

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

November 14, 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, Jeff White and Annette Williams. Absent: Dicky Shanor. 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. Luna moved to approve, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on October 24, 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. Johnson moved to approve payment of vouchers as presented, seconded by Mr. Luna. 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 receive comments and input 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). 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 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. Upon inquiry, Carol Intlekofer, City Clerk, advised the applicant is requesting a transfer of location into the west end of the building at 2825 East Lincolnway while renovations are being done to the currently licensed building at 2801 E. Lincolnway, and the applicant will request a future transfer of location application back to the 2801 address when remodeling is completed. There being no further 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 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). Carol Intlekofer, City Clerk, advised the Clerk's office received a non-compliance notice from the Wyoming Liquor Division regarding non-payment of delinquent sales tax involving the current licensee. She noted that per state statute the governing body as the local licensing authority can not approve the transfer until the non-compliance issue has been remedied, and advised she would provide an update on the issue at the next Finance Committee meeting. There being no further 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 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 currently held by Pizza Hut of Cheyenne, Inc. d/b/a Pizza Hut/Wing Street, 4503 Western Way, Cheyenne, Wyoming). There being no comments or input, Mayor Kaysen closed the hearing and referred the application to Finance Committee.

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 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). Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Upon inquiry regarding staff report comments related to Fire Department criteria and traffic study status, Eric Hammer, Development Department, advised staff notes pertain to the future site plan for the property and doesn't affect the current zone change request. Motion carried. Voting "yes" -- all members of the governing body present. (#4160)

ORDINANCE - 2ND 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. Dr. Rinne moved to approve on second reading, seconded by Mr. Johnson. Discussion included: Difference between this ordinance and another recent ordinance on the topic that was considered but not approved; proposed ordinance allowing skateboard riding on sidewalks, streets and public areas in the downtown area for transportation purposes unless signage indicates it is prohibited; skateboard riding on private property being prohibited unless written permission is received from the property owner, and enforcement of violations. Ms. Williams moved to amend by adding "that a skateboarder is responsible for any injuries he or she causes to themselves and unauthorized properties and to obey all rules of the road and use of the sidewalks", seconded by Mr. Cook. Jacob Freeman suggested adding language to the amendment that would include responsibility for any injuries skateboarders cause to themselves and others. Discussion on the proposed amendment included the following

topics: Potential civil lawsuits; City attorney review of the proposed amendment wording; City responsibilities vs. private parties; low volume of citations issued in the past for skateboarding violations, and liability and responsibility of skateboard riders. Upon inquiry, Mark Stewart, Interim City Attorney, advised that people are liable for their own negligence. Ms. Williams revised her motion by friendly amendment by adding “injuries to themselves or to others”. Motion to amend by friendly amendment carried. Voting “yes” -- Mr. Cook, Dr. Rinne, Mr. White, Ms. Williams and Mayor Kaysen. Voting “no” -- Mr. Brown, Mr. Johnson, Mr. Luna and Mr. Roybal. Motion to amend as amended by friendly amendment failed. Voting “yes” -- Ms. Williams, Mr. Cook and Mr. White. Voting “no” -- Mr. Brown, Mr. Johnson, Mr. Luna, Dr. Rinne, Mr. Roybal and Mayor Kaysen. Main motion carried. Voting “yes” -- Mr. Cook, Mr. Johnson, Dr. Rinne, Mr. Roybal and Mr. White. Voting “no” -- Mr. Brown, Mr. Luna, Ms. Williams and Mayor Kaysen.

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). Dr. Rinne moved to adopt, seconded by Mr. Roybal. Dr. Rinne moved to amend by substitute resolution dated November 8, 2016 and revised plat map dated November 4, 2016, seconded by Mr. Roybal. Upon inquiry, Mayor Kaysen advised that City and applicant concerns have been addressed with the proposed amendment. Motion to amend carried. Voting “yes” -- all members of the governing body present. Main motion as amended carried. Voting “yes” -- all members of the governing body present. (#5803)

[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. Motion (per Consent Agenda) carried. (#5804)

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). Dr. Rinne moved to adopt, seconded by Mr. Roybal. Discussion followed on: Creative Sign Program requirements and options; Unified Development Code (UDC) provisions; option for approval through variance process by the Board of Adjustment instead of the governing body; Program intent; what constitutes “creative”, and Program flexibility. During discussion and upon inquiry, Seth Lloyd, Development Department, provided information on the variance process that was shared with the applicant; proposed sign not meeting UDC requirements, and UDC description of what constitutes a creative sign. Upon inquiry to provide comments on the topic inconsistent with the governing body’s public participation procedure, and with no objection being raised by City Council members, John Mason, applicant, provided information on improvements he has made to the property and the type of creative sign he wishes to construct. He noted past creative signs approved by the governing body and commented on subjective interpretation. Discussion continued on previously approved signs; Board of Adjustment variance procedure; electronic signs; ordinance requirements, and established procedures. During comments by D.J. Perrott MacNeil regarding property owned by the Union Pacific Railroad, Mr. Brown raised a point of order that the comments were irrelevant to the

resolution with Mayor Kaysen concurring. Motion to adopt carried. Voting “yes” -- all members of the governing body present with the exception of Dr. Rinne voting “no”. (#5805)

