, which will be the downtown core area, and noted the last downtown parking study was conducted in 1991. Discussion included possible parking permits for residents in the downtown area; definition of the term "default"; MPO staff project monitoring, and resulting consultant recommendations that may involve short and long term implementation time frames. Upon inquiry, Dan White, City Attorney, explained the definition of "default" in relation to notice and remedy language contained in the agreement. Motion carried (amount not to exceed \$85,535.00). Voting "yes" all members of the governing body with the exception of Ms. Williams voting "no". (#6493)

[CA] Contract between the City of Cheyenne, Police Department, and Laramie County School District No.1 for School Resource Officers for summer school 2016 -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne and Blue Cross Blue Shield of Wyoming, for limited use of the public right-of-way for the installation of fiber optics and setting a fee (Revenue to the City) -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne, Police Department, and Jodie A. Wagner, for crime victim assistance services (Victim Services Grant) -- referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne and DHM Design Corporation for the West Edge Civic Center Commons Project (1% Specific Purpose Sales & Use Tax, Federal Emergency Management Agency Grant, State Lands & Investment Board Grant, Wyoming Business Council Grant) -- referred to Finance Committee.

[CA] User Agreement between the City of Cheyenne, Parks and Recreation Department, and Cheyenne Stampede Junior "A" Hockey, LLC, to host the 2016 - 2018 seasons at the City-owned Ice and Events Center -- referred to Finance Committee.

[CA] Media Sales Agency Agreement between the City of Cheyenne, Parks and Recreation Department, and Cheyenne Stampede Junior "A" Hockey, LLC, for Static Visual Advertising at the City-owned Ice and Events Center -- referred to Finance Committee.

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. Rick Parish, Director of Parks and Recreation, provided information on the tile to be installed in restrooms; explained original cost saving measures and advised the Friends of the Botanic Gardens raised the funds for the project and 6th penny sales tax funds were not involved. Mr. Brown reported there was no recommendation on the item from Finance Committee. Mr. Brown moved to approve, seconded by Dr. Rinne. Motion carried. Voting “yes” -- all members of the governing body. (#6219)

[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). Motion (per Consent Agenda) carried. (#6219)

[CA] Contract Modification No. 1 to Contract No. 6314 between the City of Cheyenne, 1% Construction Division, and S&S Builders, LLC, Cheyenne, Wyoming, for Fiscal Year 2015 City Overlay, Part 1 Project to reduce retainage (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6177 between the City of Cheyenne and Reiman Corporation for partial release of the retainage for the Logan Avenue Reconstruction Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6053 between the City of Cheyenne, and Pappas & Pappas Architects, P.C., to provide for additional architectural and engineering services for the Cheyenne Public Safety Center (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[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). Motion (per Consent Agenda) carried (accepted bid from Counter Trade Products, Arvada, CO, in an amount not to exceed \$49,827.87).

[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). Motion (per Consent Agenda) carried (accepted bid from JTL Group, Inc. d/b/a Knife River, in an amount not to exceed \$273,700.00).

[CA] Consideration of Bid #E-26-16 for annual purchase of furnishing aggregate for the Street and Alley Division (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from JTL Group, Inc. d/b/a Knife River, in an amount not to exceed \$97,580.00).

[CA] Consideration of Bid #S-16-16 for a contract between the City of Cheyenne, Parks and Recreation Department, and Construction Specialists, Inc., Cheyenne, Wyoming, for the renovations to Lions Park Restroom Project (Park Projects). Motion (per Consent Agenda) carried (amount not to exceed \$218,700.00). (#6494)

[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). Motion (per Consent Agenda) carried (accepted bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$128,977.00).

[CA] Consideration of Bid #E-27-16 for furnishing ammunition for the City's Police Department -- referred to Finance Committee.

[CA] Consideration of Bid #S-5-16 for a contract between the City of Cheyenne, Parks & Recreation Department, and Reiman Corporation, Cheyenne, Wyoming, for the Highlands Park project (Land and Water Grant, Community Facilities Fees) -- referred to Finance Committee.

Re-Appointment of Gale L. Shenefelt to the Mayor's Council for People with Disabilities. Mr. Cook 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 June 10, 2016 Wyoming Association of Municipalities Business Meeting -- referred to Finance Committee.

Announcement was made of the Appointment of Elizabeth Lance to the Laramie County Community Juvenile Services Joint Powers Board, to be confirmed May 9, 2016.

Announcement was made of a Public Hearing to be held May 9, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a microbrewery permit application filed with the City Clerk's Office for WRCH Accomplice, LLC d/b/a Accomplice Beer Co., 115 W. 15th Street, Suite 1, Cheyenne, Wyoming.

Announcement was made of a Public Hearing to be held May 9, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a restaurant liquor license application filed with the City Clerk's Office for WRCH Accomplice, LLC d/b/a Accomplice Beer Co., 115 W. 15th Street, Suite 1, Cheyenne, Wyoming.

Announcement was made of a Public Hearing to be held May 9, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership and transfer of location for a retail liquor license application filed with the City Clerk's Office for Sam's West, Inc. d/b/a Sam's Club, 1948 Dell Range, Boulevard, Cheyenne, Wyoming (license currently held by Cloud 9, Inc. d/b/a Cloud 9 Liquorland, 1958 Dell Range Boulevard, Suite C, Cheyenne, Wyoming).

Under other business:

Gabriel Pena discussed existing downtown parking ordinances, parking issues and the need to study downtown parking and review ordinances affecting the downtown area, stating that signage doesn't exist in certain areas and tickets shouldn't be issued in areas where individuals aren't aware of the parking time limitation restrictions.

Mr. Johnson advised Council members, as well as those in attendance at the meeting, were invited to attend suicidal and in-crisis intervention training offered by Grace for 2 Brothers on May 4, 2016 from 5:30 to 8:00 p.m. at St. Paul's Lutheran Church.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:54 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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