

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

April 13, 2020

The Governing Body of the City of Cheyenne met in regular session on this date beginning at 6:07 p.m. via electronic conference meeting. Attending via electronic conference meeting were: MAYOR – Marian J. Orr; COUNCIL MEMBERS – Rocky Case, Bryan Cook, Ken Esquibel, Pete Laybourn, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor and Jeff White. Also attending: Kris Jones, City Clerk.

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 Dr. Rinne, and pursuant to support received by Mr. Shanor and Mr. Case, agenda item #14 was removed from the Consent Agenda. Mr. Luna moved to approve remaining items, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on March 23, 2020. Motion (per Consent Agenda) carried.

[CA] Minutes from the Special Meetings of the Governing Body on March 19, 2020. Motion (per Consent Agenda) carried.

ORDINANCE – EMERGENCY READING – Amending Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 5, Business Licenses and Regulations, of the Municipal Code of the City of Cheyenne, Wyoming, concerning the delivery of alcoholic liquor or malt beverages. Mr. White moved to suspend the rules and hear this ordinance as an emergency ordinance pursuant to Wyoming State Statute 15-1-115(c), seconded by Mr. Esquibel. Motion carried. Voting “yes” – all members of the governing body. Michael O’Donnell, City Attorney, provided details involving the proposed ordinance, noting it amends the existing ordinance and is restricted to a six month time frame. Following comments regarding public comment availability relating to the electronic conference meeting, Mr. O’Donnell provided additional options for the public to provide comments/questions. Comments were made regarding current revenue downfall for multiple types of businesses, compassion for business owners and employees during the Covid-19 Pandemic and mental health and substance abuse concerns related to the ordinance. Upon inquiry, City Clerk Kris Jones explained that under the emergency ordinance procedure, three-quarters of the governing body must vote affirmatively in order for the ordinance to pass. Mr. White moved to approve, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body with the exception of Mr. Laybourn voting “no”. (#4299)

ORDINANCE – EMERGENCY READING – Establishing enforcement provisions for the Wyoming Statewide Public Health orders related to the Covid-19 Pandemic. Mr. White moved to suspend the rules and hear this ordinance as an emergency ordinance pursuant to Wyoming State Statute 15-1-115(c), seconded by Mr. Laybourn. Motion carried. Voting “yes” – all members of the governing body. Michael O’Donnell, City Attorney, provided information relating to the proposed ordinance which would provide local authorities the ability to issue citations for violations under Municipal Code instead of under State Statute mandates, lowering the penalties. Mr. O’Donnell further explained that the intent is to encourage people to follow the recent orders put in place by the Governor regarding social distancing during the Covid-19 Pandemic. Members of the public voiced concerns relating to the following: enforcement, constitutional rights, necessity, future recreational opportunities, public testing and community impacts from the Covid-19 Pandemic, Health Department recommendations and criminal versus civil convictions. Mr. White moved to approve, seconded by Mr. Laybourn. Mr. White moved to amend by substitute dated April 13, 2020, seconded by Mr. Laybourn. Motion carried. Voting “yes” – all members of the governing body with the exception of Mr. Cook voting “no”. Mr. Shanor moved to amend by replacing Section 9 to read as follows: “This ordinance shall cease to be effective upon any Order, or aspect of any Order, when the Order or aspect ceases to be in effect”, seconded by Dr. Rinne. Motion carried. Voting “yes” – all members of the governing body with the exception of Mr. Cook voting “no”. Additional discussion topics included potential for a “stay at home order”, civil versus criminal convictions and community pressure for more and less restrictions. Upon inquiry, Chief of Police Brian Kozak advised currently the Police Department refers to the Health Department to address complaints related to social gatherings and they have not yet had to enforce state law. He further stated the Police Department remains neutral towards the ordinance. Main motion as twice amended failed due to a tie vote. Voting “yes” – Mr. Esquibel, Mr. Laybourn, Mayor Orr, Dr. Rinne, Mr. White. Voting “no” – Mr. Case, Mr. Cook, Mr. Luna, Mr. Roybal, and Mr. Shanor.

