

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

July 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, Jeff White and Annette Williams. Also present: Carol Intlekofer, City Clerk, and J. Mark Stewart, representing Davis and Cannon, LLP, Interim 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. Shanor declared a conflict of interest due to a business relationship involving the Wyoming State Loan and Investment Board (Consent Agenda Item #23(b)), and vacated Council Chambers. Mr. Luna moved to approve Consent Agenda items, seconded by Mr. White. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Shanor returned to Council Chambers.

[CA] Minutes from Regular Meeting of the Governing Body on June 27, 2016. Motion (per Consent Agenda) carried.

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

ORDINANCE - 3rd READING - Pursuant to Section 2.2.1, Zoning Map amendment, Section 5.1.2, Zoning Districts Established, and Section 5.1.3, Official Zoning Map, of the Cheyenne Unified Development Code, by changing the zoning classification from LI-Light Industrial District to MUB-Mixed Use Business Emphasis District for a parcel of land situated at the south 70 feet of the west 52.6 feet of Lot 5, Block 274, Original City, Cheyenne, Wyoming, to be known as 1022 W. 20th Street (located at the northeast corner of Ames Avenue and W. 20th Street). Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body. (#4143)

ORDINANCE - 3rd READING - Amending Section 10.64.040, Stopping, Standing and Parking of Buses and Taxicabs Regulated, of Chapter 10.64, Loading and Unloading, of Title 10, Vehicles and Traffic, of the Code of the City of Cheyenne, Wyoming. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body. (#4144)

ORDINANCE - 3rd READING - Amending Section 8.56.050, Motor Vehicle Mufflers, of Chapter 8.56, Noise Control, of Title 8, Health and Safety, of the City of Cheyenne, Wyoming. Mayor Kaysen clarified the purpose of the ordinance involves exhaust and smoke emissions and not the level of noise generated by any type of vehicle. Commenting on the proposed ordinance were: Joshua Shuck, Rick Coppinger, and Andy Vehar and Jeannie Spraker, co-owners, Big Al's Auto & Exhaust. Topics presented included the definition and measurement of excessive smoke; EPA guidelines; "chipping" of engines and fuel management, and suggestion of amending Title 10 of City Code instead of the proposed ordinance. Upon inquiry, Chief Brian Kozak, Police Department, advised the amendment dealing with excessive smoke is the same as state statute, and explained generally what scenarios might be interpreted as excessive smoke. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Comments followed on voting the ordinance down to allow additional time to review the topic further. Motion failed. Voting "no" -- all members of the governing body.

ORDINANCE - 3rd READING - Repealing Various Sections of Chapter 10.20, Traffic Control Devices, of Title 10, Vehicles and Traffic, of the City of Cheyenne, Wyoming. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Dr. Rinne moved to amend by substitute, seconded by Mr. Roybal. It was noted the substitute removes a separate reference to play streets in Section 10.04.080. Comments followed on concern with removing mayoral authority, and processes currently in place to close streets. Motion to amend carried. Voting "yes" -- all members of the governing body with the exception of Mr. Luna, Mr. Shanor and Mayor Kaysen voting "no". Main motion as amended carried. Voting "yes" -- all members of the governing body with the exception of Mr. Luna, Mr. Shanor and Mayor Kaysen voting "no". (#4145)

ORDINANCE - 3rd READING - Amending Section 8.52.040, Distribution of Handbills in Public Places, of Chapter 8.52, Handbills, of Title 8, Health and Safety, of the Code of the City of Cheyenne, Wyoming. Boyd Wiggam, Wyoming Liberty Group, spoke in opposition to the ordinance, referencing second amendment rights for freedom of speech, and stated provisions involving littering are contained elsewhere in City Code. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body. (#4146)

ORDINANCE - 3rd READING - Annexing to the City of Cheyenne, Wyoming, Lot 11, Block 4, Homestead Addition First Filing Replat, and portions of: Section 10, the E $\frac{1}{2}$ of Section 4, the W $\frac{1}{2}$ of Section 3, the W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 3; and all of the S $\frac{1}{2}$ SW $\frac{1}{4}$ 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). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body. (#4147)

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 LI Light Industrial, County A-2 Agricultural, and County PUD to P Public and AG Agricultural for Lot 11, Block 4, Homestead Addition First Filing Replat, and portions of: Section 10, the E $\frac{1}{2}$ of Section 4, the W $\frac{1}{2}$ of Section 3, the W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 3; and all of the S $\frac{1}{2}$ SW $\frac{1}{4}$ 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). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Cook. Motion carried. Voting “yes” -- all members of the governing body. (#4148)

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 MR-1 Medium Density Residential - Established and MR-2 Medium Density Residential - Developing to NR-3 Neighborhood Residential - High Density for Lots 24-28, Block 4, South Park Estates, 2nd Filing, and Lots 7-12, Block 15, Roberts Place, Cheyenne, Wyoming (located east of and adjacent to Arkel Way, north of W. 3rd Street). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Cook. Motion carried. Voting “yes” -- all members of the governing body. (#4149)

ORDINANCE - 2nd READING - Amending Section 9.08.080, Indecent Exposure, of Chapter 9.08, Offenses Against Public Peace and Decency, 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. Johnson. Comments followed regarding the proposed change to remove the phrase “indecently dressed”; that a more clear definition of indecent exposure is provided elsewhere in City Code, and that, pursuant to discussion with the City’s municipal court prosecutors, the proposed amendment would pose no real problem. Motion carried. Voting “yes” -- all members of the governing body.

