

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

August 22, 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 Mr. Shanor, and pursuant to support received by Ms. Williams and Mr. Luna, agenda item #7 was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. White. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on August 22, 2016. Motion (per Consent Agenda) carried.

Mr. Brown declared a conflict of interest (business interest in voucher payable to Ameri-Tech HVAC Services) and vacated Council Chambers. Mr. Luna moved to approve payment of vouchers as presented, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Brown returned to Council Chambers.

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. Paul Hickey, attorney representing The Diocese of Cheyenne, spoke in favor of the resolution and discussed legal authority provided in W.S. § 15-1-112 which sets forth the manner of disposing of municipal property without advertising and calling for bids under certain circumstances. Bishop Paul Etienne, The Diocese of Cheyenne, provided information on the purpose of seeking ownership of the property, and proposed use of the property and extended services that will be provided by the Diocese on a state-wide basis if they are able to expand their administrative office space. Speaking in favor of the sale of the property to the Diocese were: Lori Schoene, American National Bank; David Young, Western Ecosystems Technology, Inc.; Greg Jones, Jonah Bank; David Johnson; Peggy Hearne; Bill Edwards, local developer; Tom Jacobson, local realtor; Gay Woodhouse and Randy Byers, architect, The Design

Studio, Inc. (TDSI). Topics presented included: Public awareness that building would be vacated upon completion of the new Public Safety Center, media coverage and transparency; voter approval to construct a new Public Safety Center; the Diocese's qualifications as a buyer, plans involving economic development, both local and state-wide, and utilization of current Diocese property if the City-owned property was acquired; adjacent property acquired by the Diocese for off-street parking; Diocese's history of responsible property ownership in the downtown area; opposition to the possibility that the building may remain vacant for some time, or the scenario of a non-responsive property owner who may not utilize or improve the property; City's fiduciary responsibility; downtown development; good faith negotiations between the Diocese and City; public knowledge of the Diocese's cash offer, and financial capability of the Diocese to remodel and refurbish the building. Margaret Shaw expressed support for the building to not remain vacant and to provide an opportunity for others to bid on the property, and Rosalie Regensberg commented on media coverage surrounding the proposed sale and suggested publicizing the state statute provisions authorizing the sale for public awareness. Reporting for Finance Committee, Mr. Brown moved to adopt, seconded by Mr. Luna. Discussion included the following topics: Transparency and the process resulting in the agenda item; state statute requirements involving declaring the property as surplus and selling it without advertising for bids; other City-owned properties; prior City-owned properties that have been sold or transferred in ownership; property appraisal utilized during negotiations vs. awareness that a more recent appraisal had been received with a higher estimated valuation; Diocese's communication involving their interest in acquiring the property; provisions contained in the proposed Agreement to Sell and Purchase Real Property involving litigation with Long Technologies, which has since been settled, and closing costs; request for proposals; non acceptance of the Diocese's offer and advertising the property for sale through sealed bid procedures; concerns with Council leadership not sharing information with other Council members; resolution sponsorship, and bringing the Diocese's offer before the governing body for a decision on whether to accept its offer to purchase. During discussion and upon inquiry, Mark Stewart, David & Cannon, LLP, Interim City Attorney, advised that if the sale is not approved, the governing body can determine under the statute what process it wishes to utilize to dispose of the property, and Sara Vasquez, Purchasing Manager, provided information she was aware of involving declaring City properties as surplus and selling of same. Also during discussion, and with no objection raised by City Council members, Mayor Kaysen provided information on the Diocese's contact with him regarding their interest in the property; another contact inquiring about the property with no follow-up communication received; time frame involved; negotiations; status of contents of the building; satisfaction of Long Technologies litigation; another proposal to purchase received after the public hearing was held; listing of other City-owned properties, and provisions contained in the sales and purchase agreement per questions raised by City Council members. During discussion, Ms. Williams moved to amend Section 1.15 (b), Closing Costs, consisting of the current wording of "Seller shall pay the premium owners' title insurance policy and one half of the closing agent's closing fee. Purchaser shall pay the other one half of closing agent's closing fee" to instead remove the Seller's responsibility and insert "Seller shall sell as is". There being no second to the motion and following brief explanation of shared closing costs on typical property transactions, whether publicly or privately owned properties, Ms. Williams withdrew her motion. During inquiries posed and responded to by Ms. Vasquez, Mr. Brown raised a point of order that the inquiries were not applicable to the motion on the floor with Mayor Kaysen ruling that the current discussion could continue. Following discussion, motion failed. Voting "yes" -- Mayor Kaysen, Mr. Cook, Mr. Roybal and Mr. Johnson. Voting "no" -- Mr. Brown, Mr. Luna, Dr. Rinne, Mr. Shanor, Mr. White

