

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

May 23, 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, Jeff White and Annette Williams. Also present: Carol Intlekofer, City Clerk, and Dan White, City Attorney. The pledge of allegiance was recited.

EXPRESSION OF APPRECIATION TO MAYOR'S YOUTH COUNCIL AND STATE OF THE YOUTH REPORT. Rachel Moseley, Chair of the Mayor's Youth Council, utilizing a power point presentation, reported on the group's projects, activities and learning experiences during the past year, noting their main focus was on suicide prevention. Jan Spires, Mayor's Youth Council Coordinator, commended members of the 2015-2016 Youth Council on their commitment and involvement and assisted Mayor Kaysen in presenting Certificates of Appreciation to the following Youth Council members present at the meeting: Maggie Black, Julia Horst, Summer Straub-Waldron, Josh Weber, Tanner Robertson, Jason Weber, Angel Antunez, Jacob Freeman and Rachel Moseley. Ms. Spires noted that members Madison Cook, Sora Bullis, Alexandria Rinne, Katie Williams, Sawyer Ruben and Marvin Vinluan were unable to be present. Mayor Kaysen expressed appreciation to members for their time, commitment and dedication, and also to members' families for their support.

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 May 9, 2016. Motion (per Consent Agenda) carried.

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

Mayor Kaysen opened a public hearing to receive comments and input on 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). 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 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). Seth Lloyd, Development Department, advised the proposed annexation is pursuant to a petition requesting annexation submitted by the property owner; briefly reviewed the area to be annexed, and stated that requirements and compliance of annexation conditions contained in state statutes had been met. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

Mayor Kaysen opened a public hearing 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 National Veterans Cemetery. Rick Parish, Director of Parks and Recreation, provided information on the property, noting use of the parcel for a Veterans Cemetery is affiliated with the City's plans to develop a new cemetery adjacent to the parcel in accordance with the Cemetery Master Plan previously adopted by the governing body. He stated a county plat of the area has been approved and a release from the U.S. Dept. of Agriculture (former lessee of the cemetery property area) has been acquired. Mr. Parish advised Glenn Madderom, National Cemetery Association (NCA is part of the Veterans Administration) and Kelli Witt, VA Real Property Services, were present to provide information on the Veterans Cemetery Project. Utilizing a power point presentation, Mr. Madderom explained the role of the National Cemetery Administration, VA cemetery rural initiatives, development process, project scope and elements of a VA Cemetery. He stated the cemetery would be maintained to national standards and noted the name of the small rural NCA cemeteries typically identifies the location of the cemetery geographically and is a naming process involving veterans in the community. He advised if the land is acquired it would take approximately 2½ years to complete the project. Upon inquiry, Mr. Madderom explained the national policy that would be followed for floral arrangements to be placed and other aspects of decorating graves; a local VA staff person would assist with managing the property and that grounds maintenance services would be contracted. Larry Barttelbort, Director, Wyoming Veterans Commission, and retired Colonel Dave McCracken, former base commander at F.E. Warren Air Force Base, each spoke in support of the National Veterans Cemetery Project and how it will serve the needs of veterans in the Cheyenne area. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

Mayor Kaysen opened a public hearing to receive comments, input and discussion on route changes and a fare increase for services provided by the Cheyenne Transit Program. Renae Jording, Cheyenne Transit Program Director, noted when the transit program began in 1989 the fare for adult riders was set at \$1.00 and has not changed since then. She advised an increase rate of \$1.50 for adults and \$1.25 for students is being proposed to help off-set program expenses. Ms. Jording advised that riders aged 60 years or more can utilize transit services at no cost, or can make a donation to the program, and that funding through CDBG (Community Development Block Grant funds) helps subsidize through bus tokens to eligible riders. She reviewed services provided and route bus stops, grant funding, and proposed changes to the routes. Bill Lyons spoke in support of the transit system program but expressed his belief that the rate increase may be excessive to many

individuals who have fixed incomes. Lea Bain spoke in support of the Transit Program as a public service program generally as well as the fare increase. Upon inquiry, Ms. Jording explained how rates are formulated; routes to be expanded with one route being removed, and services provided to ADA (federal Americans with Disabilities Act) qualified riders. It was noted that rider fare revenue received is put toward the Transit Program. There being no further comments and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

