

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

May 9, 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 - Bryan Cook, Richard Johnson, Mike Luna, Dr. Mark Rinne, Scott Roybal, Jeff White and Annette Williams. Absent: Jim Brown and Dicky Shanor. 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. Luna, and pursuant to support received by Ms. Williams and Mr. Cook, item #27(c) was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Ms. Williams. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on April 25, 2016. Motion (per Consent Agenda) carried.

Mr. Roybal moved to approve payment of vouchers as presented, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body present.

Mayor Kaysen opened a public hearing to receive comments and input 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. There being no comments and the purpose of the hearing having been met, Mayor Kaysen closed the public 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 WRCH Accomplice, LLC d/b/a Accomplice Beer Co., 115 W. 15th Street, Suite 1, Cheyenne, Wyoming. There being no comments and the purpose of the hearing having been met, Mayor Kaysen closed the public hearing and referred the application to Finance Committee.

Public Hearing 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 (license currently held by Cloud 9, Inc. d/b/a Cloud 9 Liquorland, 1958 Dell Range Boulevard, Suite C, Cheyenne, Wyoming). Randy Reed, attorney with Drey, Dyekman, Reed and Healey law firm, noted a previous application filed by Sam's West last fall that was not approved to receive an available retail license at that time, and stated the current application involves Sam's

West negotiations to acquire a current retail liquor license (i.e. Cloud 9 Liquorland) in operation adjacent to Sam's Club property in Cheyenne. Mr. Reed spoke in support of the application and provided information on compliance with statutory public hearing criteria; Sam's Club co-existence with liquor licensees in other Wyoming communities; one-stop services for Club members to include alcohol and malt beverage products; proposed 1,800 sq. ft. footprint and security measures for the sales area; requests by Club members for alcohol/malt beverage products; tax revenue impact for the City, and Sam's Club experienced staff and alcohol training program in place. Cody Nelson, General Manager, Sam's Club, Cheyenne, commented in support of the application and reviewed the plan for the liquor store location within the existing Sam's Club building and noted they are looking to provide convenience for customers. He explained security measures that will provide assurance that no underage person will have access to the liquor store; expressed his belief that there will be minimal impact to other licensees if Sam's were to receive the license, and discussed hours of operation; regional composition of Club memberships and Sam's community involvement as a business as well as by employees. Caleb Perkins, Club Manager, Sam's Club, Casper, spoke in support of the application and discussed aspects of the Sam's Club alcohol/malt beverage sales at the Casper store, noting his observation that there has been no significant impact to other liquor licensees since the Casper store acquired a liquor license; one-stop shopping convenience to customers; compliance and security criteria, and employee training. Deborah Herrin, Director of Public Affairs and Relations, Sam's Club, distributed a fact sheet (on file with City Clerk's office); expressed that Sam's Club will provide responsible stewardship as a licensee, and advised the Club will be paying the same prices as other liquor licensees do to acquire alcohol products through the Wyoming Liquor Division. Tom Kingham, current owner of Cloud 9 Liquorland, provided a brief history of his business operation and his decision to approach Sam's Club regarding interest in acquiring the license he holds; reviewed customer traffic patterns he has noticed to/from Sam's Club and other Wyoming municipalities that have package stores within or adjacent to grocery/convenience stores, and spoke in support of the transfer application. Pursuant to inquiry, Mr. Nelson provided information on estimated sales tax revenue that would be generated through approval of the license. Boyd Wiggam, Wyoming Liberty Group, encouraged approval of the transfer, commenting on statutory provisions involving liquor licenses and Sam's Club as an existing business with a broad customer base, and expressed his belief that the liquor licensing system is "broken". Speaking in opposition to transfer of the license and location were: Gabriel Piña; Kevin Georges, DT liquor store owner and local liquor dealers association; Eddie Georges; John O'Grady, Peppermill Bar and Liquor owner, and Jan Nelson-Schroll. Topics discussed included: Only Sam's Club members will have availability to purchase alcohol and malt beverage products; concerns with a liquor license being held by a "big box" outlet; licenses as an economic development tool; state law restricting liquor licenses based on population; current licensee vs. Sam's Club sales tax revenue and local vs. non-local licensees. Pursuant to inquiries and comments by members of City Council, Mr. Reed, Mr. Kingham, Ms. Herrin and Mr. Nelson provided information on transferring of liquor licenses requiring governing body approval; contact with Sam's Club by Mr. Kingham relative to an interest in acquiring his license, and other revenues generated by Sam's Club and Wal-mart to the community, other than sales tax, through property taxes, employees as consumers and two Wal-mart stores plus the distribution center operations, and Sam's Club "being there for small businesses." Upon inquiry, Carol Intlekofer, City Clerk, advised there are currently five liquor licenses in "parked" status. There being no further comments and the purpose of the hearing having been met, Mayor Kaysen closed the public hearing and referred the application to Finance Committee.