and Ms. Williams.

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Pointe Plaza, 4<sup>th</sup> Filing, a replat of Lot 5 Block 2 of 'Pointe Plaza' located in the north one-half of the southwest one-quarter of Section 17, Township 14 North, Range 66 West of the 6<sup>th</sup> principal meridian, City of Cheyenne, Laramie County, Wyoming (located between Powderhouse Road and Gardenia Drive). Motion (per consent agenda) carried. (#5791)

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for South Park Estates, 9<sup>th</sup> Filing, for all of Lots 24-28, Block 4, South Park Estates, 2<sup>nd</sup> 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 3<sup>rd</sup> Street). Motion (per consent agenda) carried. (#5792)

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 26<sup>th</sup> Street Interceptor Project. Mr. Brown moved to adopt, seconded by Mr. Luna. Mr. Brown moved to amend by substitute dated August 15, 2016, seconded by Mr. Luna. It was advised the substitute increases the grant dollar amount being requested due to a project cost update. Mr. Shanor recused himself from voting due to affiliation with the State Loan and Investment Board, and vacated Council Chambers. Motion to amend carried. Voting "yes" -- all members of the governing body present in Council Chambers. Main motion as amended carried. Voting "yes" -- all members of the governing body present in Council Chambers. Following announcement of the vote, Mr. Shanor returned to Council Chambers. (#5793)

[CA] RESOLUTION - Certifying that the Governing Body of the City of Cheyenne concurs with the application of the Board of County Commissioners of Laramie County, Wyoming for an award of Fiscal Year 2011-2012 Countywide Consensus Block Grant Funding in the amount of four thousand dollars (\$4,000.00) for the Town of Albin's Baseball Field Project -- referred to Finance Committee (sponsor -- Mr. Brown).

[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).

[CA] RESOLUTION - Determining preferred City of Cheyenne Projects to be proposed to the 1% Specific Purpose Sales Tax Committee for potential inclusion on the 1% Specific Purpose Ballot Proposition to be presented to qualified electors of Laramie County during the May 2, 2017 Special Election -- referred to Committee of the Whole (sponsor -- Mr. Cook).

[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 (21<sup>st</sup> Century Community Learning Centers Cohort Eight Grant Funds). Motion (per consent agenda) carried. (#6555)

Software Subscription Agreement between the City of Cheyenne, Special Events and Services Division, and T2 Systems for parking enforcement software and hosting services. Steve McDonald, Director, Special Events and Services, referenced a memo he submitted to governing body members after the Finance Committee meeting which provided clarification on the topic and the necessity of renewing the software to provide parking enforcement services. Upon inquiry by Gabriel Piña, Mr. McDonald explained that the proposed agreement had been negotiated from the typical 3 year term to a 1 year term pending the outcome of the downtown parking study. Mr. Brown reported there was no recommendation on the item from Finance Committee. Mr. Brown moved to approve, seconded by Mr. Johnson. Comments followed on the need for the software program to continue enforcement operations; cost difference in reducing the contract term from 3 years to 1 year and confirmation that cost of the 1 year term would be \$14,053.10, and the downtown parking study. Motion carried. Voting “yes” -- all members of the governing body. (#6556)