ORDINANCE - 3rd READING - Amending the City of Cheyenne's Solid Waste Fee Schedule. Vicki Nemecek, Director of Public Works, reviewed recommendations that have been incorporated pursuant to the 2013 solid waste fee study; proposed 8% increase based upon the study, and changes involving the yard waste program. Julie Gliem, Cheyenne Landlords Association, spoke in opposition to a fee increase, noting the cost to tenants by property owners would be passed on and some tenants are lower income individuals, and cited concern with City Code Chapter 8.44 definition of "building" relative to fees. Ms. Gliem expressed her belief that apartment complexes, mobile home parks and large complexes should have a lower rate, offered suggestions and comments on other related services and City needs, and suggested the item be tabled. Reporting for Finance Committee, Mr. Brown advised there was no recommendation on the item from Finance Committee. Mr. Brown moved to approve on third and final reading, seconded by Mr. Johnson. Ms. Nemecek explained how charges are based; reviewed expenses of solid waste and transfer station services; cost of proceeding with the landfill project, and elements of the solid waste enterprise fund. She provided information on why an increase is necessary based on the fee study, operational costs and department needs, and reviewed potential funding options that may be available to assist with costs for the landfill expansion project, and the yard waste vs. solid waste pick-up services involving "snow birds". Comments followed regarding the history of changes in the solid waste fund since 2013, changes and progress that has been made, and justification why an 8% increase is required over a 5 year period. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mr. Luna and Ms. Williams voting "no". (#4129)

ORDINANCE - 3rd 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. Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Dr. Rinne moved to amend by substitute dated 5-17-16 which reflects amendments made at the Public Services Committee, seconded by Mr. Shanor. It was noted the substitute includes the following language amendment to Section 9.24.030 (B): Changes the first sentence to read "No minor shall wear or carry any air gun, paintball gun, bow, or crossbow in public and not within a range". Motion to amend by substitute carried. Voting "yes" -- all members of the governing body. Main motion as amended carried. Voting "yes" -- all members of the governing body with the exception of Mayor Kaysen voting "no". (#4130)

ORDINANCE - 2nd 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. Randy Hays, Board of Public Utilities, provided a detailed explanation of service areas involving proposed rate increases. Mr. Brown moved to approve on second reading, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mr. Cook and Ms. Williams voting

“no”.

ORDINANCE - 2nd 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. Reporting for Committee of the Whole, Mr. Cook moved to approve on second reading, seconded by Mr. Luna. Mr. Cook moved to amend by removing \$27,000.00 from Leisure Services Office Supplies line item and moving it into the City Council Ward Contingency funds for a total of \$9,000.00 in each Ward line item, seconded by Mr. Shanor. Brief comments followed on use of current and past Council Contingency funds per Ward, and whether the governing body should vote on per Ward contingency fund expenditures. Motion to amend carried. Voting “yes” -- all members of the governing body with the exception of Mr. Brown and Dr. Rinne voting “no”. Upon inquiry, Lois Huff, City Treasurer, provided information on Transit Program funds contained in the budget book. Comment was made that potentially a couple of items may be offered for amendment at the next Committee of the Whole meeting. Main motion as amended carried. Voting “yes” -- all members of the governing body with the exception of Mr. Shanor, Ms. Williams and Mr. Cook voting “no”.

ORDINANCE - 2nd 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. Reporting for Public Services Committee, Dr. Rinne moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body with the exception of Dr. Rinne and Mayor Kaysen voting “no”.