ORDINANCE - 3rd 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). 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. (#4127)

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 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 third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present with the exception of Dr. Rinne voting "no". (#4128)

ORDINANCE - 2nd READING - Amending the City of Cheyenne's Solid Waste Fee Schedule. Reporting for Finance Committee, Mr. Luna advised there was no recommendation on the item from Finance Committee. Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body present with the exception of Mr. Luna and Ms. Williams voting "no".

ORDINANCE - 2nd 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. Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Upon inquiry regarding the rationale of legalizing certain weapons, Councilman Johnson, sponsor of the ordinance, noted he had worked with the Police Department Chief to clean up portions of City Code, which conflict with state law, and to address areas involving types of weapons that no longer needed to be restricted by City Code. Chief Brian Kozak, Police Department, advised the original intent of the ordinance was to revise municipal code wording not consistent with state law in the carrying of a concealed weapon, and commented that there are some weapons that are currently prohibited by Code which are no longer seen to be a problem (i.e. brass knucks, black jacks, switch blades). He further stated current Code is silent on the use of archery within City limits and this ordinance will provide guidance for residents with safety restrictions in place. He explained there are indoor firing ranges within the City limits and the ordinance will now allow those ranges. Upon inquiry, Chief Kozak advised school resource officers (police officers) have advised him that they don't encounter such items as switchblades and knucks in school environments, and that the school has its own policy regarding weapons on their property with regard to any disciplinary measures. It was noted that pursuant to discussion on the ordinance at the Public Services Committee, a proposed amendment may be forthcoming at the next Committee meeting. Motion carried. Voting "yes" -- all members of the governing body present.

ORDINANCE - 1ST READING - Approving and establishing revised water and sewer rates, tap and system development fees, administrative fees, service charges and penalties, and septic and commercial waste dump rates, as recommended by the Board of Public Utilities -- referred to

Finance Committee (sponsor -- Mr. Brown).

ORDINANCE - 1ST READING - Appropriating moneys for the City of Cheyenne, Wyoming for the various purposes in conducting the municipal government of said City and fixing the amount of general and special taxes as part of the revenue required to meet the said appropriation all for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017 -- referred to Committee of the Whole (sponsor -- Mr. Cook).

ORDINANCE - 1ST READING - Amending Section 9.12.070, Spitting on Sidewalks, Floors of Public Buildings or Conveyances, of Chapter 9.12, Offenses Against Property, of Title 9, Public Peace and Welfare, of the Code of the City of Cheyenne, Wyoming -- referred to Public Services Committee (sponsor -- Mr. Johnson).

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 CB Community Business and MUB Mixed-Use Business Emphasis to CB Community Business for Lots 1-2 and 7-12, Block One, Holmes Corner, Cheyenne, Wyoming (located at the southeast corner of the intersection of Ridge Road and E. Pershing Boulevard) -- 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 MR-1 Medium-Density Residential-Established to NR-3 Neighborhood Residential - High Density for the N½ of Lots 1 and 2, Block 76, Original City, Cheyenne, Wyoming (located at the southwest corner of the intersection of E. 27th Street and Evans Avenue) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Adopting the City of Cheyenne Annual Action Plan 2016-2017, prepared by the Cheyenne Housing and Community Development Office. Motion (per Consent Agenda) carried. (#5765)

[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. Motion (per Consent Agenda) carried. (#5766)

[CA] RESOLUTION - Adopting the '2016 Downtown Cheyenne Core Plan' presented by the Downtown Development Authority of the City of Cheyenne. Motion (per Consent Agenda) carried. (#5767)

