

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

August 8, 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 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.) Upon request by Dr. Rinne, and pursuant to support received by Mr. Brown and Mr. Roybal, items #11 and 16 (b) were removed from the Consent Agenda. Mr. Shanor moved to approve remaining 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 July 25, 2016. Motion (per Consent Agenda) carried.

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

Mayor Kaysen opened a public hearing to receive comments and input on the proposed sale of City-owned surplus real property and improvements located at 2020 Capitol Avenue, Cheyenne, Wyoming, the former headquarters of the Cheyenne Police Department, legally described as Lots 1 and 2, Block 266, Original City, Cheyenne, Wyoming, to The Diocese of Cheyenne, a Wyoming non-profit corporation, for economic development purposes and in exchange for consideration in the amount of \$1,090,000.00. Boyd Wiggam, Wyoming Liberty Group, and Jim Weaver, real estate agent, #1 Properties, expressed concerns with the current process being utilized to sell the property and encouraged consideration be given to allowing possible other interested parties the opportunity to submit a proposal or bid. Topics presented included: Process transparency; utilizing a request for proposals or bid process through advertisement to provide public notification of the intent to sell the property; providing other potential interested investors an opportunity to purchase the property; downtown redevelopment and revitalization; proposed future use of property and assessment or non-assessment of property tax; administrative process and communications resulting in the submission of the resolution on the current agenda declaring the property surplus and authorizing the sale to The Diocese of Cheyenne, and delaying action on the resolution (affiliated with the public hearing) to allow other interested parties to submit offers of interest. Paul Hickey, attorney with Hickey & Evans law firm, representing The Diocese of Cheyenne, advised The Diocese provides

administrative services and functions for 36 parishes in Wyoming and due to growth more office space is needed which is why it expressed an interest in acquiring the former Police Department building. He reviewed voter approval for the new Public Safety Building and community awareness that two buildings would not be needed when the new building was constructed; reviewed the history of The Diocese's ownership of properties in the Capitol Avenue area, and its commitment to the community. Father Carl Gallinger, pastor of St. Joseph's Catholic Church and serving as Bishop of The Diocese as the Vicar General, spoke about their current administrative location and that staff growth has made it necessary to acquire a larger structure, noting their desire to remain in the downtown area. Upon inquiry during public comments, Father Gallinger advised, if the City property were acquired, The Diocese plans to retain ownership of their current property on Capitol Avenue. Donald James Perrott Macneil submitted a handout (on file with City Clerk's office) containing information on his family's ancestry; commented on property ownership, and stated the church would be a good conservator of the property. Discussion followed on the sequence of events involving The Diocese's contact with the City expressing their interest in the property and placement of the Resolution on the meeting agenda, and whether any other interested buyers could submit an offer to purchase at this time. Upon inquiry, Mark Stewart, representing Davis and Cannon, LLP, Interim City Attorney, advised he would need to conduct research on the issue of whether additional interested parties can submit an offer to purchase at this point in the process. There being no further comments and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

ORDINANCE - 3rd READING - Pursuant to Section 2.2.1, Zoning Map Amendments, Section 5.1.2, Zoning Districts Established, and Section 5.1.3, Official Zoning Map, of the Unified Development Code, changing the zoning classification from LI-Light Industrial 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). Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Cook. Motion carried. Voting "yes" -- all members of the governing body. (#4151)

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 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). Donald James Perrott Macneil spoke in opposition to any zone changes involving property owned by the Union Pacific or himself. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Upon inquiry regarding potential drainage and noise issues, Mayor Kaysen advised a site plan has not yet been submitted so nothing definitive is known at this time regarding a drainage analysis, and that the state owns the I-80 and right-of-way areas and any noise/sound barrier issues would be need to be addressed with state involvement. Motion carried. Voting "yes" -- all members of the governing body. (#4152)

ORDINANCE - 3rd 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. Voicing concerns and objections to the ordinance section involving removal of snow, ice and slush on sidewalks were: Chuck West, who submitted a handout (on file with City Clerk's office) outlining his objections; Frank Cole, United Western Corporation, who also submitted a