ORDINANCE – 3rd READING – Annexing to the City of Cheyenne, Wyoming, a portion of the South ½ of Section 36, T14N, R67W, 6th PM, Laramie County, Wyoming (located between Westland Road and I-25, adjacent to Crow Creek). Mark Christensen, Planning and Development, advised he was available for any questions. Mr. Case moved to approve on third and final reading, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body. (#4300)

ORDINANCE – 3rd READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from County LI (Light Industrial) to P (Public District) for a tract of land generally located west of Westland Road at Crow Creek. Mark Christensen, Planning and Development, explained the application accompanies the previous agenda item (annexation request) and is for a zoning map amendment for 4 City parcels. Mr. Case moved to approve on third and final reading, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body. (#4301)

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 LI Light Industrial to MUB Mixed-

Use Business Emphasis for Lots 5, 6, 7, and 8, Block 271, Original City, Cheyenne, Wyoming (located at the northwest corner of the intersection of West 20th Street and Bent Avenue). Seth Lloyd, Planning and Development, provided brief comments on the proposed zone change area. Darin and Misha Westby spoke in support of the ordinance and expressed appreciation to the governing body and Planning and Development staff. Mr. Case moved to approve on third and final reading, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body. (#4302)

ORDINANCE – 3rd READING – Pursuant to Sections 1.1.6 and 2.4.1 of the Cheyenne Unified Development Code (UDC), amending Section 5.1.5.a-Detached Dwelling (“Single-Family”) Lot Types and Building Standards to reduce the required frontage of Detached Dwelling (“Single-Family”) lots for DD7: Detached Dwelling/Small Lot Type from 48 feet to 40 feet and from 60 feet to 45 feet on corner lots. Mark Christensen, Planning and Development, provided brief comments on the ordinance noting the reduction of required frontage of detached dwelling and corner lots. Mr. Case moved to approve on third and final reading, seconded by Mr. Luna. Motion carried. Voting “yes” – all members of the governing body. (#4303)

ORDINANCE – 2nd READING – Amending the City of Cheyenne’s Solid Waste Fee Schedule. Vicki Nemecek, Director of Public Works, summarized the proposed fee schedule and explained they propose to move forward with the Integrated Solid Waste Management Plan update. Ms. Nemecek added that with the current pandemic and associated quarantine, commercial businesses can opt to alter or suspend their pick-up service due to less accrued waste and residents can order an additional waste receptacle due to increased waste volume. She noted the proposal includes moving forward with the \$8 million landfill expansion project recommended as a part of the Integrated Solid Waste Management Plan of which the increased expenditure will result in an increase of \$1.24 million transfer to the general fund. Upon inquiry, Ms. Nemecek explained an email sent to the governing body with proposed increase rates represent the same annual recommended increases in the ordinance and the proposed \$1.24 million transfer to the general fund is approximately half a million dollars more than last year. Upon further inquiry related to a higher increase to some services, Ms. Nemecek advised the Integrated Solid Waste consultant reviewed services and found that the City’s cost to provide the services was lower than what has been charged for those services. She further noted that adjustments were made so that the service charge is the same as what it costs to provide the service. Mr. Luna moved to approve on second reading, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body with the exception of Mr. Luna voting “no”.

RESOLUTION – Authorizing the City of Cheyenne to accept as a gift a parcel of real property from JPK TR Cheyenne II, LLC. Mr. Luna moved to adopt, seconded by Mr. Case. Dr. Rinne provided information on the parcel explaining it will be beneficial for the City to own it as it is adjacent to the Ice and Events Center. He further explained this will be viable to future buyers, will assist in long term development of the property and abatement of existing structures will have to take place eventually. Motion carried. Voting “yes” – all members of the governing body with the exception of Mr. Cook voting “no”. (#6045)

[CA] RESOLUTION – Approving the City of Cheyenne’s Analysis of Impediments to Fair Housing Choice Prepared by the Cheyenne Housing and Community Development Office – referred to Public Services Committee. Motion (per Consent Agenda) carried. (#6046)

RESOLUTION – In appreciation of State and Local Leaders for their exceptional efforts during the Covid-19 Crisis. Mr. Case advised this item was reviewed under other agenda items at the April 7, 2020 Public Services Committee meeting and provisions of City Code Title 2 had been met. Mr. Case moved to adopt, seconded by Mr. Luna. Motion carried. Voting “yes” – all members of the governing body. (#6047)

[CA] RESOLUTION – Authorizing the Cheyenne Police Department to apply for Wyoming Association of Sheriffs and Chiefs of Police/Wyoming Department of Transportation, Highway Safety Program, Selective Traffic Enforcement Grant Funding (Highway Safety Selective Traffic Enforcement Grant) (Sponsor – Mr. Luna) – referred to Finance Committee.

