

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

May 8, 2017

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 – Marian J. Orr; COUNCIL MEMBERS – Rocky Case, Bryan Cook (arriving at 6:10 p.m.), Richard Johnson, Pete Laybourn, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor and Jeff White. Also present: Carol Intlekofer, City Clerk, and Sylvia Hackl, City Attorney. The pledge of allegiance was recited.

Recognition by City Council President Dicky Shanor of the City's Participation in the American Council of Young Political Leaders Fellows Program. Mr. Shanor provided a brief explanation of the program, noting Cheyenne was one of four cities in the U.S. selected for program participants to visit and learn about various aspects of government and community issues. Cheyenne's program participants, Ooi Tze Howe and Kelvin Yii from Malaysia, and Tu Mai Zahkung from Yangon introduced themselves and provided brief information on their professional backgrounds and areas of interest.

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 April 24, 2017. Motion (per Consent Agenda) carried.

Mr. Roybal declared a conflict of interest (business interest in voucher payable to Tyrrell Chevrolet) and vacated Council Chambers. Mr. Case 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 Orr opened a public hearing to receive comments and input on a proposed sale of real property owned by the City of Cheyenne, located at 206 West Lincolnway, Cheyenne, Wyoming, legally described as the East 22 feet of Lot 7, Block 390, Original City, consisting of approximately 2,904 sq. ft. and having estimated appraised value of \$70,000.00, to Cheyenne-Laramie County Corporation for Economic Development (Cheyenne LEADS), a Wyoming nonprofit corporation, for economic development purposes. Anja Bendel, Cheyenne LEADS, advised the intent of acquiring the property was in affiliation with the Hynds Building redevelopment project, and commented in support of acquiring the property, along with adjacent parcels, for economic development purposes. There being no further comments and input and

purpose of the hearing having been met, Mayor Orr closed the hearing. [City Clerk note: During public hearing comments, Mr. Cook joined the meeting]

Mayor Orr 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 Readiness Grant Program to assist in funding the Christensen Railroad Overpass and Corridor Project. Tom Mason, Metropolitan Planning Organization, explained the grant application, if approved, could assist in supplementing the recently approved 6<sup>th</sup> Penny Specific Use Tax funds for the project, noting a new cost estimate received was higher than the original estimate. Mr. Mason reviewed the application review process and time frames. Upon inquiry, Mr. Mason provided information on project elements that may be reviewed to reduce costs if the grant isn't approved. Upon inquiry, Scott Larson, BenchMark Engineers, noted that past federal TIGER grant applications submitted by the City had not been approved, and provided information on the reason for the higher cost estimate due to bridge studies. There being no further comments and input and purpose of the hearing having been met, Mayor Orr closed the hearing.

Mayor Orr opened a public hearing to receive comments and input for a bar & grill liquor license application filed with the City Clerk's Office for Paramount Café, LLC d/b/a Paramount Ballroom, 1607 Capitol Avenue, Cheyenne, Wyoming. Jon Jelinek, applicant, commented in support of the application and explained they are expanding their business by adding food and drink options to the community. Upon inquiry, Carol Intlekofer, City Clerk, stated that the number of bar and grill liquor licenses are restricted based on a state statute population formula, and explained what operations could be conducted under that type of license. She noted that six additional bar and grill licenses will be available to the City on July 1<sup>st</sup> due to a change in the population formula approved during the recent state legislative session. There being no further comments or input, Mayor Orr closed the hearing and referred the application to Finance Committee.

Mayor Orr opened a public hearing to receive comments and input for a restaurant liquor license application filed with the City Clerk's Office for Tyn-Tyn Enterprises, LLC d/b/a Tasty Bones BBQ & Bakery, 1719 Central Avenue, Cheyenne, Wyoming. There being no comments or input, Mayor Orr closed the hearing and referred the application to Finance Committee.