handout (on file with City Clerk's office) of pictures of street views within the metro area of the City of Denver, CO; Randy Newman and Tom Long. Topics discussed included: Ordinance requirements regarding current and proposed changes to the section regarding property owner responsibilities involving snow, ice or slush removal on sidewalks; City snow plow operations contributing to the placement of snow, ice or slush on sidewalks affecting timely removal from sidewalks by residents; provisions involving an appeal process through the Board of Adjustment; new ordinance requirement regarding resident responsibilities for snow, ice or slush removal within ten feet of any boundary of their property and effect on certain property owners; examples of snow clean-up scenarios within Denver, CO as conducted by the City of Denver; beautification and landscaping needs along Converse Avenue north of Pershing Blvd.; City snow removal operations involving Converse Avenue ballfield parking lots; Vandehei Avenue residential area involving green belt/sidewalks on the north side vs. no green belt on the south side of the street and property owner's responsibilities; properties abutting a right-of-way that contains a sidewalk; whether notices to property owners who would be affected by the proposed ordinance change of the ten foot boundary had been issued, and potential legal liability. Emmett Lusher, Cheyenne Police Department, Code Enforcement, clarified that snow removal nuisances are excluded from the appeals process, and that he issues notices for all nuisance violations. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Shanor. Dr. Rinne moved to amend by substitute (dated August 1, 2016), seconded by Mr. Roybal. Dr. Rinne explained the proposed substitute removes the reference of the 10 foot requirement. Mr. Long stated his belief the proposed substitute does not fix the problem of abutting right-of-way sidewalk areas regardless of the width. Discussion followed on possible further amendments to the ordinance and property owner responsibility involving abandoned properties. Upon inquiry, Mayor Kaysen provided information on the process of abating abandoned properties. Motion to amend carried. Voting "yes" -- all members of the governing body with the exception of Ms. Williams voting "no". Mr. Shanor moved to amend by striking new Section 8.60.090 (A) wording and replacing it with existing Section (A) wording. Discussion followed on purpose of the amendment; "tweaking" Section (A) wording in the future if needed, and whether there was any issue for Officer Lusher with the proposed amendment. Upon inquiry, Officer Lusher explained the only real issue with the amendment is that those sidewalks (as referenced in the new Section (A) wording) would not be addressed, and advised approximately 20 complaints are received yearly with 1 or 2 instances requiring abatement. Motion to amend carried. Voting "yes" -- all members of the governing body with the exception of Mr. Johnson voting "no". Main motion as twice amended carried. Voting "yes" -- all members of the governing body. (#4153)

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for USI Plaza, a portion of the SE $\frac{1}{4}$ 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. Dr. Rinne moved to adopt, seconded by Mr. Roybal. Dr. Rinne moved to amend by substitute, seconded by Mr. Roybal. Dr. Rinne explained that wording on the plat map and documentation related to and contained in the resolution must be consistent, according to County filing requirements, and the substitute addresses the issue. 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. (#5790)

[CA] RESOLUTION - Declaring as surplus a City-owned property located at 2020 Capitol Avenue, legally described as Lots 1 and 2, Block 266, Original City, together with improvements

thereon, Cheyenne, Laramie County, Wyoming, and authorizing the sale of said parcel to The Diocese of Cheyenne, a Wyoming non-profit corporation, pursuant to W.S. § 15-1-112(b)(i)(D), to benefit the economic development of the municipality -- referred to Finance Committee (sponsors -- Mr. Brown, Mr. Cook, Mr. Luna, Mr. White and Mayor Kaysen).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Pointe Plaza 4th Filing, a replat of Lot 5 Block 2 of "Pointe Plaza" located the north one-half of the southwest one-quarter of Section 17, Township 14 North, Range 66 West of the 6th Principal Meridian, City of Cheyenne, Laramie County, Wyoming (located between Powderhouse Road and Gardenia Drive) -- referred to Public Services Committee (sponsor -- Dr. Rinne). [City Clerk note: Clerical correction made to agenda entitlement wording]

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for South Park Estates, 9th Filing, for all of Lots 24-28, Block 4, South Park Estates, 2nd Filing, and all of Lots 7-12, Block 15, Roberts Place No. 1, City of Cheyenne, Laramie County, Wyoming (located east of and adjacent to Arkel Way, north of West 3rd Street) -- referred to Public Services Committee (sponsor -- Dr. Rinne).

[CA] RESOLUTION - Authorizing submission of a Federal Mineral Royalty Capital Construction Account Grant Application to the State Loan and Investment Board on behalf of the Governing Body of the City of Cheyenne for the purpose of completing 26th Street Interceptor Project -- referred to Finance Committee (sponsor -- Mr. Brown).

[CA] Agreement between the City of Cheyenne, Police Department, and Laramie County School District No.1 for Police Services at various schools and school-related events for the 2016-2017 school year. Motion (per Consent Agenda) carried (revenue to the City in the amount of \$466,379.90). (#6551)