[CA] RESOLUTION – Authorizing the Cheyenne Police Department to apply for Wyoming Department of Transportation, Highway Safety Program, Grant Funding for the City’s Mobile D.U.I. Command Post (Highway Safety Mobile Command Grant) (Sponsor – Mr. Luna) – referred to Finance Committee.

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Saddle Ridge, 15th Filing, a replat of all of Lots 2-10, Block 1, Saddle Ridge, 13th Filing, Cheyenne, Laramie County, Wyoming (located northwest of the intersection of Saw Buck Road and Red Feather Trail) (Sponsor – Mr. Case) – referred to Public Services Committee.

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Westby Edge, a replat of Lots, 5, 6, 7 and 8, Block 271, Original City, Cheyenne, Laramie County, Wyoming (located at the northwest corner of W. 20th Street and Bent Avenue) (Sponsor – Mr. Case) – referred to Public Services Committee.

[CA] RESOLUTION – Granting an exception to the ‘201 Agreement’ for the owner of the property located 7511 Tate Road to allow repair or replacement of an on-site septic system located within Laramie County (Sponsor – Mr. Case) – referred to Public Services Committee.

[CA] Professional Services Agreement with Woolpert, Inc., for Civil Engineering and Design Services for the F.E. Warren AFB Enhanced Use Lease Project on Happy Jack Road. Motion (per Consent Agenda) carried (in an amount not to exceed \$394,560.00) (#7162)

[CA] Agreement between the City of Cheyenne, Laramie County Sheriff’s Department and Laramie County, Wyoming, for housing City prisoners at the Laramie County Detention Center (General Fund) – referred to Finance Committee.

[CA] Juvenile Housing Agreement between the City of Cheyenne and Laramie County for the housing of juvenile detainees in the Laramie County Juvenile Services Center located at the Archer Complex (General Fund) – referred to Finance Committee.

[CA] Grant agreement between the City of Cheyenne, Youth Alternatives, and the Corporation for National and Community Service, for the FY 2020 Foster Grandparent Program (FGP) Replacement Sponsor Program (Foster Grandparent Grant) – referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Laramie County, and Christensen's Inc., granting an access easement for use and maintenance of an access road and drainage conveyance across land owned by the City (revenue to the City) – referred to Finance Committee.

[CA] Agreement between the City of Cheyenne, Laramie County, and Christensen's Inc., for driveway and drainage maintenance of an access road and drainage conveyance across land owned by the City – referred to Finance Committee.

[CA] Consideration of Modification #1 to Contract #6933 between the City of Cheyenne and Vortex International Aquatic Play Solutions to extend the completion date. Motion (per Consent Agenda) carried. (#6933)

[CA] Modification #1 to Contract #7136 City of Cheyenne and State of Wyoming Department State Parks and Cultural Resources, for grant agreement: Board and Staff Training: 2020 Saving Places Conference (SHPO Federal Grant). Motion (per Consent Agenda) carried (revenue to the City in an amount not to exceed \$833.88). (#7136)

[CA] Consideration of Modification #3 to Contract #6892 between Noel Griffith Jr. & Associates Architects for Additional Design Services and Historical Consulting for finish of the second floor of the Cheyenne Municipal Court Project (Specific Purpose Sales & Use Tax) – referred to Finance Committee.

[CA] Contract Modification #2 to Contract #7082 between the City of Cheyenne and Scotch Boy, Inc. for the Irrigation Controllers and Equipment Upgrade Project – referred to Finance Committee.

[CA] Consideration of Bid #S-8-20 for a contract between the City of Cheyenne and Recycled Materials, LLC, for the 101 Columbus Drive Demolition Project (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from Recycled Materials, LLC, Casper, WY, in an amount not to exceed \$38,153.00). (#7163)

[CA] Consideration of Bid #E-15-20 for a contract between the City of Cheyenne and Pine Bluffs Gravel & Excavating for furnishing Compost Facility Waste Hauling (Solid Waste Fund) – referred to Finance Committee.

No comments were made on the Voucher Report as presented.

Under other business:

Mr. Esquibel inquired into the possibility of opening softball fields for practice with similar social distancing restrictions that the golf course currently has in place. Mayor Orr explained that violations of the Governor's order related to social distancing were occurring at the softball fields, noting teams can't gather at the fields.

There being no further business to come before the governing body, the meeting was officially adjourned at 8:15 p.m.

Submitted by,

Kristina F. Jones, City Clerk

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

Published: Wyoming Tribune-Eagle
April 22, 2020