Mayor Orr opened a public hearing to receive comments and input for a restaurant liquor license application filed with the City Clerk's Office for Nagle Warren Mansion, LLC d/b/a Nagle Warren Mansion LLC, 222 East 17<sup>th</sup> Street, Cheyenne, Wyoming. Jim Osterfoss, applicant, advised alcohol services will be provided for guests dining at the Mansion as well as for conferences, dinners and wedding receptions that may be held at the facility. Upon inquiry, he explained a previously held restaurant liquor license wasn't renewed last year due to a sales tax issue which has been resolved. There being no further comments or input, Mayor Orr closed the hearing and referred the application to Finance Committee.

ORDINANCE – 3<sup>rd</sup> READING – An Ordinance 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 NR-2

Neighborhood Residential – Medium Density to NR-3 Neighborhood Residential – High Density for Lots 1-40, Block 1, Shiraz Enclave, City of Cheyenne, Laramie County, Wyoming (located east of and adjacent to Snyder Ave., south of W. Jefferson Road), to be known as Grand Mesa. Reporting for Public Services Committee, Mr. Roybal moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body. (#4174)

ORDINANCE – 3<sup>rd</sup> READING - An Ordinance annexing to the City of Cheyenne, Wyoming a parcel of land situate in the NW¼ of Section 21, T.14N., R.66W., of the 6th P.M., Laramie County, Wyoming (located northwest of the intersection of Point Bluff and Crane Bluff). Mr. Roybal moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body with the exception of Dr. Rinne voting “no”. (#4175)

ORDINANCE – 3<sup>rd</sup> READING - An Ordinance 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 LR – Low Density Residential (County) to MR Medium-Density Residential for a parcel of land situate in the NW¼ of Section 21, T.14N., R.66W., of the 6th P.M., Laramie County, Wyoming (located northwest of the intersection of Point Bluff and Crane Bluff). Mr. Roybal moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body with the exception of Dr. Rinne voting “no”. (#4176)

ORDINANCE -- 3<sup>rd</sup> READING – An Ordinance creating Sections 8.60.181, Notice to Lienholder, and 8.60.182, Junk Vehicle Impoundment-Transfer of Title to the City, of Chapter 8.60, Nuisances, of Title 8, Health and Safety, of the Code of the City of Cheyenne, Wyoming. Boyd Wiggam expressed concern with property rights and effect the ordinance may have on persons on fixed incomes, and asked consideration be given to returning any excess monies from the auctioning of vehicles by the City to the affected vehicle owner. Mr. Roybal moved to approve on third and final reading, seconded by Mr. Johnson. Mr. Shanor moved to amend by adding the following sentence at the end of Section 8.60.182, seconded by Dr. Rinne: If the junk vehicle is sold by the city and a balance remains after all the city’s costs of abatement are reimbursed, said balance shall be returned to original junk vehicle owner. Discussion included whether the amendment had been presented to city attorney staff or the nuisance control officer for review or input; process that would be followed, and concern that the City may be utilized as a third party seller. Upon inquiry, Sylvia Hackl, City Attorney, and Emmett Lusher, Nuisance Control Officer, confirmed they had no prior knowledge of the proposed amendment. Ben Rowland, staff attorney, explained in the event a vehicle is sold, the money would go into the general fund and the City Treasurer would need to establish a procedure regarding payment to the affected owner. Motion to amend carried. Voting “yes” -- Mr. Case, Mr. Laybourn, Mr. Luna, Dr. Rinne, Mr. Roybal and Mr. Shanor. Voting “no” -- Mr. Cook, Mr. Johnson, Mr. White and Mayor Orr. Dr. Rinne moved to postpone to May 22, 2017, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body.

