

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

September 12, 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.

Presentation of the Republic of Korea Ambassador for Peace Medal recognizing military Korean War Veterans residing in the Cheyenne area. Larry Barttelbort, Director, Wyoming Veterans Commission, explained the purpose and history surrounding the Peace Medal. Following the airing of a brief "thank you" video honoring Korean War Veterans, Brigadier General Greg Porter, Director of Joint Staff, Wyoming Air National Guard, Linda Allgeier, Chairman, Wyoming Veterans Commission, and Mayor Kaysen presented Jerry D. Miles with a Peace Medal. Mayor Kaysen accepted a medal on behalf of Korean War Veteran Robert Green, who was unable to attend the presentation, and recognition was made that Dick Mason, a Korean War Veteran and City employee, would be honored at a later date.

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 he would abstain from participation on the item due to a business relationship involving the State Loan and Investment Board (Consent Agenda Item #15), and vacated Council Chambers. Upon request by Mr. Brown, and pursuant to support received by Mr. Luna and Mr. Cook, Agenda Item #22(c) was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. Cook. 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 August 22, 2016. Motion (per Consent Agenda) carried.

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

Mayor Kaysen opened a public hearing 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. Eric Hammer, Development Department, advised the annexation proposes to add .575 acres of undeveloped land to the City, and reviewed requirements of and compliance with annexation conditions contained in state statutes. There being no further comments or input and purpose of the hearing having been met, Mayor Kaysen closed the public hearing.

ORDINANCE - 1ST READING - Repealing Section 9.12.090, Skateboards and Similar Devices Prohibited, 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 - Creating the Pump House Restricted Use Control Area Overlay District, pursuant to Section 5.6.7 of the City of Cheyenne Unified Development Code for Lots 12 through 22, Block 410, Original City of Cheyenne, including all of the adjacent vacated alley (16'), easterly half of vacated Dillon Ave., westerly half of vacated Snyder Ave., and all of the vacated 15th St. (53.8'), per Ordinance 3244; and Lots 12 through 18 and the westerly 14 feet of Lot 19, Block 411, Original City of Cheyenne, including easterly half of vacated Snyder Ave., and all of the vacated 15th St. (53.8'), per Ordinance 1598 – 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 to NB Neighborhood Business for the West 7 Feet of Lot 2 and all of Lots 3-10, Block 7, Fairview Addition Resubdivision, City of Cheyenne, Laramie County, Wyoming, located at 2811 E. 13th Street between Natrona Avenue and Platte Avenue – 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 CB Community Business to MR-2 Medium-Density Residential-Developing for Lots 15-18, Block 1, Resubdivision of Lake Minnehaha Addition, City of Cheyenne, Laramie County, Wyoming (located north of and adjacent to East 13th Street, east of Fremont Avenue) – referred to Public Services Committee (sponsor - Dr. Rinne).

ORDINANCE - 1ST READING - Annexing to the City of Cheyenne, Wyoming, a parcel of land of approximately .575 acres of land situated in a portion of the NW¼ of Section 12, T.13N., R.67W., of the 6th P.M., Laramie County, Wyoming – 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 LI Light Industrial (County) to LI Light Industrial for that portion of the NW¼ of Section 12, T.13N., R.67W., of the 6th P.M., Laramie County, Wyoming (west of Southwest Dr. and north of Interstate 80) – referred to Public Services

Committee (sponsor - Dr. Rinne).

[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. Motion (per consent agenda) carried. (#5794)

[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. Motion (per consent agenda) carried. (#5795)

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. Mayor Kaysen noted that the Committee of the Whole had met on two evenings recently to receive information and input on proposed projects. Commenting on proposed projects were Boyd Wiggam, Wyoming Liberty Group, and John Volk, downtown co-family business owner. Topics presented included: City project "wants vs. needs"; current financial environment; number of recreation projects being proposed; health and safety projects; infrastructure and maintenance needs; seeking funding mechanisms other than taxation; including additional downtown alley improvements to the projects list and consideration of flexibility to add to the 6th penny projects list, and the Committee process involving the City, County and other municipalities within Laramie County in preparing the proposed ballot proposition. Reporting for Committee of the Whole, Mr. Cook moved to adopt, seconded by Mr. Shanor. Mr. Cook moved to amend by substitute Resolution dated September 7, 2016, seconded by Dr. Rinne, which, pursuant to Committee of the Whole recommendation, includes only the following projects within the "Now, Therefore, Be It Resolved" clause of the Resolution: Projects #3 Belvoir Ranch-Big Hole Trail Development Project, \$2,500,000.00; #4 Christensen Road Overpass Project, \$7,500,000.00; #7 Downtown Core Plan Project, \$2,350,000.00; #8 East Park Land Project, \$3,200,000.00; #9 Fire Station No. 5 Replacement Project, \$4,000,000.00; #10 Fire Station Renovations and Engine Refurbishments Project, \$3,000,000.00; #11 Greenway Construction and Expansion Project, \$3,800,000.00; #12 Gymnasium Addition/Replacement Project, \$6,300,000.00 with an additional \$750,000.00 to be used for operations and maintenance only; #14 Indoor Multi-Purpose Sports Facility Project, \$6,000,000.00 with an additional \$750,000.00 to be used for operations and maintenance only, and #20 West Edge Lower Capitol Basin and various other projects, \$4,000,000.00, for a total amount of \$44,150,000.00. Ms. Williams moved to amend the proposed substitute by replacing the projects contained within the substitute to instead reflect the following projects: 23rd Street and Bradley Avenue, \$5,500,000.00; Ames Avenue Underpass, \$5,400,000.00; West Fox Farm Road and Walterscheid, \$1,000,000.00; West Crow Creek Greenway (19th and Missile Drive), \$1,500,000.00; West Edge, \$3,500,000.00; Municipal Building, \$14,000,000.00; Fox Farm and Morrie Avenue, \$1,400,000.00, and \$3,500,000.00 for infrastructure projects needed to address such items as curb, gutter and flooding. Upon inquiry for clarification of the motion by Mayor Kaysen, Ms. Williams confirmed the intent of her motion to amend is to replace the proposed projects listed in the substitute with the projects and dollar amounts she stated in her motion. Motion died due to lack