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 LI-Light Industrial and CB-Community Business to MUB-Mixed Use Business Emphasis for a portion of Lot 1, Block 1, Back 40 Subdivision, Cheyenne, Wyoming (located between Old Happy Jack Road and West Lincolnway) -- 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-2 Neighborhood Residential - Medium Density for a portion of the SE¼ of Section 6, T.13N., R.66W., 6th P.M., Cheyenne, Wyoming (located between W. Fox Farm Road and I-80, west of Walterscheid Boulevard) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

ORDINANCE - 1ST READING - Amending, repealing and re-creating various sections within Chapter 8.60, Nuisances, of Title 8, Health and Safety, of the Code of the City of Cheyenne, Wyoming -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Declaring as surplus a City-owned property located at 1900 East 18th Street, legally described as all of Lot 13, Block 3, Rayer Addition, together with improvements thereon, Cheyenne, Laramie County, Wyoming, and authorizing the City’s Purchasing Manager to proceed with the bidding process to dispose of the property pursuant to Wyo. Stat. §15-1-112(a) --

referred to Finance Committee (sponsor -- Mr. Brown).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Frontier Mall, 4th Filing, a replat of a portion of Lots 1 and 8, Block 1, Frontier Mall, 3rd Filing, Cheyenne, Wyoming (located north of and adjacent to Dell Range Boulevard, west of Driftwood Drive) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Re-appropriating the Fiscal Year 2017 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).

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. Reporting for Finance Committee, Mr. Brown moved to withdraw the item from the agenda at the request of staff, seconded by Mr. Luna. Brief comment was made regarding continuing discussions between the parties involved to finalize provisions of the sale. Motion carried. Voting “yes” -- all members of the governing body.

[CA] Memorandum of Understanding between the City of Cheyenne, Transit Division, and Laramie County, Wyoming, to provide public transportation services to Laramie County Community College, City/County Health Department, and an area of Laramie County adjacent to the City. Motion (per Consent Agenda) carried. (#6536)

[CA] Agreement between the City of Cheyenne and Safe Harbor, a Children’s Justice Center, to provide a safe and supportive environment for abused and neglected children. Motion (per Consent Agenda) carried (amount not to exceed \$12,000.00). (#6537)

[CA] Contract between the City of Cheyenne and Peak Wellness Center, Inc., Alcohol Receiving Center, to provide mental health and substance abuse services. Motion (per Consent Agenda) carried (amount not to exceed \$85,000.00). (#6538)

[CA] Contract between the City of Cheyenne and Cheyenne Housing Authority to provide services as described in the Older Americans Act of 1965 as amended. Motion (per Consent Agenda) carried (amount not to exceed \$45,000.00). (#6539)

[CA] Consideration of Bid #E-33-16 for furnishing one new 2017 stake bed truck for the Sanitation Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted bid from Spradley Barr Motors, Cheyenne, in an amount not to exceed \$46,204.00).

[CA] Consideration of Bid #S-6-16 for a contract between the City of Cheyenne, Parks & Recreation Department, and Reiman Corporation, Cheyenne, Wyoming, for the Lake Minnehaha Phase 2 Project (State Loan & Investment Board). Motion (per Consent Agenda) carried (amount not to exceed \$2,354,545.12). (#6540)

[CA] Consideration of Bid #S-24-16 for a contract between the City of Cheyenne, Leisure Services

Division, and Becker Arena Products, Inc., Savage, Minnesota, for the flooring at the Ice and Events Center Project (Recreation Programs funding). Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$118,796.59). (#6541)

[CA] Consideration of Bid #S-19-16 for a contract between the City of Cheyenne, Engineering Department, and Mechanical Systems, Inc., Cheyenne, Wyoming, for the Dry Creek Crossing at Campstool Road (rebid) Project (2011 - 2014 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$210,583.00). (#6542)

[CA] Restaurant liquor license application filed with the City Clerk's Office for J Aldana LLC d/b/a El Poblano Mexican Restaurant, 1720 Central Avenue, Cheyenne, Wyoming. Motion (per Consent Agenda) carried.

Re-Appointment of Kimberley Withers to the Cheyenne/Laramie County Economic Development Joint Powers Board. 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).

Announcement was made of the Appointment of Richard L. Leslie, to the Mayor's Council for People with Disabilities, to be confirmed July 25, 2016.

Announcement was made of the Appointment of James D. Voeller, Interim City Engineer, to be confirmed July 25, 2016.

Announcement was made of the Re-appointments of Dean A. Meyer, Scott A. Thomas and Robin Bocanegra to the Public Transit Advisory Board, to be confirmed July 25, 2016.

Under other business, Ms. Williams requested an update on the round-about landscaping and beautification near South High School where a sculpture was recently placed. Mayor Kaysen provided an update and stated a formal dedication of the sculpture will be held after school is back in session this fall.

There being no further business to come before the governing body, the meeting was officially adjourned at 6:33 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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