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 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). Dr. Rinne reported the Public Services Committee recommendation was to approve with Planning conditions #1, 2 and 3, however, since the Committee meeting it has been verified that there are no requested conditions affiliated with the item. Dr. Rinne moved to approve on second reading, 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 MR-1 Medium-Density Residential-Established to NR-3 Neighborhood Residential - High Density for the N¹/₂ 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). Dr. Rinne moved to approve on second reading, seconded by Mr. Roybal. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 1ST READING - Annexing to the City of Cheyenne, Wyoming, the N¹/₂ of Lot 9, Block 2, Parsons Addition, Laramie County, Wyoming (located east of and adjacent to Pierce Avenue, south of Laramie Street) -- 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 MR - Medium Density Residential to MR-2 Medium-Density Residential-Developing for the N½ of Lot 9 and the adjacent 16-foot alley, Block 2, Parsons Addition, Laramie County, Wyoming (located east of and adjacent to Pierce Avenue, south of Laramie Street) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

ORDINANCE - 1ST READING - Amending Ordinance No. 4077 defining the terms and conditions of employment for non-uniformed employees of the City of Cheyenne -- referred to Finance Committee (sponsors -- Mr. Brown and Mayor Kaysen).

ORDINANCE - 1ST READING - Amending Ordinance No. 4078 defining the terms and conditions of employment for sworn officers of the City of Cheyenne Police Department -- referred to Finance Committee (sponsors -- Mr. Brown and Mayor Kaysen).

[CA] RESOLUTION - Authorizing submission of an application to the Wyoming Department of Transportation for a Wyoming Rural Public Transportation Program Grant, for the purpose of assisting in providing the local match for operating funds for the City of Cheyenne for its Transit Program, as authorized by 49 U.S.C. §5311. Motion (per Consent Agenda) carried. (#5768)

[CA] RESOLUTION - Approving the Title VI Program for the Cheyenne Transit Program, Cheyenne, Wyoming. Motion (per Consent Agenda) carried. (#5769)

[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. Motion (per Consent Agenda) carried. (#5770)

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). Dr. Rinne reported the Public Services Committee recommendation was to approve with condition #1, however, since the Committee meeting a proposed substitute map has been submitted that addresses condition #1. Dr. Rinne moved to adopt, seconded by Mr. Cook. Dr. Rinne moved to amend by substitute revised plat map dated 5-20-16, seconded by Mr. Cook. Motion to amend carried. Voting "yes" -- all members of the governing body. Main motion as amended carried. Voting "yes" -- all members of the governing body. (#5771)

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). Dr. Rinne moved to adopt, seconded by Mr. Shanor, with condition #1 as written, with condition #2 to read as follows: "Provide a 50 ft. blanket access local utility easement on Lot 2, Block 1 subject to confirmation that such easement is sufficient to meet UDC requirements", and applying the same for conditions #3 and 4". Following explanation that staff conditions have been satisfied through submittal of a revised plat map, Dr. Rinne moved to amend by substitute final plat map dated 05-20-16, seconded by Mr. Roybal. Motion to amend carried. Voting "yes" -- all members of the governing body. Main motion as amended carried. Voting "yes" -- all members of the governing body. (#5772)

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). Dr. Rinne moved to adopt, seconded by Mr. Shanor. Dr. Rinne moved to amend by revised plat map dated 5-17-16 which satisfies conditions #1 and 2, seconded by Mr. Roybal. Motion to amend carried. Voting “yes” -- all members of the governing body. Main motion as amended carried. Voting “yes” -- all members of the governing body. (#5773)

Following a ten minute recess, Mayor Kaysen reconvened the meeting at 7:55 p.m.