of a second. Mr. Johnson moved to amend by adding \$425,000.00 to Project #3, Downtown Core, and \$425,000.00 to Project #4, West Edge, to provide the option to add fiber optic connectivity and to consolidate three alley projects from Warren Avenue to the parking garage on Carey, seconded by Mr. Cook. Discussion followed and included alley ownership rights involving Black Hills Energy; estimated cost of installing fiber optics, and not allocating the total amount allowed for City projects until later in the Sales Tax Committee review process when all projects are submitted from Laramie County and the other municipalities involved. Motion to amend failed due to a tie vote. Voting “yes” -- Mr. Cook, Mr. Johnson, Mr. Luna, Mr. Roybal and Mr. White. Voting “no” -- Mr. Brown, Dr. Rinne, Mr. Shanor, Ms. Williams and Mayor Kaysen. Motion to amend by substitute carried. Voting “yes” -- Mr. Cook, Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal, Mr. Shanor and Mr. White voting “yes” and Mr. Brown, Ms. Williams and Mayor Kaysen voting “no”. Discussion followed on the main motion as amended and included the East Park Land Project; the Additional Cemetery Project and the City’s responsibilities involving cemetery services; Belvoir Ranch Project and status of availability of access by the public, and ground contaminates; estimated cost of the Christensen Road Overpass Project; Multi-Purpose Sports Facility and Gymnasium Projects, and the West Edge Project. During comments involving the Additional Cemetery Project, Mr. Brown raised a point of order that discussion on the Cemetery Project, which is not included in the amended projects list, was not germane to the main motion as amended on the floor. Mayor Kaysen concurred with the point of order. During discussion and upon inquiry, Mayor Kaysen, provided information regarding the Belvoir Ranch, Christensen Road, East Park Land and West Edge Projects. Also upon query, Laramie County Commissioner Buck Holmes explained the estimated funding amount the Commissioners were using for their portion of the Christensen Road Project; Rick Parish, Director, Parks and Recreation Department, provided information relative to the multi-purpose and gymnasium projects and “pay for play” renting of the facilities when the department would not be utilizing the facilities, and Brandon Cammarata, Director, Development and Planning Departments, identified that the West Edge Project involves stormwater improvements, brownfield remediation, and public space components to foster economic development and private investment in the area. Main motion as amended carried. Voting “yes” -- Mr. Cook, Mr. Johnson, Mr. Luna, Mr. Roybal, Dr. Rinne, Mr. Shanor and Mr. White. Voting “no” -- Mr. Brown, Ms. Williams and Mayor Kaysen. (#5796)

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for Murray Hill Estates 5th Filing, a replat of Tracts 52 and 53, Murray Hill Estates, 3rd Filing, Laramie County, Wyoming (located west of and adjacent to Fox Ridge Drive, south of Twin Mountain Road) – referred to Public Services Committee (sponsor - Dr. Rinne).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Waterford Square 2nd Filing, of a replat of Lots 2 thru 19 and Lots 21 through 57, Block 6, Waterford Square, City of Cheyenne, Laramie County, Wyoming (located south of I-80, between Morrie Avenue and Avenue C-4) – referred to Public Services Committee (sponsor - Dr. Rinne).

[CA] Recommendation by the Planning Commission to conditionally approve the Sweetgrass Planned Unit Development Preliminary Plan for the property consisting of the following parcels of land situated in Township 13 North, Range 66 West of the 6th P.M., Laramie County, Wyoming: the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 10; the South Half of the South Half of the West Half (S½S½W½) of Section 11; the West Half (W½) of Section 14; All of Section 15; All of Section 16 lying South of College Drive right-of-way line and EXCEPT that parcel recorded June 26, 1991 by Warranty Deed filed in Book 1304 Page 1805, Laramie County, Wyoming

records described as follows: Beginning at a point on the West line of said Section 16, from which the Northwest corner thereof bears N.0°50'32"E., a distance of 1320.58 feet; thence S.89°42'54"E., a distance of 160.00 feet; thence S.0°50'32"W., a distance of 160.00; thence N.89°42'54"W., a distance of 160.00 feet to a point on the West line of said Section 16; thence N.0°50'32"E., along said West Line, a distance of 160.00 feet to the point of beginning. Exception containing 0.5877 acres more or less; and all of Section 21. All of the above containing 2349.54 acres more or less. (generally located south of College Drive and east of Avenue C) – referred to Public Services Committee.

