

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

December 27, 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 Amanda Esch, representing Davis and Cannon, LLP, Interim City Attorney. The pledge of allegiance was recited.

Presentation to Mayor Richard L. Kaysen from the Wyoming Military Department and Wyoming Veterans Commission. Major General Luke Reiner, Wyoming Military Department, recognized Mayor Kaysen for his history of service and support to the military and his community service to the City, and awarded Mayor Kaysen with the distinctive title of Honorary Wyoming Cowboy Colonel. Larry Bartlett, Director of the Wyoming Veterans Commission, read the citation bestowing the title to Mayor Kaysen and presented him with an engraved plaque.

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 Mr. Brown, and pursuant to support received by Mr. Luna and Mr. Shanor, item #13 was removed from the Consent Agenda. Upon request by Ms. Williams, and pursuant to support received by Dr. Rinne and Mr. Cook, item #18(a) was removed from the Consent Agenda. Upon request by Dr. Rinne, and pursuant to support received by Mr. Cook and Mr. Shanor, item #19(a) was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. Shanor. Motion carried. Voting "yes" -- all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on December 12, 2016. Motion (per Consent Agenda) carried. Voting "yes" -- all members of the governing body.

Mr. Roybal declared a conflict of interest (business interest in voucher payable to Tyrrell Chevrolet) and vacated Council Chambers. Mr. Luna moved to approve payment of vouchers as presented, seconded by Mr. Shanor. 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 on a proposed sale of real property owned by the City of Cheyenne, being a parcel of land located in Tract 2, Hildreth Subdivision, located generally north of Polo Ranch Road, in Section 16, T14N, R67W of the 6th P.M., Laramie County, Wyoming, consisting of five (5) acres, more or less, and having an appraised

value of \$62,500.00, to the Department of Veterans Affairs, for and on behalf of the United States of America, to be used for the establishment of a Veterans' Cemetery. There being no comments or input, Mayor Kaysen closed the public hearing.

Mayor Kaysen announced 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, Business Committed Grant Program, to assist in funding Project Edible was being cancelled as the applicant has provided notification that the Project will not be moving forward and the purpose of the hearing was no longer needed.

ORDINANCE - 2nd READING - Amending Exhibit C of Ordinance No. 4139 defining the terms and conditions of employment for sworn officers of the Cheyenne Police Department. Chief Brian Kozak, Police Department, provided an overview of the changes contained in the proposed ordinance and explained the purpose of restructuring certain upper management officer positions and salaries, noting initial cost savings will be "budget neutral" and that the changes are anticipated to assist with recruitment, retention and promotion opportunities. Reporting for Finance Committee, Mr. Brown moved to approve on second reading, seconded by Mr. Luna. Upon inquiry, Chief Kozak provided information on promotional testing and future requirement for a bachelor's degree for lieutenant positions. Discussion included employee retention; addressing additional fiscal related issues at budget time, and that other departments have also been restructured over the years. Motion carried. Voting "yes" -- all members of the governing body.

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 Lots 1 and 2, Block 4 of Anderson Estates 2nd Filing, City of Cheyenne, Laramie County, Wyoming (located north of and adjacent to Dell Range Boulevard and west of Windmill Road). Reporting for Public Services Committee, Dr. Rinne moved to approve on second reading, seconded by Mr. Johnson. Request was made that Planning and Development staff be aware of traffic and safety concerns relating to proposed property use. Motion carried. Voting "yes" -- all members of the governing body.

