

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

October 24, 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 (arriving at 6:09 p.m.), 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 Ms. Williams, and pursuant to support received by Dr. Rinne and Mr. Johnson, Agenda Item #20 (a) was removed from the Consent Agenda. Mr. Luna moved to approve remaining items, seconded by Mr. Shanor. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on October 10, 2016. Motion (per Consent Agenda) carried.

Mr. Roybal declared a conflict of interest (business interest in vouchers payable to Tyrrell-Doyle Auto Center) 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. Roybal returned to Council Chambers.

Mayor Kaysen opened a public hearing to receive comments and input 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. There being no comments or input, Mayor Kaysen closed the hearing and referred the application to Finance Committee.

Mayor Kaysen opened a public hearing to receive comments and input 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. Cindy Schneider, Grants Manager, explained the purpose of the grant and applicable time frames involved; noted elements of the project for which the funding will be used if the application is approved, and advised the project cost is estimated at \$320,000, of which \$240,000 will be requested from the Wyoming Business Council with a 25% City match from Community Facilities fees and in-kind services. Upon inquiry, Rick Parish, Parks and Recreation, provided information on future proposals

for concessions stand services. [City Clerk note: Councilman Cook joined the meeting in progress] Upon inquiry, Ms. Schneider further explained grant requirements, advising she was not aware of any other City projects involving other applications for the upcoming grant cycle, and Mayor Kaysen noted that funding sources are being sought to update areas in the Municipal building and Civic Center to meet ADA compliance. There being no further comments or input, Mayor Kaysen closed the hearing.

ORDINANCE - 3rd 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). Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Motion carried. Voting “yes” -- all members of the governing body. (#4159)

ORDINANCE - 2nd 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). Dr. Rinne moved to approve on second reading, seconded by Mr. White. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE - 1ST READING - Amending 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 - Dr. 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). Seth Lloyd, Development Department, requested the item be postponed to allow for revisions to the Final Plat map pursuant to discussions with the developer. Dr. Rinne moved to adopt, seconded by Mr. Roybal. Upon inquiry, Mr. Lloyd advised the revised map would be presented at the next Public Services Committee meeting. Mr. Roybal moved to postpone to November 14, 2016, seconded by Mr. Cook. Motion to postpone carried. Voting “yes” -- all members of the governing body.

[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. (#5799)

[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. Motion (per Consent Agenda) carried. (#5800)

[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). Motion (per Consent Agenda) carried. (#5801)

RESOLUTION - Regarding Non-Discrimination. Prior to calling for public input on the item, Mayor Kaysen reviewed speaker guidelines that would apply, including a time limit of 5 minutes per speaker, due to the number of members from the public wishing to provide comments. The following individuals offered comments on the proposed resolution: Thomas Hutchings, Jim Gaulke, Rev. Audette Fulbright, Ashlynn Kercher, Angela Barkell, Justin Barkell, John Sundin, Anna Jones, Lynn Weidel, Billie Scott, Lauren Danley, Dave Teubner, Robin Goodspeed, Jason Bloomberg, Rebecca Aardahl, Claire Olson, Joshua Sheets, Evelyn Skinner, Connor Sears, Ryan Nielsen, Betty White, Cindy Jefferson, Tracy Williams, Christina Sears, Courtney Titus, Sawyer Ruben, Hannah Brown, Irene Bales, Randy Oestman, Stephanie Cuthbertson, Erin Clingman, Marcie Kindred Smith, Pete Seekell, Ambreia Meadows-Fernandez, Deacon Michael Leman, Kyle Inselman, Steve Sears, Casey Quinn, A.J. Kelly and Matthew Porras.

Following a 10 minute recess, Mayor Kaysen reconvened the meeting at 8:27 p.m. with public comments continuing by the following: Denise Fertig, A.J. McDaniel, Bob Norris, Michael West, Susan Aldana, Evan Scott, Linda Lee, Shayna Alexander, Sharon Rehm, Mary Ritchie, Mary Bernadette Lovato, Mary Throne, Ruby Johnson, Linda Burt, Mary Schirf, Eric Crosby, Joe Hardy, Sabrina King, Thomas Quinlivan, Melanie Vigil, Sheridan Fertig, Matthew Waterman, Jack Rehm, Jack Reynolds, Betty Scranton, Brent Wilkins, Mary Boud, Laura Greenwald, Deborah Wise, Howard Last, Royce Fertig, Sherry Sundin, Ken Will and Grace Rise.