[CA] County Preliminary Plat for Country Homes Fifth Filing, Menkins Corner Second Filing, and Barta Subdivision, a replat of a portion of Country Homes Subdivision Lot 8 and the S½ Lot 1 Block 4, being situated in a portion of the Northwest ¼ Section 17, T13N, R66W, of the 6th Principal Meridian, Laramie County, Wyoming (located southwest of the intersection of College Drive and South Greeley Highway) – referred to Public Services Committee.

[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). Motion (per consent agenda) carried. (#6567)

[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. Motion (per consent agenda) carried. (#6568)

[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. Motion (per consent agenda) carried. (#6569)

[CA] Contract between the City of Cheyenne, Parks and Recreation Department, and Cheyenne Capitals Youth Hockey Association, for 2016 - 2017 youth hockey season at the City-owned Ice and Events Center -- referred to Finance Committee.

[CA] Contract between the City of Cheyenne, Parks and Recreation Department, and Old Puckers Hockey League, for 2016 - 2017 hockey season at the City-owned Ice and Events Center -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne Police Department and Leslie Burch for crime victim assistance services -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne Police Department and Brenda Johnson for crime victim assistance services -- referred to Finance Committee.

[CA] Contract Employment Agreement between the City of Cheyenne Police Department and Erin A. Williams for crime victim assistance services -- 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. Motion (per consent agenda) carried (amount not to exceed \$55,298.68). (#6471)

[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). Motion (per consent agenda) carried (amount not to exceed \$50,000.00). (#6476)

Contract Modification No. 1 to Professional Services Agreement No. 6552 between the City of Cheyenne and HDR Engineering, Inc. for the Prairie Avenue and Frontier Mall Drive Intersection Improvement Project (2015 - 2018 1% Sales Tax, Federal Highway Funds). Mr. Brown moved to approve, seconded by Mr. Johnson. Mr. Brown moved to amend by substitute dated September 12, 2016, seconded by Mr. Johnson. Upon inquiry, Ben Rowland, City Attorney's office, explained the amendment adds WYDOT provisions and incorporates minor changes to the terms as requested by HDR Engineering, including clerical correction of the name of HDR, Inc. to HDR Engineering, Inc. 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. (#6552)

[CA] Contract Modification No. 6 to Contract No. 6219 between the City of Cheyenne, Parks and Recreation Department, and RECCO Inc., dba Five - R Company, for the Cheyenne Botanic Gardens Project to increase the Guaranteed Maximum Price (1% Specific Purpose Sales & Use Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-2-17 for the sale of surplus property described as all of Lot 13, Block 3, Rayer Addition, Laramie County, Wyoming (located at 1900 East 18th Street) (revenue to the City) -- referred to Finance Committee.

[CA] Consideration of Bid #E-3-17 for furnishing ice control product for the Public Works Department (2015 - 2018 1% Sales Tax) -- referred to Finance Committee.

[CA] Consideration of Bid #E-5-17 for furnishing 2000 95-gallon and 65-gallon automated refuse carts for the Sanitation Division (Waste Management fund) -- referred to Finance Committee.

[CA] Annual Report to the City of Cheyenne regarding capital improvements made at the Airport Golf Course as required by Lease Agreement. Motion (per consent agenda) carried (acknowledged receipt).

[CA] Consideration to purchase playground equipment for Cahill Park from Recreation Plus and Dakota Playground (State and Local grants) -- referred to Finance Committee.

Announcement was made of the Appointment of Sam E. Galeotos to the Downtown Development Authority Board, to be confirmed September 26, 2016.

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 between the City of Cheyenne, Youth Alternatives, and State of Wyoming, Department of Family Services, for kinship advocacy services for relatives of displaced, at-risk youth. Mayor Kaysen referred the item to Finance Committee.

Upon inquiry by Mr. Johnson, Chief Jim Martin, Fire and Rescue Department, provided information on the current status of acquiring a second sets of bunker gear for firefighters.

Mr. Luna voiced concern regarding street repairs on Snyder Avenue with Mayor Kaysen advising issues involving the need for repairs were discovered through City inspections and that repairs were being done under warranty at no cost to the City.

Ms. Williams requested clarification regarding comments made at the last Finance Committee meeting concerning pedestrian lights and curb and gutter repairs near Van Buren Avenue and Liberty Street. Mayor Kaysen advised pedestrian rapid flashing lights have been installed in the area near the elementary school, and that further curb and gutter repairs will be made contingent upon funding.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:21 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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