

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

November 28, 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, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor, Jeff White and Annette Williams. Absent: Richard Johnson. 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. Roybal. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on November 14, 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 receive comments and input 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). William Murray, member of One East Sixteenth, LLC, advised they are working toward acquiring a tenant to occupy the building and utilize the license, preferably for restaurant purposes, and, upon inquiry, stated once the transfer is approved they will actively pursue tenant opportunities. There being no further comments or input, Mayor Kaysen closed the public hearing and referred the application to Finance Committee.

ORDINANCE - 3RD 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. Major Dorr, spoke in opposition of the ordinance, commenting on pedestrian safety, speed of skateboards by operators and liability concerns. Speaking in support of the ordinance were Anthony Vibbard, Wyoming Liberty Group, and Gabriel Pena, President, Downtown Business Co-op (DBC), whose comments included court

finer, safety, current laws in place, and expression that a majority of DBC members favor the change. Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Roybal. Discussion included the following topics: That not all downtown business operators were in favor of the ordinance; skateboarders' permission required from private property owners; signage requirements; concern involving injuries and liability, and suggestion that a downtown skateboard park be constructed. Ms. Williams moved to amend by adding the following language "... The ordinance is a means of travel only in the downtown business district, not a means of recreational stunts or exhibits unless authorization is permitted by the property owner or owners, and to take out the \$750.00 fine", seconded by Dr. Rinne. Discussion followed and included: Written permission requirement from private property owners, signage not being required on private property, and skateboard uses prohibited on public property unless signage is in place. It was noted that ordinance wording, prior to the proposed amendment, does not contain the fine amount, and the intent of the ordinance is to allow skateboarding use as a means to travel through the downtown district. Motion to amend failed. Voting "yes" -- Dr. Rinne and Ms. Williams. Voting "no" -- Mr. Brown, Mr. Cook, Mr. Luna, Mr. Roybal, Mr. Shanor, Mr. White and Mayor Kaysen. Comments followed in support of the ordinance, and whether a change was justified based upon the minimal number of citations that have been issued for violations. Main motion carried. Voting "yes" -- all members of the governing body present with the exception of Mr. Luna, Ms. Williams and Mayor Kaysen and voting "no". (#4161)

[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. Motion (per Consent Agenda) carried. (#5808)

[CA] RESOLUTION - Authorizing the City Treasurer to discharge uncollectible debts in the amount of \$36,085.49 pursuant to Wyo. Stat. §16-4-502. Motion (per Consent Agenda) carried. (#5809)

[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. (#5810)

[CA] RESOLUTION - Accepting the conveyance of two parcels of property herein described from Ms. Stephanie White to the City of Cheyenne, Wyoming. Motion (per Consent Agenda) carried. (#5811)

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). Dr. Rinne moved to adopt, seconded by Mr. Roybal. Following inquiry regarding wording of the motion, Dr. Rinne clarified his motion should have also included "with revised County Final Plat map as submitted on November 22, 2016". Mr. Roybal, as second to the motion, agreed to the

revised motion wording. Motion carried. Voting “yes” -- all members of the governing body present. (#5812)

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). Dr. Rinne moved to adopt with revised County Final Plat map as submitted on November 22, 2016, seconded by Mr. Roybal. Upon inquiry, Brad Emmons, AVI Engineering, agent for the applicant, provided information on traffic and drainage studies; regional detention pond area; address assignments; relationship between the previous agenda item and this proposed County plat; traffic access points, and pedestrian routes available for both Barta Subdivision and Country Homes. It was noted the revised plat map addresses many concerns. Motion to adopt carried. Voting “yes” -- all members of the governing body present. (#5813)

[CA] RESOLUTION - To name the building located at 2416 Snyder Avenue, Cheyenne, Wyoming, currently known as the Board Of Public Utilities’ Administration/Engineering Building, to the ‘Timothy E. Wilson Board Of Public Utilities’ Administration/Engineering Building – referred to Public Services Committee. (Sponsors - Mr. Cook and Mayor Kaysen)

[CA] RESOLUTION - Supporting the City of Cheyenne’s Application for a Land and Water Conservation Fund Grant for a large picnic shelter in Lions Park – referred to Finance Committee. (Sponsor - Mr. Brown)

[CA] Volleyball Officiating Agreement between the City of Cheyenne and Officials for Fun Club for adult City league volleyball officiating services for 2017 - 2019. Motion (per consent agenda) carried. (#6602)

[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). Motion (per consent agenda) carried. (#6603)

[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. Motion (per consent agenda) carried. (#6604)

[CA] Professional Services Agreement between the City of Cheyenne, Wyoming, and NewGen Strategies & Solutions, LLC, for the Right-of-Way Cost Study Project – 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. Motion (per consent agenda) carried. (#2985)