Following a 10 minute recess, Mayor Kaysen reconvened the meeting at 10:20 p.m. with public comments continuing by the following: Mike Velasco, Amelia Jasper, Kevin Phillips, Shannon (no last name provided), Lori Brand, Nadine Peterson, Jeran Artery, Paige Smith, Russell Hay, Mike Blakely, Marguerite Herman, James Miller, Brenda Lyttle, Larenda Mayberry, Steve Melia, Stewart Campbell, Travis Kirchhefer, Darius Becker, Charlotte Powers, Matthew Mayberry, Mike Williams, Christopher Mayberry, Sara Williams, Kendra Miller, Jeanette Vigil, Karen Mumper, Lynette Hutchings, Truett Thompson, Juliette Daniels, Elisabet de Vallee, Sarah Burlingame, Bruce Kite, Ray Fertig and Ken Trowbridge. Comments were made in support as well as non-support of the proposed resolution with topics discussed by the speakers including the following: First amendment rights; exclusion of certain groups not referenced in the proposed resolution; equal rights and opportunities; religious beliefs and protections; potential effect of the resolution on small businesses; examples of local discrimination as well as lack of evidence of same; addressing the topic through state legislation instead of local government; respect; tolerance; employee recruitment and retention; diversity; use of restroom facilities; bullying; lifestyle choices; reverse discrimination; personal values and beliefs; submitting the topic to voters through an election ballot process; special interest

legislation; federal civil rights protections and interpretations; resolution as a policy statement; core values; community effect; culture changes; qualification of City Council member to vote on the resolution, and secular humanism. During their comments, Ms. Goodspeed, Mr. Crosby and Ms. Boud each submitted a handout [on file with City Clerk's office] containing information in support of their comments. Reporting for Committee of the Whole, Mr. Cook move to adopt, seconded by Mrs. Williams. During comments, Mr. Cook raised a point of order objecting to personal opinions being expressed with Mayor Kaysen ruling that comments should stay on point to the resolution topic. Discussion followed on the intent of the resolution's non-discrimination subject also becoming a religious focus. Mr. Shanor moved to amend by adding an additional Whereas clause to read as follows, seconded by Ms. Williams: Whereas, the City of Cheyenne recognizes the right of religious conscience. Ms. Burlingame and Mr. Melia spoke in support of the amendment. Discussion followed on the meaning of the word "conscience" and support as well as non-support of the resolution. Motion to amend carried. Voting "yes" -- all members of the governing body. Further discussion followed on wording of certain clauses contained in the resolution; state-wide discrimination statistics; resolution as an expression of opinion and not regulatory in nature, and lack of inclusion in resolution wording to reference non-discrimination involving all groups. Motion to adopt as amended carried. Voting "yes" -- Mr. Cook, Mr. Johnson, Dr. Rinne, Mr. Roybal, Mr. Shanor, Mr. White and Ms. Williams. Voting "no" -- Mr. Brown, Mr. Luna and Mayor Kaysen. (#5802)

Following a brief recess, Mayor Kaysen reconvened the meeting at 11:47 p.m.

[CA] RESOLUTION -Authorizing submission of an application to the Wyoming Business Council under the Business Ready Community Grant and Loan Program for a Community Enhancement Project on behalf of the Governing Body of the City of Cheyenne for the demolition and replacement of the restroom/concessions building at the Dutcher Ball Field Complex – referred to Finance Committee (Sponsor - Mr. Brown).

[CA] RESOLUTION - Approving a Special Use Permit for a Creative Sign Program for all of Block 2, Resubdivision of Fairview Addition, Cheyenne, Laramie County, Wyoming (located south of East Lincolnway between Natrona Avenue and Platte Avenue) – referred to Public Services Committee (Sponsors - Mr. Roybal and Ms. Williams).