ORDINANCE – 3<sup>rd</sup> READING – An Ordinance Amending Section 2.29.010, Purpose-Authority-General Provisions, of Chapter 2.29, Community Service Officers, of Title 2,

Administration and Personnel, of the Code of the City of Cheyenne, Wyoming. Mr. Roybal moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body. (#4177)

ORDINANCE – 2<sup>nd</sup> READING – Amending the City of Cheyenne’s Solid Waste Fee Schedule. Vicki Nemecek, Director of Public Works, provided information on the 2014 Solid Waste Rate Study which included an annual fee increase recommendation of 8% for a five year period, noting the proposed fee schedule would be the third year within the five year period, and reviewed the status of other recommendations contained within the study. Julie Gliem, Cheyenne Landlords Association, commented on multi-family unit vs. single residential sanitation rates; issues that face landlords relative to cost, and concern with individuals on limited incomes, and requested the fee increases not be approved. Reporting for Finance Committee, Mr. Luna moved to approve on second reading, seconded by Mr. Johnson. Upon inquiry, Ms. Nemecek provided information on the proposed fee increases and additional opportunities for users, including commercial container sizes and the number of pickups per week, and stated users are charged equally based on volume and frequency of pickups. Upon further inquiry, Ms. Nemecek provided information on over-volume pickup scenarios; capping of funds to the general fund; annual analysis of the enterprise fund, stating the landfill expansion project as well as planning for future landfill closure will be a huge cost; expansion time frame, and what revenue types for services are included in the enterprise fund. Motion failed (due to a tie vote). Voting “yes” -- Mr. Johnson, Mr. Laybourn, Dr. Rinne, Mr. Roybal and Mr. White. Voting “no” -- Mr. Case, Mr. Cook, Mr. Luna, Mr. Shanor and Mayor Orr. Under other business and upon inquiry, Carol Intlekofer, City Clerk, verified that due to the ordinance failing on second reading, it will not be included in the next meeting’s printed agenda, and Ms. Nemecek stated that result of the motion failing is that fees will remain the same, and explained the yard waste pickup services provided by sanitation and estimated cost of adding an additional route.

ORDINANCE – 2<sup>nd</sup> READING – Amending various sections of Chapter 5.52, Massage Establishments, within Title 5, Business Licenses and Regulations, of the Cheyenne City Code. Gary Hickman, Laramie County Health Department, explained the purpose of the amending ordinance was to remove the tuberculosis skin test requirement for massage therapists; clarify a business license and permit from Environmental Health is required in addition to the City’s license and permit, and streamline other areas of this chapter of city code. Mr. Luna moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body.

ORDINANCE – 1<sup>st</sup> READING - Amending Section 2.04.160, Readings-Committee Reports-Amendments, of Chapter 2.04, Mayor and City Council, of Title 2, Administration and Personnel, of the Code of the City of Cheyenne, Wyoming – referred to Public Services Committee. (Sponsor - Mr. Johnson)

ORDINANCE – 1<sup>st</sup> READING – Approving and establishing revised water and sewer rates, tap and system development fees, administrative fees, service charges and penalties, and septic and commercial waste dump rates, as recommended by the Board of Public Utilities – referred to Finance Committee. (Sponsor - Mr. Roybal)

ORDINANCE – 1<sup>st</sup> READING – Pursuant to Sections 1.1.6 and 2.4.1 of the Cheyenne Unified Development Code (UDC), amending Section 2.2.7 of the UDC to clarify what land uses are subject to the special use approval provision – referred to Public Services Committee. (Sponsor - Mr. Roybal)

ORDINANCE – 1<sup>st</sup> 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 LR Low-density Residential and P Public to MR Medium-density Residential and P Public for all of Block 4 (Lots 1 thru 9 inclusive), and those adjacent alley rights-of-way, Spring Valley Addition, Cheyenne, Wyoming (located at the southeast corner of the intersection of Townsend Place and Marjon Court) – referred to Public Services Committee. (Sponsor - Mr. Roybal)

ORDINANCE – 1<sup>st</sup> READING – Appropriating moneys for the City of Cheyenne, Wyoming for the various purposes in conducting the municipal government of said City and fixing the amount of general and special taxes as part of the revenue required to meet the said appropriation, all for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018 – referred to Committee of the Whole. (Sponsor – Mr. Shanor)

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a Final Plat for Grand Mesa, a replat of Lots 1-40, Block 1 and Parisa Court R.O.W. of Shiraz Enclave, City of Cheyenne, Laramie County, Wyoming (located east of and adjacent to Snyder Ave., south of W. Jefferson Road). Mr. Roybal moved to adopt with staff conditions #1, 2 and 3, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body. (#5849 )