[CA] RESOLUTION - Designating local banks as depositories for municipal funds. Motion (per Consent Agenda) carried. (#5817)

[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. (#5818)

RESOLUTION - Authorizing an offer to sell a City-owned property legally described as Tract 2, Hildreth Subdivision, Laramie County, Wyoming, to the Department of Veterans Affairs, for and on behalf of the United States of America, to be used for the establishment of a Veterans' Cemetery, pursuant to Wyo. Stat. Ann. § 15-1-112(b)(i)(B). Mr. Brown moved to adopt, seconded by Mr. White. Motion carried. Voting "yes" -- all members of the governing body. (#5819)

RESOLUTION - Approving a proposition to impose the 1% Specific Purpose Sales and Use Tax in Laramie County, State of Wyoming, for the exclusive purpose of funding specific purposes for specific amounts; the propositions to be voted on at a special election to be held May 2, 2017. Mr. Brown moved to adopt, seconded by Mr. Johnson. Mr. Brown moved to amend by substitute dated December 16, 2016, seconded by Ms. Williams. Upon request, Amanda Esch, Interim City Attorney, advised the substitute provides correlation in wording with the County's resolution, and noted a change in Proposition 3 (proposed funding to construct Christensen Road between Commerce Circle and U.S. Highway 30). Motion to amend carried. Voting "yes" -- all members of the governing body. Mr. Brown moved to amend Proposition 8 (e) by removing \$3,200,000.00 for the purchase of land for a future community park to be located in east Cheyenne and replacing it with \$3,200,000.00 to be used for City streets and pavement maintenance and improvements, including construction, reconstruction, renovation, and grant match for maintenance projects, seconded by Ms. Williams. Comment was made that the proposed amendment is geared toward meeting the needs of current street conditions as opposed to funding going toward the acquisition of proposed park land that may or may not be developed in the future as a community park. Concern was expressed regarding the "packaging" of projects in the ballot proposition. Phyllis Salzburg spoke in opposition to the motion to amend and in support of planning for future open space and parks as the community grows. Dale Keizer, owner of the proposed park land, provided information on the family's offer to the City and being pro-active in acquiring the land, noting an east community park is included in Parks and Recreation Department's master plan, and stated support for allowing voters to decide on the proposition. Discussion included the following topics: Concerns with potholes, street conditions and infrastructure needs; grouping of ballot proposition projects; community growth and amenities; state legislative intent involving authorization and use of 6th penny sales tax funds; growth and future needs for the eastern side of the community; existing neighborhood needs; use of established large community parks vs. small neighborhood parks; collaborative consensus process utilized to determine 6th penny projects; Uniform Development Code requirements for open space, and past public/private cooperative efforts involving the North Cheyenne Community Park. Mayor Kaysen advised development of the North Cheyenne park involved a partnership between the City and many individuals. Motion to amend failed. Voting "yes" -- Mr. Brown, Mr. White and Ms. Williams. Voting "no" -- Mr. Cook, Mr. Luna, Mr. Johnson, Dr. Rinne, Mr. Roybal, Mr. Shanor and Mayor Kaysen. Ms. Williams moved to amend by removing the following dollar amounts and projects from County and City propositions: Proposition 5(d) \$2,350,000 (Cheyenne downtown core projects); Proposition 5(e) \$3,800,000 (Cheyenne Greenway); Proposition 6(a) \$6,750,000 (City of Cheyenne multipurpose indoor turf facility); Proposition 7(f) \$7,050,000 (basketball and volleyball courts and gymnastics facilities at the Ice and Events Center); Proposition 8(b), \$2,500,000 (public access to Belvoir Ranch and Big Hole properties and recreational trails) and Proposition 8(e) \$3,200,000 (City of Cheyenne to purchase land for a future community park in east Cheyenne), and to use \$21,000,000 of these funds to acquire a new location for Municipal Court with the balance of funds to be evenly split between Council Ward I, Ward II and Ward II to use for infrastructure needs such as potholes, roadways, curbs and gutters, and drainage. Mayor Kaysen noted the governing body can only address those projects involving City of Cheyenne proposition requests and not the County's projects. Motion to amend died due to lack of a second. Main motion as amended carried. Voting "yes" -- all members of the governing body with the exception of Ms. Williams voting "no". (#5820)