Professional Services Agreement between the City of Cheyenne and HDR, Inc. for the Prairie Avenue and Frontier Mall Drive Intersection Improvement Project (2015 - 2018 1% Sales Tax, Federal Highway Funds). Gary Grigsby, Western Research and Development, referenced a letter he had previously submitted to members of the governing body; expressed concerns and opposition to the City's selection process; commented on the lack of opportunity for his business to receive approval to provide professional services, and requested the agenda item not be approved. He shared information on his company's qualifications and services provided, including affiliated professional service providers, and expressed his opinion that the process to select a business for a project is flawed. Frank Cole stated the project, as well as the project approved a few weeks ago, is important to property Sections 16 and 20 and requested he be informed and involved to address drainage issues on both projects. Reporting for Finance Committee, Mr. Brown moved to approve in an amount not to exceed \$315,128.95, seconded by Mr. Luna. Upon inquiry, Nathan Beauheim, Engineering Department, provided information on the team evaluation and interview process involving proposals/bids that result in a recommendation to the governing body for a firm to receive project work, and, upon inquiry, confirmed he would be willing to visit with Mr. Grigsby about strength and weaknesses of the proposal he submitted for the project. Pursuant to further inquiry, Mr. Beauheim clarified a roundabout intersection is planned for the project area and explained the other primary option was to construct traffic signals. He provided information on the cost of the roundabout vs. traffic signals; roundabout data studies reflecting a reduction in the number of collisions and injuries

vs. traffic signals which may not reduce the number of collisions/injuries; geometric issues involving the intersection location and the need to reconfigure the numerous lanes leading into the intersection, and collision data involving existing single lane roundabouts in Cheyenne. Discussion followed on the pros and cons of roundabouts; difference in cost of a roundabout and traffic control lights; reducing approaching lane sizes; previous approval of the intersection project involving a roundabout by the governing body, and funding sources. Brandon Gebhart, HDR, Inc., provided information on HDR staff and affiliated project team qualifications and location of HDR offices in Wyoming, and, upon inquiry during further discussion, advised the firm has built roundabouts all across the country. Further discussion followed on the City's bid selection process and the need for further review. Mayor Kaysen commented on the selection review, criteria and critique process utilized by staff. Motion carried. Voting "yes" -- all members of the governing body with the exception of Ms. Williams and Mr. Johnson voting "no". (#6552)

[CA] Contract between the City of Cheyenne, Youth Alternatives, and Laramie County Community Partnership, Inc., for academic and enrichment activities for at-risk school-age youth at Johnson Junior High School (21st Century Community Learning Centers Cohort Eight Grant Funds) -- referred to Finance Committee.

[CA] Software Subscription Agreement between the City of Cheyenne, Special Events and Services Division, and T2 Systems for parking enforcement software and hosting services -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Office of Youth Alternatives, and Laramie County, Wyoming, for juvenile probation services -- referred to Finance Committee.

[CA] Grant Agreement to the City of Cheyenne, county of Laramie, and Cheyenne Regional Airport Board, from the United States of America for the construction of a Commercial Terminal Building at the Cheyenne Regional Airport/Jerry Olson Field -- referred to Finance Committee.

[CA] Grant Agreement to the City of Cheyenne, county of Laramie, and Cheyenne Regional Airport Board, from the United States of America for the construction of a Commercial Terminal Apron at the Cheyenne Regional Airport/Jerry Olson Field -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6250 between the City of Cheyenne, Public Works Department, and I.T. Refresh, Ft. Collins, Colorado, to extend the contract one additional two year period for electronic recycling services (Solid Waste Fund). Motion (per Consent Agenda) carried (amount not to exceed \$160,000.00). (#6250)

[CA] Consideration of Bid #S-23-16 for a contract between the City of Cheyenne, Engineering Department, and Reiman Corporation, Cheyenne, Wyoming, for the 19th Street Rehabilitation Phase III Project (2015 - 2018 1% Sales Tax). Motion (per Consent Agenda) carried (amount not to exceed \$1,213,042.15). (#6553)

[CA] Consideration of Bid #E-1-17 for furnishing one new 2017 cab and chassis with 40-yard front loader refuse collection body for the Sanitation Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$276,654.00).

[CA] Consideration of Bid #S-22-16 for a contract between the City of Cheyenne, 1% Construction Division, Reiman Corporation and STC Construction Company Inc., a joint venture, Cheyenne, Wyoming, for the Fiscal Year 2016 City Overlay Part 3 Project (2015 - 2018 1% Sales Tax) -- referred to Finance Committee.

Re-appointments of Rick Robinson, Gay VanHorn, Danny Glick and Kiersti Willms to the Laramie County Community Juvenile Services Joint Powers Board. Mr. Cook moved to approve, seconded by Mr. Shanor. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mr. Johnson voting "no", and Mayor Kaysen who did not vote (Mayoral appointees).

Appointments of Natalie Kuhlmann, Barbara Sandick and Richard A. Glantz Jr. to the Historic Preservation Board. Mr. Cook moved to approve, seconded by Mr. White. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mayor Kaysen who did not vote (Mayoral appointees).

There being no further business to come before the governing body, the meeting was officially adjourned at 7:50 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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