

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

October 10, 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.). Mr. Cook moved to approve, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on September 26, 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. Upon inquiry, Mayor Kaysen provided information available on vouchers payable to the following: Gametime (installation of Highland Hills Park playground equipment involving grant funding); Shirley Homan (annual agreement for City to access private property on Belvoir Ranch), and Yuckos, Inc. (animal waste bags for public use in City parks and recreational areas). 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.

ORDINANCE - 3<sup>RD</sup> 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 15<sup>th</sup> St. (53.8'), per Ordinance 1598. Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Upon inquiry, Susana Montana, Development Department, advised that development and attorney staff are working with the Department of Environmental Quality to finalize the remedy agreement, and that the Overlay District is one element of the soil remediation process. Motion carried. Voting "yes" -- all members of the governing body. (#4154)

ORDINANCE - 3<sup>RD</sup> 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. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Upon inquiry on whether the lots include a drainage basin, Susanna Montana, Development Department, explained the property is a large unpaved parking lot that currently allows drainage, and that future uses of the site may require that drainage be addressed. Motion carried. Voting “yes” -- all members of the governing body. (#4155)

ORDINANCE - 3<sup>RD</sup> 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). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body. (#4156)

ORDINANCE - 3<sup>RD</sup> 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. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Dr. Rinne moved to amend by substitute dated October 3, 2016 seconded by Mr. Roybal. It was noted the substitute corrects the acreage referenced within the ordinance entitlement from .575 to .58 acres and adds paragraph (h) to Section 1 relating to property ownership. 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. (#4157)

ORDINANCE - 3<sup>RD</sup> 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). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Shanor. Upon inquiry, Eric Hammer, Development Department, explained that the applicant properly notified applicable adjacent land owners, and there were no comments received. Motion carried. Voting “yes” -- all members of the governing body. (#4158)

ORDINANCE - 2<sup>ND</sup> READING - Amending Ordinance No. 4147, annexing to the City of Cheyenne, Wyoming, Lot 11, Block 4, Homestead Addition, First Filing Replat, and portions of: Section 10, the E½ of Section 4, (including a portion of Cheyenne Irrigated Gardens Tracts 4 & 5, falling north of Interstate 80 R/W), the W½ of Section 3, the W½E½ of Section 3, and all of the S½SW¼ of Section 11 Township 13 North, Range 66 West of the 6th Principal Meridian, 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 second reading,

seconded by Mr. White. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 1<sup>ST</sup> 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 MUB - Mixed Use Business to CB - Community Business for Lot 1, Block 1 of Marian Subdivision, City of Cheyenne, Laramie County, Wyoming (located north of and adjacent to Dell Range Boulevard and east of Windmill Road) – referred to Public Services Committee (sponsor - Dr. Mark Rinne).

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). Kelly Hafner, Benchmark Engineers, speaking on behalf of the applicant, Heartland Homes, briefly reviewed the property development project and amenities to be provided, noting the replat involves proposed construction of duplex/twinhomes with private access drives. Mr. Hafner advised concerns expressed by the Engineering Department regarding proposed private drives vs. public City streets and width of same were considered, and confirmed the applicant wishes to proceed with the plat proposal with private drives, and including seven staff conditions, as presented at the recent Public Services Committee meeting. During his comments, Mr. Hafner referenced wording contained in Section 4.3 of the Unified Development Code (UDC) relative to the option of private drives and, upon inquiry, Mr. Hafner and Jim Woods, owner, Heartland Homes, LLC, provided information on a proposed Home Owners Association (HOA) which would address maintenance topics for private areas within the subdivision. Nathan Beauheim, Deputy City Engineer, advised engineering staff is recommending the proposed plat be denied as issues involving public streets vs. private drives have not been resolved, and provided information on past situations where private streets/drives had been constructed which did not have to meet City standards, nor be inspected during construction, and future problems with maintenance and City involvement. He referenced a recent map, prepared by staff that suggests a workable configuration for public streets, and stated the map had been submitted for the applicant’s consideration, noting the map was also provided to governing body members. Mr. Hafner stated the proposed private accessways would be oversized alleys wide enough for fire response and sanitation services access, and would meet the standards for alleys. Jim Voeller, City Engineer, provided additional information on public vs. private roads; referenced information contained in his recent correspondence to the governing body on the agenda topic, and displayed and commented upon the new option (map) prepared by staff being proposed to include public roads. Upon inquiry, Mr. Woods provided information on proposed minimal usage of the private drives (i.e. by residents to gain access to garages) and housing construction cost impact to buyers if public streets were required. Vicki Nemecek, Director of Public Works, confirmed it is department policy that staff does not enter upon privately owned alleyways for purposes of providing sanitation collection services. Jack Studley, City Surveyor, commented that initial use of the proposed private drives would probably be limited in use by local residents but future development plans, which may include extension of the Greenway system in the subdivision, may generate additional traffic and parking uses and needs. Dr. Rinne moved to adopt with staff conditions #1 through 7, seconded by Mr. Roybal. Dr. Rinne moved to amend by revised Final Plat map to include staff conditions #1 through 7, seconded by Mr. Roybal. Motion to amend carried. Voting “yes” -- all members of the governing body. Upon inquiry, Mr. Beauheim provided