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. Speaking in favor of the application were: Dale Steenbergen, President/CEO, Greater Cheyenne Chamber of Commerce; Pete Laybourn, downtown property owner; Wendy Volk, realtor and board member of Visit Cheyenne; Ken Dugas, immediate past President of Cheyenne LEADS; Randy Rhodes, manager of Wrangler, and Hans Seitz, speaking personally and as a DDA Board member. Comments included: Support of the project by the Chamber of Commerce, Downtown Development Authority (DDA), Cheyenne LEADS and Visit Cheyenne; investment in and development of the downtown area and benefits of activating use of the Hynds Building; SkyPath providing connectivity to the Spiker parking garage and adjacent businesses; DDA’s role in “fight blight” efforts; Hynds Building development as an increased employment opportunity, and direct/indirect benefits to other businesses. Major Dorr questioned maintenance responsibilities and expressed liability, accessibility and potential safety concerns. Sam Galeotos, downtown building owner; Gabriel Pina, downtown business owner, and Donn Edmunds spoke in opposition of the SkyPath, commenting on maintenance responsibility; hours of access to the public vs. any connecting business; safety concerns; expenditure of public money to benefit a private developer; limited benefit to the public, and downtown parking shortage. Mayor Kaysen and Mr. Steenbergen provided information available in response to questions and concerns involving SkyPath maintenance responsibilities generally, noting specifics will be finalized if funding is approved; access by the public and related hours, and offering SkyPath connectivity to adjoining businesses. Mr. Brown moved to adopt, seconded by Mr. Luna. Mr. Shanor recused himself from discussion and voting due to an employment relationship with SLIB (State Loan and Investment Board) and vacated Council Chambers. In response to inquiry, Mr. Steenbergen provided additional information on current and past developers’ interest in the Hynds Building and the need for the SkyPath as part of the current developer’s plans, and potential maintenance agreements with adjacent businesses who would like connectivity to the SkyPath. Following further comments, motion carried. Voting “yes” -- all members of the governing body present in Council Chambers with the exception of Ms. Williams voting “no”. Following announcement of the vote, Mr. Shanor returned to Council Chambers. (#5774)

[CA] RESOLUTION - Approving the budget of the Downtown Development Authority/Main Street for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017 -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Holmes Corner, a replat of all those remaining portions of Block One, all of Block Two, and that portion of

vacated Wills Road westerly of and adjacent thereto, Holmes Addition, First Filing; all of Lots 1 and 2, Block One, and that portion of vacated alley westerly of and adjacent thereto, Atkins Addition, Second Filing; and that approximately 766 square foot portion of E. Pershing Boulevard at the southeast corner of the intersection of Ridge Road and E. Pershing Boulevard, 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).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for 27th Street Villas, a replat of the N½ of Lots 1 and 2, Block 76, Original City, Cheyenne, Wyoming (located at the southwest corner of the intersection of East 27th Street and Evans Avenue) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Adopting the Cheyenne Transit Program Route Change and Fare Increase Plan -- referred to Finance Committee (sponsor -- Mr. Brown).

[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. Motion (per Consent Agenda) carried. (#6505)

[CA] 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. Motion (per Consent Agenda) carried. (#6506)

[CA] 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. Motion (per Consent Agenda) carried. (#6507)

[CA] 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. Motion (per Consent Agenda) carried. (#6508)

[CA] 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. Motion (per Consent Agenda) carried. (#6509)

[CA] Contract between the City of Cheyenne and Goat Green, LLC, for vegetation management along Dry Creek (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

[CA] Professional Services Agreement between the Cheyenne Metropolitan Planning Organization and HDR Engineering, Inc., for Converse and Dell Range Intersection Traffic Safety Plan, and Converse Avenue 35% Design Plan (Metropolitan Planning Organization funds) -- referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne and Smith Environmental & Engineering for the West Edge Pump House Park Project (1% Specific Purpose Sales & Use Tax, Environmental Protection Agency Grant, State Loan and Investment Board Grant) -- referred to Finance Committee.

[CA] Offer to Sell real property owned by the City of Cheyenne, being Tract 2, Hildreth Subdivision, a portion of the S½ and S½NW¼ of Section 16, T. 14 N., R. 67 W., of the 6th P.M., Laramie County, Wyoming, 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 National Veterans Cemetery -- referred to Finance Committee.

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. Brown moved to approve in an amount not to exceed \$101,323.00, seconded by Mr. Luna. Mr. Brown moved to postpone to June 13, 2016, seconded by Mr. Shanor. It was noted postponement will allow additional time for City staff and the architects to continue discussions. Motion to postpone carried. Voting "yes" -- all members of the governing body.