[CA] RESOLUTION - Approving Water and Sanitary Sewer Services, by Outside Users Agreement, with the Microsoft Corporation, Lot 3, Block 13, North Range Business Park Sixth Filing, Laramie County, Wyoming – referred to Finance Committee (Sponsor - Mr. Brown).

[CA] RESOLUTION - Accepting Grants of Easement for Lots 1-15, Inclusive, Block 28, Lots 1-10, Inclusive, Block 33, and vacated Elm Court between Forest Drive and Lincoln Highway, Mountview Park Addition to the City of Cheyenne, for the purpose of providing a public alley for the convenience of the occupants of said property – referred to Public Services Committee (Sponsor - Dr. Rinne).

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). Chief Jim Martin, Fire and Rescue Department, advised the Response Team provides hazardous material, rescue and major incident response coverage for three counties, and provided information on use of the grant funds. Mr. Brown moved to approve, seconded by Mr. Luna. Motion carried. Voting “yes” -- all members of the governing body. (#6596)

[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. Motion (per Consent Agenda) carried. Voting “yes” -- all members of the governing body. (#6597)

[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. Motion (per Consent Agenda) carried. Voting “yes” -- all members of the governing body. (#6598)

[CA] Use Agreement between the City of Cheyenne and 6020 LLC for limited use of the public right-of-way to install fiber optics (Revenue to City) – referred to Finance Committee.

[CA] Consideration of Bid #E-8-17 for furnishing one new 2017 full size, regular cab, 4x4, one-ton pickup truck for the Parks Division (2015 - 2018 1% Sales Tax) – referred to Finance Committee.

[CA] Consideration of Bid #E-10-17 for furnishing new landfill portable litter fences for the City’s Landfill Division (Solid Waste Management) – referred to Finance Committee.

[CA] Consideration of Bid #E-7-17 for furnishing two (2) new 2017 cab and chassis with 9-foot dump bed for the City’s Cemetery and Forestry Divisions (2015 - 2018 1% Sales Tax) – referred to Finance Committee.

[CA] Request to change retail liquor dispensing room dimensions for HEJE, Inc. d/b/a Outlaw Liquors, 4503 Western Way, Cheyenne, Wyoming – referred to Finance Committee.

Announcement was made of a Public Hearing to be held November 14, 2016 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a restaurant liquor license application filed with the City Clerk’s Office for Bejo Inc. d/b/a Bejo, 112 West 17th Street, Cheyenne, Wyoming (License currently held by Re-O-Na Sushi & Thai d/b/a Re-O-Na Sushi Bar & Thai Cuisine, 112 West 17th Street, Cheyenne, Wyoming).

Announcement was made of a Public Hearing to be held November 14, 2016 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, for a retail liquor license transfer of location application filed with the City Clerk’s Office for Mason Properties, LLC d/b/a TBD, 2825 East Lincolnway, Cheyenne, Wyoming.

Announcement was made of a Public Hearing to be held November 14, 2016 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a restaurant liquor license application filed with the City Clerk’s Office for High Plains Pizza, Inc. d/b/a Pizza Hut #261, 5320 Yellowstone Road, Cheyenne, Wyoming (License currently held by Pizza Hut on Yellowstone, Inc. d/b/a Pizza Hut on Yellowstone, 5320 Yellowstone Road, Cheyenne, Wyoming).

Announcement was made of a Public Hearing to be held November 14, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a restaurant liquor license application filed with the City Clerk's Office for Colvin Properties, LLC d/b/a Pizza Hut #262, 4503 Western Way, Cheyenne, Wyoming (License formerly held by Pizza Hut of Cheyenne, Inc. d/b/a Pizza Hut/Wing Street, 4503 Western Way, Cheyenne, Wyoming).

Under other business, Jeff Dierksen referenced a petition he recently filed with the City Clerk's office regarding traffic safety concerns on Pinto Lane and indicated he would further discuss his concerns at a future meeting. Mr. Johnson congratulated local resident Benjamin Gonzales for placing fifth in a recent international amateur freestyle BMX bicycle competition. Upon inquiry, Carol Intlekofer, City Clerk, explained the fee for transfers of ownership involving restaurant liquor licenses is less than the application fee for a new license.

There being no further business to come before the governing body, the meeting was officially adjourned at 11:58 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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