examples of other areas within the City where privately owned streets and alleys exist, and Mr. Hafner reconfirmed the applicant is requesting approval of the current proposal as presented at the Public Services Committee meeting. General discussion on the item included the following topics: Home Owners Association formation and maintenance responsibilities; City park land involved with the development project; interpretation of UDC Section 4.3, and further discussion between staff and the applicant/agent regarding the proposed map prepared by staff reflecting a configuration allowing for public streets. Dr. Rinne moved to postpone to October 24, 2016, seconded by Mr. Shanor. Request was made that staff, Mr. Hafner and Mr. Woods meet to try to resolve issues and concerns prior to the next Public Services Committee meeting. Motion to postpone carried. Voting “yes” -- all members of the governing body.

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a replat of all of Lots 1 thru 11, inclusive, Block 1, and that adjacent 15' alley R/W; and all of Lots 1 thru 11, inclusive, Block 2, and that adjacent 15' alley R/W; and those adjacent portions of 6<sup>th</sup> Street, Glen Avenue and Southwest Drive, all in Warren Glen Addition; and all of Lot 3, replat of a portion of Warren Glen Addition, City of Cheyenne, and a previously unplatted parcel, all situated in the NW ¼ of Section 12, Township 13 North, Range 67 West, of the 6th P.M., Laramie County, Wyoming. Dr. Rinne moved to adopt with staff conditions #1 through 4, seconded by Mr. Shanor. Dr. Rinne advised that following the Public Services Committee meeting it was brought to his attention that the developer had submitted a revised map that resolves staff conditions #1 through 4, and moved to amend by revised map (with no staff conditions), 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. (#5798)

[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 - Adopting Cheyenne’s West Edge Area Wide Plan to identify, develop and implement priority projects and remediation strategies that will spur economic activity and encourage long-term redevelopment in the near west side of downtown Cheyenne – referred to Public Services Committee (sponsor - Dr. Rinne).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a final plat for Del-Van Office Park, a Replat of Lots 1 thru 4, and that adjacent 16' alley, Block 1, Braden Homesites, City of Cheyenne, Laramie County, Wyoming, situated in the SW¼ of Section 23, T.14N., R.66W., of the 6th P.M., Laramie County, Wyoming (located at the northeast corner of the intersection of Dell Range Boulevard and Gysel Place) – referred to Public Services Committee (sponsor - Dr. Rinne).

[CA] RESOLUTION - Regarding Non-Discrimination – referred to Committee of the Whole (sponsors - Mr. Cook, Mr. Johnson, Mr. Roybal, Mr. White, Ms. Williams).

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). Boyd Wiggam, Wyoming Liberty Group, commented on staff condition #3 and his belief that it is in conflict with policy previously adopted in the PlanCheyenne document relating to requirement of a stormwater detention facility. It was noted that the referenced condition had been removed pursuant to review and recommendation at the Public Services Committee meeting. Dr. Rinne moved to acknowledge the Planning Commission's recommendation to conditionally approve with revised staff conditions #1 through 3 as referenced in the October 4, 2016 Development Department memo, seconded by Mr. Roybal. Lee Martin, speaking on behalf of the developer, stated the staff conditions were acceptable. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Grant Award Agreement with the State of Wyoming Office of Homeland Security for a Grant from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Grant Programs Directorate, State Homeland Security Program (SHSP) Grant Fiscal Year 2016, in the amount of \$380,000.00, for the City of Cheyenne Regional Emergency Response Team #7 (Department of Homeland Security, Federal Emergency Management Agency, Grant Program Directorate, State Homeland Security Program) – referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne and Downtown Development Authority to establish the process by which payments are transmitted for the Fiscal Year 2016 -2017 – referred to Finance Committee.