[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). Motion (per Consent Agenda) carried. (#6457)

[CA] Contract Modification No. 3 to Contract No. 6151 between the City of Cheyenne, and Short Elliott Hendrickson, Inc., for the 19th Street Rehabilitation Project (2011 - 2014 1% Sales Tax, 2015 - 2018 1% Sales Tax) -- referred to Finance Committee.

[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). Motion (per Consent Agenda) carried (accepted bid from Wireless Advanced Communications, Evans, CO, in an amount not to exceed \$167,517.00).

[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). Motion (per Consent Agenda) carried. (amount not to exceed \$609,823.56). (#6510)

[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). Motion (per Consent Agenda) carried (amount not to exceed \$50,460.00).

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). Mr. Brown moved to reject the bid, seconded by Ms. Williams. It was advised the bid amount was above the engineer's estimate and the project

will be re-bid. Motion carried. Voting “yes” -- all members of the governing body.

[CA] Consideration of Bid #E-31-16 for furnishing Fujitsu Stylistic Q704 Tablets for the Cheyenne Police Department (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-18-16 for furnishing four (4) new 2016-2017 pickup trucks for the City of Cheyenne (2011 - 2014 1% Sales Tax, 2015 - 2018 1% Sales Tax, Solid Waste Management, Weed & Pest) -- referred to Finance Committee.

[CA] Consideration of Bid #E-30-16 for furnishing four (4) New 2016 Police Package Motorcycles for the Cheyenne Police Department (2011 - 2014 1% Sales Tax) -- referred to Finance Committee.

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

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

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 representing the applicant, reviewed the applicant's compliance with state statute legal requirements, noting state law allows liquor licenses being operated for clubs; explained the small footprint that will be used for the alcohol sales area and proposed sales operations, and stated Sam's Club is well equipped to sell age restricted products through its security measures. Scott Turner, Sam's Club regional market manager, expressed that the Club is a responsible seller of alcoholic beverages in many states. Cody Nelson, Cheyenne store general manager, provided information on a customer survey that had been recently conducted indicating favorable responses to the Club selling alcohol, and specifically discussed the volume of the Club's local membership, daily transactions, number of employee associates and estimated additional sales tax revenue the Club will generate if the application is approved. [City Clerk note: During comments, a handout was provided exhibiting photos of the Sam's Club Casper facility, which is similar to the proposed footprint the Cheyenne store would utilize. Handout on file with the City Clerk's office.] Deborah Herrin, Director of Public Affairs and Relations, Walmart and Sam's Club, clarified alcoholic beverages would be purchased through the Wyoming Liquor Division as other liquor licensees must do; described beverages that would be offered, and reviewed local economic benefits and employee volunteerism within the community. Tom Kingham, owner of Cloud 9 Liquorland, noted that anyone in the community holding a retail liquor license has the same opportunity that he has to sell their license if legal requirements are met, and requested approval of the transfer. Ron Gudenkauf, liquor store owner; Ashley Asmus, General Manager, Cool River; Kevin Georges, D.T.'s owner; Gabriel Pina, and Victoria Hunt, liquor store employee, spoke in opposition of the transfer application. Comments included: Protection of small businesses; questionable increased sales tax dollars that would be generated; vacancy of current licensee's business site if application is approved; effect of license approval on small liquor businesses; non locally-held licenses; use of the term “convenience” as affiliated with liquor sales; concern with