[CA] RESOLUTION - Authorizing submission of an application to the Wyoming Department of Transportation for a Wyoming Rural Public Transportation Program Grant, the purpose of assisting in providing match the local match for operating funds for the City of Cheyenne for its Transit Program, as authorized by 49 U.S.C. §5311 -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Approving the Title VI Program for the Cheyenne Transit Program, Cheyenne, Wyoming -- 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 City Clerk to sign a Final Plat for Saddle Ridge, 10th Filing, a replat of Lots 13 and 22-39, Block 9, Saddle Ridge, 8th Filing, Cheyenne, Wyoming (located west of and adjacent to Farthing Road, between Three Hearts and Wilderness Trails) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION -Authorizing the Mayor and City Clerk to sign a Final Plat for Saddle Ridge, 11th Filing, a replat of all of Lots 17-43, Block 7, Saddle Ridge, 8th Filing, Cheyenne Wyoming (located at the southwest corner of the junction of Three Hearts and Red Feather Trails, north of E. Pershing Boulevard) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION -Authorizing the Mayor and the City Clerk to sign a County Final Plat for Woods Landing Estates, 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 Dell Range Boulevard) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION -Authorizing submission of an application to the Wyoming Business Council under the Business Ready Community Grant and Loan Program for a Downtown Development Project on behalf of the Governing Body of the City of Cheyenne for assistance in funding the Jack R. Spiker Downtown Parking Structure SkyPath Connector Project -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] Contract between the City of Cheyenne, Police Department, and Laramie County School District No.1 for School Resource Officers for summer school 2016. Motion (per Consent Agenda) carried. (#6496)

[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). Motion (per Consent Agenda) carried. (#6497)

Contract Employment Agreement between the City of Cheyenne, Police Department, and Jodie A. Wagner, for crime victim assistance services (Victim Services Grant). Mayor Kaysen advised staff has requested the agreement be withdrawn for consideration. Upon query by Mayor Kaysen and no objections being voiced by Council members present, Mayor Kaysen announced the item was being withdrawn from the agenda.

[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). Motion (per Consent Agenda) carried (amount not to exceed \$754,937.00). (#6498)

[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. Motion (per Consent Agenda) carried. (#6499)

[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. Motion (per Consent Agenda) carried. (#6500)

[CA] Memorandum of Understanding between the City of Cheyenne and the Tourism Promotion Joint Powers Board, d/b/a Laramie County Convention and Visitors Bureau and Visit Cheyenne, for the distribution of Lodging Tax Revenues to the City of Cheyenne in the amount of \$74,889.00 -- referred to Finance Committee.

[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). Motion (per Consent Agenda) carried. (#6314)

[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). Motion (per Consent Agenda) carried. (#6177)

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). Mr. Luna moved to approve in an amount not to exceed \$101,323.00, seconded by Mr. Cook. Mr. Luna moved to postpone to May 23, 2016, seconded by Ms. Williams. It was noted postponement will allow for additional time for City staff and the architects to discuss uncertainties involved in additional work that occurred and associated costs. Motion to postpone carried. Voting "yes" -- all members of the governing body present.

[CA] Contract Modification No. 1 to Contract No. 6457 between City of Cheyenne, Public Works Department and FCI Constructors of Wyoming, LLC, to establish the Guaranteed Maximum Price (GMP) for the Waste Transfer Station Additions and Renovations Project (Solid Waste Fund, 1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-27-16 for furnishing ammunition for the City's Police Department. Motion (per Consent Agenda) carried (accepted bid from Ultramax Ammunition, Rapid City, SD, in an amount not to exceed \$40,659.00).

[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). Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$122,115.00). (#6501)

[CA] Consideration of Bid #E-28-16 for furnishing police car equipment for new police vehicles for the Cheyenne Police Department (2011-2014 1% Sales Tax, Miscellaneous Federal Funds) -- referred to Finance Committee.

[CA] Consideration of Bid #S-17-16 for a Contract between the City of Cheyenne, 1% Construction Division, and Simon Contractors, Cheyenne, Wyoming, for the Current Year 2016 Miscellaneous Concrete Project (2015 - 2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-29-16 for furnishing miscellaneous Cisco computer hardware for the new Public Safety Center from Vology, Inc., Oldsmar, Florida (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #S-15-16, for a Contract between the City of Cheyenne, Engineering Department, and Mechanical Systems, Inc., Cheyenne, Wyoming, for the Dry Creek Crossing at Campstool Road Project (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] 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). Motion (per Consent Agenda) carried.