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). Reporting for Finance Committee, Mr. Brown moved to accept the bid, including Alternate #1 in the amount of \$375,579.50, and amending to include Alternate #2 in the amount of \$100,951.45, to be funded from general fund reserves, for a total bid amount of \$476,530.95, seconded by Mr. Shanor. Comment was made on a previous request for funding from reserves for a pedestrian crosswalk on Duff and Pershing, which was not approved, and that the project is still pending. Dr. Rinne moved to divide the question to allow for a separate vote on the base bid including Alternate #1, and Alternate #2, seconded by Mr. Shanor. Motion to divide the question carried. Voting “yes” -- all members of the governing body present. Upon inquiry, Dr. Rinne confirmed it was his intent, by moving to divide the question, to discuss and act upon Alternate #2 prior to the base bid which includes Alternate #1. Upon inquiry, Jeff Wiggins, Parks and Recreation Department, provided information on initial budgeting for the project, which was anticipated to be at a lower amount, and additional funding now needed to cover project costs. Alternate funding streams were discussed with Mr. Wiggins providing information on the primary sources of funding for Greenway projects and funding available for this project. Discussion continued on the possibility of a different funding source for work to be done under Alternate #2, and that a bid shouldn’t be accepted if there isn’t a funding source available. Mr. Brown moved to postpone action on Alternate #2 to December 12, 2016, seconded by Mr. Shanor. Upon inquiry, Mr. Wiggins confirmed that postponement shouldn’t affect completion of the project, which is anticipated to be in July 2017. Motion to postpone carried. Voting “yes” -- all members of the governing body present. Dr. Rinne moved to postpone action on the base bid with Alternate #1 to December 12, 2016, seconded by Mr. Cook. Motion to postpone carried. Voting “yes” -- all members of the governing body present.

[CA] Consideration of Bid #S-5-17 for a contract between the City of Cheyenne, 1% Construction Division, and Intermountain Slurry Seal, Inc., North Salt Lake, Utah, for the 2017 Slurry Seal Project (2015 - 2018 1% Sales Tax) – referred to Finance Committee.

[CA] 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). Motion (per consent agenda) carried.

[CA] 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. Motion (per consent agenda) carried.

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 that subsequent to the Finance Committee’s review and recommendation of the item, the City Clerk’s office had received notification from the Wyoming Liquor Division that the delinquent sales tax issue involving the current licensee had been rectified. Mr. Brown moved to approve, seconded by Mr. Luna. Motion carried. Voting “yes” -- all members of the governing body present.

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). Carol Intlekofer, City Clerk, advised that subsequent to the Finance Committee's review and recommendation of the item, the City Clerk's office had received notification from the Wyoming Liquor Division that the delinquent sales tax issue involving the current licensee had been rectified. Mr. Brown moved to approve, seconded by Mr. Luna. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Designation of Official Voting Delegate and Alternate Delegate for the City of Cheyenne at the January 12, 2017 Wyoming Association of Municipalities Business Meeting in Cheyenne – referred to Finance Committee.

Announcement was made of the Appointments of Noah Bell, Maggie Black, Hannah Brown, Dawson Eldred, Dylan Fertig, Julia Horst, Taylor Hulburt, Hannah Jankovsky, Keiran Loughran, Hannah Lumsden, Shelbi Moore, Tanner Robertson, Sawyer Ruben, Carolyn Rude and Kenitra Shanks to the 2016 - 2017 Mayor's Youth Council, to be confirmed December 12, 2016.

Under other business:

Jeff Dierksen commented on pedestrian routes discussed earlier in the meeting (agenda items involving County Final Plats for Barta Subdivision and Country Homes) relative to weather related Greenway underpass flooding, drainage and icy conditions. Mr. Dierksen then referenced a previous petition he had submitted with the City Clerk's office involving traffic and neighborhood concerns on Pinto Lane, and presentation of his concerns to the governing body over the past two years. He expressed dissatisfaction with no action being taken on the concerns. He proposed suggestions for improvements to lower speed limits and traffic volumes and for mitigation of negative conditions in certain residential neighborhoods impacted by development, and provided detailed information on Pinto Lane neighborhood conditions involving safety, noise, traffic speed and traffic management practices. Nathan Beauheim, Engineering Department, advised that current 25 m.p.h. speed signs in residential neighborhoods are being removed due to a previous ordinance change; that the City Engineer doesn't have discretion to set speed limits, noting recommendations can be made to the governing body, and that compliance with WYDOT policy requirements must be met when considering lower speed limits in certain areas within the City. During his comments, Mr. Beauheim submitted a map handout (on file with City Clerk's office) containing information on serious crash locations within the City in the past 10 years and the level of injuries or occurrence of fatalities. He noted there had been one serious traffic incident on Pinto Lane during that time frame and referenced other higher volume serious crash sites. Mr. Beauheim provided information on other entrance areas into the Pinto Lane neighborhood, and WYDOT policy requirements. During comments that followed on traffic speeds, volume, and schools and businesses within the area, Mr. Shanor raised a point of order that the other business portion of the meeting agenda is intended for general public comment, and if there is a specific proposal or issue to be addressed or acted upon the appropriate mechanism for Council members is to sponsor a regular agenda item to follow the usual process and to provide notification to the public of intended discussion or action, and that what was being asked of the governing body at this time is not an appropriate use of the public comment period. Mayor Kaysen concurred and requested Mr. Dierksen summarize a concluding statement. Mr. Dierksen briefly reiterated his concerns.

Jacob Freeman commented that traffic on Pinto Lane can be dangerous and adding something to slow student vehicular traffic down would be helpful, noting speed limit signage is not necessarily recognized by young drivers.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:34 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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