[CA] Agreement between the City of Cheyenne, Office of Youth Alternatives, and Laramie County, Wyoming, for juvenile probation services. Motion (per consent agenda) carried (Revenue to the City \$48,000.00). (#6557)

[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. Motion (per consent agenda) carried. (#6558)

[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. Motion (per consent agenda) carried. (#6559)

[CA] Agreement between the City of Cheyenne, Transit Division, and Wyoming Department of Transportation for Wyoming Rural Public Transit Program Fiscal Year 2017 (Wyoming Department of Transportation grant) -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Office of Youth Alternatives, and Laramie County Community Juvenile Services Joint Powers Board for Juvenile Accountability and Enrichment Program services -- referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Office of Youth Alternatives, and Laramie County Community Juvenile Services Joint Powers Board for crisis shelter services at the Juvenile Service Center -- referred to Finance Committee.

[CA] Addendum No. 1 to Contract No. 6471 between the City of Cheyenne and CDW-Government, LLC for purchase and installation services for security cameras for the George Cox and Jack R. Spiker Downtown Parking Structures -- referred to Finance Committee.

[CA] Contract Modification No. 1 to Contract No. 6476 between the City of Cheyenne, Engineering Department, and Simon Contractors, Cheyenne, Wyoming, to replenish the force account for the Fiscal Year 2016 City Overlay Part 2 Project (2015-2018 1% Sales Tax) -- referred to Finance Committee.

[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). Motion (per consent agenda) carried (amount not to exceed \$1,562,892.84). (#6560)

Appointment of Jeff White to the Downtown Development Authority Board. Mr. Shanor moved to approve, seconded by Dr. Rinne. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mayor Kaysen who did not vote (Mayoral appointee).

[CA] Annual Report to the City of Cheyenne regarding capital improvements made at the Airport Golf Course as required by Lease Agreement -- referred to Finance Committee.

Announcement was made of a Public Hearing to be held September 12, 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 exists for the NW¼ of Section 12, T.13N., R.67W., of the 6th P.M., Laramie County, Wyoming, located west of Southwest Drive and north of Interstate 80.

Announcement was made that a calcutta, benefitting the Multiple Sclerosis Society, will be held Thursday, August 25, 2016 beginning at 7:00 p.m. at Uncle Charlie’s Lounge, 6001 Yellowstone Road, Cheyenne, Wyoming, in conjunction with the annual Uncle Charlie’s “DONE” golf tournament (15% of proceeds to the Multiple Sclerosis Society). Carol Intlekofer, City Clerk, advised that since the agenda item had been submitted, she received notification that the calcutta has been cancelled.

Announcement was made that due to the Labor Day Holiday on Monday, September 5, 2016, the regularly scheduled City Council Finance Committee Meeting will instead be held in the Municipal Building, Room 122, 2101 O’Neil Avenue, Cheyenne, Wyoming, on Tuesday, September 6, 2016 at 11:00 a.m. Carol Intlekofer, City Clerk, noted there will not be a Public Services Committee meeting on September 7, 2016, as there are no items on the meeting agenda to be referred to the committee.

Announcement was made of special City Council Committee of the Whole Meetings to be held Wednesday, August 31, 2016 beginning at 5:30 p.m. to 8:30 p.m. and reconvening on Thursday September 1, 2016 beginning at 5:30 p.m. in Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, to receive information regarding potential City projects for the 1% Specific Purpose Sales and Use Tax to be considered for placement on the ballot for the May 2, 2017 Special Election.

Under other business:

Mayor Kaysen noted, due to timeliness, an additional item needed to be introduced on the agenda for referral to committee and requested the City Clerk read the following entitlement of the item: Contract Modification No. 1 to Professional Services Agreement No. 6552 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) -- referred to Finance Committee.

Ms. Williams cited multiple road closures in the south Cheyenne area due to construction projects and expressed that residents have concerns involving an increase in traffic and vehicle speeds in the neighborhoods, and requested additional police presence to monitor the area, especially due to the start up the upcoming school year.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:42 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

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

Published: Wyoming Tribune-Eagle  
September 1, 2016