Appointment of Elizabeth Lance to the Laramie County Community Juvenile Services Joint Powers Board. Mr. Luna moved to approve, seconded by Mr. Cook. Motion carried. Voting "yes" -- all members of the governing body present 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. Motion (per Consent Agenda) carried (Mayor Richard L. Kaysen, Official Voting Delegate; City Clerk, Carol Intlekofer, Alternate Delegate).

Announcement was made of a Public Hearing to be held May 23, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a retail liquor license application filed with the City Clerk's Office for Flippers, LLC d/b/a Flippers, 1617 Capitol Avenue, Cheyenne, Wyoming (License currently held by Cheyenne Club, Inc., 1617 Capitol Avenue, Cheyenne, Wyoming).

Announcement was made of a Public Hearing to be held May 23, 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 the N½ of Lot 9, Block 2, Parsons Addition, Laramie County, Wyoming (located east of and adjacent to Pierce Avenue, south of Laramie Street).

Announcement was made of a Public Hearing to be held May 23, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, to receive public comment on a proposed sale of real property owned by the City of Cheyenne, being Tract 2, Hildreth Subdivision, located generally north of Polo Ranch Road, in Section 16, T. 14 N., R. 67 W., consisting of five (5) acres, more or less, and having an appraised value of \$62,500.00, to the United States of America, for and on behalf of the Department of Veterans Affairs, to be used for the establishment of a Veterans' Cemetery.

Announcement was made of a Public Hearing to be held May 23, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, to discuss route changes and a fare increase for services provided by the Cheyenne Transit Program.

Mayor Kaysen noted there were four additional items being introduced as agenda items, due to timeliness involved, and, following the reading of each of the following entitlements by the City Clerk, referred the items to Finance Committee:

Agreement between the City of Cheyenne and Cheyenne Frontier Days, Inc., for buses owned by the Laramie County School District No. One to be used and operated for public transportation services during the 2016 Cheyenne Frontier Days celebration.

Agreement between the City of Cheyenne and Cheyenne Frontier Days, Inc., for United States Department of the Air Force owned land located at F.E. Warren Air Force Base to be used and operated as a parking lot for public transportation services during the 2016 Cheyenne Frontier Days celebration.

Memorandum of Understanding between the City of Cheyenne, Cheyenne Frontier Days, Inc., and Laramie County School District No. One for buses owned by the Laramie County School District No. One to be used and operated for public transportation services during the 2016 Cheyenne Frontier Days celebration.

Memorandum of Understanding between the City of Cheyenne and Cheyenne Frontier Days, Inc., for the use of City-owned land and buildings for parking, camping and other activities during the 2016 Cheyenne Frontier Days celebration.

Under other business:

Major Dorr expressed his concern with a recent article in the local newspaper written by Mr. Johnson, stating he felt the article was disrespectful to co-Council members, and offered a recommendation that a public apology be offered to co-Council members.

Ms. Williams posed the following question to the City Attorney: If an ordinance is written by a Council member and is still in draft, not final, form and it is shared with a member of the news media before ordinance sponsors have been finalized and prior to the ordinance being placed on the agenda, is this a conflict and are there any ramifications toward whomever shared the draft with the media? Following clarification of the request by Mayor Kaysen, Dan White, City Attorney, stated he received communication from Ms. Williams over the weekend with regard to her inquiry but had not yet completed his research on the topic, and offered to discuss the matter with her once he has completed his research. Brief discussion followed on a recent incident involving the topic resulting in public reaction and feedback based upon a draft document made available by a media outlet for public viewing, and public input involving proposed agenda topics.

Mr. Johnson encouraged City Council members and the public to attend the Day of Giving event on May 13, 2016 at the Kiwanis Community House and donate bone marrow.

Chief Brian Kozak, Police Department, thanked members of City Council, the County Commissioners and the community for their support in building the new Public Safety Center and noted an open house would be held May 12 and May 13 from 12:00 to 8:00 p.m. for the public to tour the new building. Mayor Kaysen expressed appreciation for the opportunity to revitalize the building site through the use of the 6th Penny Sales Tax.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:39 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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