opening “Pandora’s box” if transfer is approved; ensuring liquor licenses have community worth; supporting local breweries and distilleries; competition and concern with unfair playing field and pricing; transfer not increasing sales tax or increasing community consumption levels, and City Council making a decision that is best for the community. Speaking in support of the application were: Donn Edmunds; Wendy Volk; Boyd Wiggam, Wyoming Liberty Group; Bob Chalstrom, and Alisha David, manager, new Cheyenne Walmart Store. Comments included: Customer convenience of one-stop shopping; state liquor system for regulating licenses being “broken”; impact of competition and evaluation of same; non-discrimination of out of state and out of town companies doing community business; support for shopper diversity in convenience, selection and choice, and Walmart/Sam’s Club contributions to the City’s economy. In response to comments, Mr. Reed advised that statements from liquor licensee competitors should not be considered by the governing body pursuant to Wyoming Supreme Court decisions, and Ms. Herrin advised that many of their company stores carry craft distilled and brewery products. Mr. Brown reported there was no recommendation on the item from Finance Committee. Mr. Brown moved to approve, seconded by Mr. Luna. Upon inquiry, Mr. Georges stated if the license was being transferred to someone other than a big box company, he would have no opposition. Discussion included the following topics: Best interests of community; concern for small businesses; need for revision of state liquor laws, and meeting statutory requirements mixed with many other variables when considering liquor applications. Motion carried. Voting “yes” -- Mr. Brown, Mr. Cook, Mr. Johnson, Mr. Luna, Mr. Shanor, Mr. White and Mayor Kaysen. Voting “no” -- Dr. Rinne, Mr. Roybal and Ms. Williams.

Announcement was made of a Public Hearing to be held Monday, June 13, 2016 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, for proposed budgets for the City of Cheyenne and Board of Public Utilities for Fiscal Year 2017.

Announcement was made of a Public Hearing to be held June 13, 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 Lot 11, Block 4, Homestead Addition First Filing Replat, and portions of: Section 10, the E½ of Section 4, the W½ of Section 3, the W½E½ of Section 3; and all of the S½SW¼ of Section 11, T.13N., R.66W., 6th P.M., Laramie County, Wyoming (located east of and adjacent to S. College Drive, and at the NW, SW, SE corners of the intersection of I-80 and College Drive).

Announcement was made that two Calcuttas, benefitting Cheyenne area charities, will be held as follows: Sunday, July 24, 2016 beginning at 5:30 p.m. in the Headquarters Tent located in front of the Old West Museum, 4601 North Carey Avenue, Frontier Park, in conjunction with the Championship Bull Riding event, and Saturday, July 30, 2016 beginning at 5:30 p.m. in the Headquarters Tent located in front of the Old West Museum, 4601 North Carey Avenue, Frontier Park, Cheyenne, Wyoming, in conjunction with the 2016 Cheyenne Frontier Days celebration (10% of proceeds to bona fide charities).

Mayor Kaysen noted, due to timeliness involved, there were three additional items being introduced as agenda items for referral to committee, and requested the City Clerk read each of the following entitlements:

ORDINANCE - 1ST READING - Amending, creating, deleting and re-creating various chapters and sections within Title 15, Buildings and Construction, of the Cheyenne City Code

relating to general provisions, and including adoption of the International Building Code and other related Codes, 2015 Edition; and the International Energy Conservation Code, 2015 Edition (sponsor -- Dr. Rinne) -- referred to Public Services Committee.

ORDINANCE - 1ST READING - Amending, creating, deleting and re-creating various chapters and sections within Title 8, Health and Safety, of the Cheyenne City Code relating to general provisions pertaining to fire protection and regulations, and adoption of the International Fire Code, 2015 Edition, and certain Codes and practices promulgated by the National Fire Protection Association (sponsor -- Dr. Rinne) -- referred to Public Services Committee.

ORDINANCE - 1ST READING - Amending Chapter 2.32, Fire Department, Section 2.32.020, Department Personnel, and Chapter 2.84, Miscellaneous Boards and Commissions, Section 2.84.050, International Fire Code Board of Appeals, of Title 2, Administration and Personnel, of the Cheyenne City Code pertaining to the Fire and Rescue Department (sponsor -- Dr. Rinne) -- referred to Public Services Committee.

There being no further business to come before the governing body, the meeting was officially adjourned at 9:52 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

Published: Wyoming Tribune-Eagle
June 9, 2016