[CA] Lease Agreement between the City of Cheyenne, Information Technology Division, and Xerox by Xerox Agent XESI for replacement of a high volume production color copier – referred to Finance Committee.

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). Reporting for Finance Committee, Mr. Brown moved to approve, seconded by Mr. Luna. Mr. Brown advised that a motion to amend by substitute dated September 30, 2016 was made at the Finance Committee meeting, however, it had been brought to his attention following the Committee meeting that the correct date for the proposed substitute is October 3, 2016. Mr. Brown moved to amend by substitute dated October 3, 2016, seconded by Mr. Luna. Randy Byers, TDSI, architect for the project, explained there are 12 proposed items contained in the change order that will help enhance the Botanic Gardens project, and that the Friends of the Cheyenne Botanic Gardens Foundation has sought and received monetary donations to assist with the change order items and maintenance. Upon inquiry, Dr. Rinne, City Council representative on the Foundation board, further explained the Foundation has raised a significant amount of money for the project in addition to funding approved by voters (i.e. 6<sup>th</sup> penny sales tax). He noted that initial project bids received were higher than estimated so some items desired for the project were either re-bid or eliminated and that through partnering of City funds with the funds raised by the Foundation some of the initial amenities could

now be included. Upon request, Mr. Byers reviewed each of the proposed contract modification items. Mayor Kaysen confirmed that funding is secured and the proposed improvements are enhancements not requirements. Upon inquiry, Shane Smith, Director of Botanic Gardens, stated the enhancements are acceptable to the Foundation and will help with future funding opportunities. 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. (#6219)

[CA] Consideration of Bid #S-1-17 for a contract between the City of Cheyenne, Engineer Department, and Reiman Corporation, Cheyenne, Wyoming, for the 17<sup>th</sup> Street Lighting, Phase 1 project (1% Specific Purpose Sales & Use Tax). Motion (per consent agenda) carried (accepted the bid to include alternate #1 in an amount not to exceed \$594,698.00). (#6591)

[CA] Consideration of Bid #S-2-17 for a contract between the City of Cheyenne, Parks & Recreation Department, and Reiman Corporation, Cheyenne, Wyoming, for the Cahill Park All-Abilities Playground project (State & Local, Miscellaneous Funds, Development Impact, Park Facilities). Motion (per consent agenda) carried (accepted the bid to include alternate #4 in an amount not to exceed \$719,946.90). (#6592)

[CA] Consideration of Bid #S-3-17 for a contract between the City of Cheyenne, Parks & Recreation Department, and S&S Builders, LLC, Cheyenne, Wyoming, for the Cheyenne Greenway, Saddle Ridge Greenway Connector project (1% Specific Purpose Sales & Use Tax). Motion (per consent agenda) carried (rejected all bids).

[CA] Consideration of Bid #E-6-17 for furnishing one new 2016 John Deere 1600 Turbo Series II commercial wide area mower for the Parks Division (2011 - 2014 1% Sales Tax). Motion (per consent agenda) carried (accepted bid from Stotz Equipment, Casper, Wyoming, in an amount not to exceed \$ 46,538.47).

Appointment of Michelle Woerner to the Mayor’s Council for People with Disabilities. Mr. Luna 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 appointee).

Announcement was made of a Public Hearing to be held October 24, 2016, at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, for a restaurant liquor license application filed with the City Clerk’s Office for Bella Fuoco LLC d/b/a Bella Fuoco, 2115 Warren Avenue, Cheyenne, Wyoming.

Announcement was made of a Public Hearing to receive public comment regarding the intent of the City of Cheyenne to submit an application to the Wyoming Business Council’s Business Ready Community, Community Enhancement Grant Program to assist in funding the demolition and replacement of the restroom/concessions building at the Dutcher Ball Field Complex Project.

Under other business, it was noted that dedication of the West Allison Road roundabout project was held recently; that a petition has been submitted to the City Clerk’s office regarding concerns with slum and blight conditions within mobile/trailer home parks within the City, and brief comments were made relating to a statement made at a recent City Council candidate debate involving the ability of current Council members to work together.

There being no further business to come before the governing body, the meeting was

officially adjourned at 7:37 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

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

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