RESOLUTION - Supporting the expedient completion of the West Edge Civic Center

Commons in the manner and location as it is currently designed and planned – referred to Public Services Committee (Sponsors - Mr. Cook, Mr. Johnson, Dr. Rinne, Mr. Roybal, Mr. White and Mayor Kaysen). Dr. Rinne advised the item was reviewed under other items for the agenda at the December 20, 2016 Public Services Committee meeting, therefore, provisions of Title 2 of City Code had been met. Dr. Rinne moved to adopt, seconded by Mr. Roybal. Discussion included purpose of the resolution to reiterate support for the project as initially intended and designed and to assure the community and private business investors that the project will move forward, and past support expressed through various approval actions of the governing body. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mr. Brown voting “no”. (#5821)

[CA] RESOLUTION - Authorizing the Mayor and City Clerk to execute a State Historic Preservation Office Certified Local Government Grant Agreement for attendance at the 2017 Saving Places Conference – referred to Finance Committee. (Sponsor - Mr. Brown)

[CA] RESOLUTION - To name the building complex located at 1328 Talbot Court in the City of Cheyenne as the ‘Ronald J. Jeffrey Youth Complex’ – referred to Public Services Committee. (Sponsors - Mr. Cook, Mr. Roybal, Mr. Shanor and Mr. White)

Contract between The Nature Conservancy, the City of Cheyenne, Wyoming, and the County of Larimer County, Colorado, for the cooperative management of 1,800 acres of land (known generally as the Laramie Foothills Red Mountain Ranch - Wyoming, also known as the Big Hole). Mr. Brown moved to approve, seconded by Mr. Johnson. Discussion included past contracts with The Nature Conservancy for management of the area, including the building of trails, and proposed contract relative to access. Upon inquiry, Seth Lloyd, Development Department, explained the cooperative contract provides for a management plan for the Big Hole and provided information on contract provisions involving the entities involved. Motion carried. Voting “yes” -- all members of the governing body with the exception of Ms. Williams voting “no”. (#6612)

[CA] Use Agreement between the City of Cheyenne and Saddlehorn Pipeline Company, LLC, to install a crude oil pipeline within a portion of the City’s public right-of-way and setting a fee – referred to Finance Committee.

Contract Modification No. 2 to Contract No. 5932 between the City of Cheyenne, Public Works Department, and Solid Waste Professionals of Wyoming, for Happy Jack Landfill Expansion to extend the contract to December 1, 2020 (Solid Waste Management fund). Mr. Brown moved to approve, seconded by Mr. Roybal. Discussion included the variance process for landfill expansion; costs incurred; landfill life time frame, and DEQ standards. Matt Theriault, Public Works Department, provided information on money set aside for cap and closure that is being diverted to complete vertical design and expansion, and Craig LaVoy, Deputy Public Works Director, provided information on the anticipated time frame in which solid waste will no longer be hauled to Ault, CO, and expected cost savings, noting legislative rules (DEQ) have changed resulting in extended life of landfill space. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mr. Luna voting “no”. (#5932)

[CA] Contract Modification No. 1 to Contract No. 6541 between the City of Cheyenne, Leisure

Services Division, and Becker Arena Products, Inc., Savage, Minnesota, to increase the arena surface flooring area at the Ice and Events Center and to increase the contract amount an additional \$17,288.37 (Recreation Programs funding). Motion (per Consent Agenda) carried. (#6541)

[CA] Contract Modification No. 2 to Contract No. 6307 between the City of Cheyenne and Ayres Associates for additional design services and construction management for the Lake Minnehaha Remediation Phase 2 Project (County Consensus Block Grant) – referred to Finance Committee.