[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. Motion (per Consent Agenda) carried. (#5806)

[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. Motion (per Consent Agenda) carried. (#5807)

[CA] RESOLUTION - Appointing the City Treasurer to serve on the Advisory Board of the participating Municipalities of the Laramie State Small Business Credit Initiative (“SSBCI”) Consortium, which is charged with exercising supervisory responsibility over the activities of the Wyoming Smart Capital Network, LLC, to ensure the lawful allocation and administration of SSBCI funding – referred to Finance Committee (sponsors - Mr. Brown and Mayor Kaysen).

[CA] RESOLUTION - Authorizing the City Treasurer to discharge uncollectible debts in the amount of \$36,085.49 pursuant to Wyo. Stat. §16-4-502 – 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 - Accepting the conveyance of two parcels of property herein described from Ms. Stephanie White to the City of Cheyenne, Wyoming – referred to Public Services Committee (sponsor - Dr. Rinne).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for Barta Subdivision, a replat of Lot 8 and the S½ Lot 1 Block 4, Country Homes Subdivision being situated in the northwest ¼ of the northwest ¼ Section 17, T13N, R66W, of the 6th Principal Meridian, Laramie County, Wyoming (located west of and adjacent to Pine Avenue, south of College Drive) – referred to Public Services Committee (sponsor - Dr. Rinne).

[CA] RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for Country Homes Fifth Filing, being situated in a portion of the northwest ¼ Section 17, T13N, R66W, of the 6th Principal Meridian, Laramie County, Wyoming (located east of and adjacent to Pine Avenue, south of College Drive) – referred to Public Services Committee (sponsor - Dr. Rinne).

[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). Motion (per Consent Agenda) carried. (#6600)

[CA] Volleyball Officiating Agreement between the City of Cheyenne and Officials for Fun Club for adult City league volleyball officiating services for 2017 - 2019 – referred to Finance Committee.

[CA] Contract between the City of Cheyenne, Transit Division, and Wyoming Department of

Health, Aging Division, to provide supportive services to persons 60 years or older (Title III-B Program Grant) – referred to Finance Committee.

[CA] Access Agreement between the City of Cheyenne and the Cheyenne Downtown Development Authority for the use of a portion of the Depot Plaza for the installation of a synthetic ice skating rink to be used by the public without charge – referred to Finance Committee.

[CA] Addendum No. 4 to City Contract No. 2985 between the City of Cheyenne and the City of Cheyenne, Wyoming - Laramie County, State of Wyoming Joint Powers Board, to allow a sublease with Verizon Wireless for the installation of a telecommunications facility to improve cellular telephone communications adjacent to and within Frontier Park – 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). Motion (per Consent Agenda) carried (accepted bid from Spradley Barr Motors, Cheyenne, Wyoming, in an amount not to exceed \$36,999.00).

[CA] Consideration of Bid #E-10-17 for furnishing new landfill portable litter fences for the City's Landfill Division (Solid Waste Management). Motion (per Consent Agenda) carried (accepted bid from Metta Technologies, Toledo, Ohio, in an amount not to exceed \$44,542.00).

[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 Park & Recreation Department (2015 - 2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from Spradley Barr Motors, Cheyenne, Wyoming, in an amount not to exceed \$103,049.63).

[CA] Consideration of Bid #S-6-17 for a contract between the City of Cheyenne, Parks & Recreation Department, and Simon Contractors, Cheyenne, Wyoming, for the Cheyenne Greenway, Saddle Ridge Greenway Connector Project (Grant Funding, Special Purpose Sales & Use Tax) – referred to Finance Committee.

[CA] 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. Motion (per Consent Agenda) carried.

[CA] Request to change retail liquor dispensing room dimensions for HEJE, Inc. d/b/a Outlaw Liquors, 4503 Western Way, Cheyenne, Wyoming. Motion (per Consent Agenda) carried.

Announcement was made of a Public Hearing to be held November 28, 2016 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a transfer of ownership for a retail liquor license application filed with the City Clerk's Office for One East Sixteenth, LLC d/b/a TBD, 1601 Central Avenue, Cheyenne, Wyoming (License currently held by Los Abuelos Mexican Restaurant, d/b/a Los Abuelos Mexican Restaurant, 1601 Central Avenue, Cheyenne, Wyoming).

Under other business, Mr. Johnson congratulated local rapper Alfred "Y-O" Spatz for his collaboration with Afroman on a song about Wyoming.

There being no further business to come before the governing body, the meeting was officially adjourned at 6:48 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

Published: Wyoming Tribune-Eagle
November 25, 2016