Re-Appointments of Jeffie J. Wiggins-McMullen to the Fire Civil Service Commission; George Parks to the Police Civil Service Commission; Pete Illoyay to the Cheyenne Regional Airport Board; Jody Shields and Chuck West to the Board of Adjustment; Michael A. Metzler, Jason Stephen and Paul Pomeroy to the Contractor Licensing Board; Greg Palmquist to the City Planning Commission; Carol J. Martin, Patricia Riesland, Howard A. Hill Sr., Betty Jean Pearson, Daryl Hensel and Mary E. Richey to the Mayor’s Council for People with Disabilities; Morgan Martin to the Historic Preservation Board; Ray Fertig, Jr. and Nicholas Pickering to the Building Code Board of Appeals; and Ted Gertsch and April Mattie to the Housing and Community Development Advisory Council. Mr. Luna moved to approve, seconded by Mr. White. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mr. Johnson voting “no” and Mayor Kaysen who did not vote (Mayoral appointees).

Appointments of Alice J. Hall and Gunnar Malm to the City Planning Commission; Jeff Deisch to the Building Code Board of Appeals; Kristi Racines and Palmer D. Trujillo to the Historic Preservation Board; Tracy Kamm, Julie Tucker and Dana Wood to the Mayor’s Council for People with Disabilities; Edwin G. Avery to the Cheyenne Housing Authority; Patrick W. Green and Lorraine Fresquez to the Personnel Commission; and Dennis Humphrey to the Contractor Licensing Board. Mr. Luna moved to approve, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body with the exception of Mayor Kaysen who did not vote (Mayoral appointees).

[CA] Consideration to purchase Thermo-Scientific Gemini Analyzer from Thermo Scientific Portable Analytical Instruments, Inc., Tewksbury, Massachusetts, for Fire and Rescue Department (Miscellaneous Federal Grants – Homeland Security). Motion (per Consent Agenda) carried (amount not to exceed \$95,200.00).

[CA] Consideration to purchase Motorola dual-band portable radios, with vehicle chargers, lapel speaker-microphones and battery clamshells from Wireless Advanced Communications, Evans, Colorado, for Fire and Rescue Department (Miscellaneous Federal Grants - Homeland Security). Motion (per Consent Agenda) carried (amount not to exceed \$45,414.90).

Announcement was made of a Public Hearing to be held January 9, 2016 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exists for Tract 71 and portions of Tracts 70 & 72, Allison Tracts, 2nd Filing and adjacent right of way, being situated in a portion of the SW¼, NW¼, and the NW¼, SW¼ of Section 8, T13N, R66W of the 6th Principal Meridian in Cheyenne, Laramie County, Wyoming (located northeast of the intersection of W. Allison Road

and Walterscheid Blvd.).

Announcement was made that the Sine Die meeting of the Governing Body and First Regular Meeting of the Governing Body will be held Tuesday, January 3, 2017 beginning at 6:00 p.m. in the Cheyenne Civic Center, 510 West 20th Street; reception to follow in the Civic Center Lobby.

Announcement was made that due to the Sine Die and First Regular Meetings of the Governing Body on Tuesday, January 3, 2017, regularly scheduled City Council Committee meetings will instead be held on Wednesday, January 4, 2017 in the Municipal Building, 2101 O'Neil Avenue, Room 122, Cheyenne, Wyoming, as follows: Finance Committee will meet at 11:00 a.m. and Public Services Committee will meet at Noon.

Under other business:

Jeff Dierksen referenced comments he had made at the November 27, 2016 City Council meeting and affiliated petition previously submitted to the City Clerk's office concerning residential speed limits on Pinto Lane. Mr. Dierksen commented on speed study methodology and national practices, and WYDOT rules. He requested the City Attorney write WYDOT to request policy determination regarding speed study measurements.

Mr. Johnson congratulated the local Casket Huffer band for being recognized through favorable review in a national magazine, and recognized Sam's Club employees for purchasing and donating toilet paper to the Comea Shelter. He also recognized Andersen Podiatry Center's Shoes for the Homeless Project, thanking them for their efforts in collecting and donating shoes to homeless shelters.

Ms. Williams requested the community's assistance in being vigilant in continuing efforts with law enforcement to provide any information which may help to find the body of a recently murdered local baby.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:58 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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