[CA] RESOLUTION – Adopting the City of Cheyenne Annual Action Plan 2017-2018 prepared by the Cheyenne Housing and Community Development Office. Motion (per Consent Agenda) carried. (#5850)

[CA] RESOLUTION – Authorizing submission of an application to the Wyoming Business Council’s Business Ready Community, Community Readiness Grant Program to assist in funding the Christensen Railroad Overpass and Corridor Project – referred to Finance Committee. (Sponsor - Mr. Luna)

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for The Bluffs 11<sup>th</sup> Filing, a Final Plat of land situate in the NW¼ of Section 21, T.14N., R.66W., of the 6th P.M., Laramie County, Wyoming (located northwest of the intersection of Point Bluff and Crane Bluff) – referred to Public Services Committee. (Sponsor – Mr. Roybal)

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Spring Court, a replat of Lots 10 and 11, Block 6, Meadowbrooke Park 2nd Filing and being situated in the N½ of the N½ Section 29, Township 14 North, Range 66 West of the 6th Principal Meridian, City of Cheyenne, Laramie County, Wyoming (located west of Bluegrass Circle, north of Meadowland Drive) – referred to Public Services Committee. (Sponsor – Mr. Roybal)

[CA] RESOLUTION – Approving the Downtown Strategic Parking Management Plan – referred to Public Services Committee. (Sponsors - Mr. Case, Dr. Rinne, Mr. Roybal)

[CA] RESOLUTION – Declaring as surplus City-owned property located at 206 West Lincolnway, Cheyenne, Wyoming, legally described as the East 22<sup>nd</sup> feet of Lot 7, Block 390, Original City, together with improvements thereon, Cheyenne, Laramie County, Wyoming, and authorizing the sale of said parcel to the Cheyenne-Laramie County Corporation for Economic Development (Cheyenne LEADS), pursuant to Wyo. Stat. § 15-1-112(b)(i)(D), to benefit the economic development of the municipality – referred to Finance Committee. (Sponsors – Mr. Luna, Mr. Laybourn)

[CA] Contract between the City of Cheyenne and Goat Green. LLC for vegetation management along Dry Creek. (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (in an amount not to exceed \$99,999.00) carried. (#6652)

[CA] Contract between the City of Cheyenne and United Healthcare for group health insurance coverage for City employees – referred to Finance Committee.

[CA] Contract between the City of Cheyenne, Police Department, and Laramie County School District No. 1 for a School Resource Officer for summer school 2017 – referred to Finance Committee.

[CA] Contract between the City of Cheyenne and WYCO Recycling LLC, to accept and process single-stream and commercial cardboard recyclables (Solid Waste funds) – referred to Finance Committee.

[CA] Memorandum of Understanding between the City of Cheyenne, Wyoming, and the City of Douglas, Wyoming, for law enforcement extraterritorial assistance – referred to Finance Committee.

[CA] Customer Service Agreement between the City of Cheyenne and Absolute Shredding, to provide document destruction process services to the Cheyenne Police Department – referred to Finance Committee.

Consideration of Bid #S-7-17 for a contract between the City of Cheyenne, Engineering Department, and Simon Contractors, Cheyenne, for the Capitol Basin 26<sup>th</sup> Street Interceptor Storm Sewer Project. Mr. Luna reported there was no recommendation on the item from Finance Committee. Mr. Luna moved to approve in an amount not to exceed \$3,412,541.87, seconded by Mr. Johnson. Sylvia Hackl, City Attorney, provided an update on meetings and discussions that had been held with BenchMark Engineers since the April 24<sup>th</sup> City Council meeting. Upon inquiry, Scott Larson, BenchMark Engineers, explained the project has been reviewed concerning future extension of the project to Carey or Capitol, with the scope of work depending upon the level of flood protection the City wants to consider, and discussed restudying the benefit cost ratio. Upon inquiry, Jim Voeller, City Engineer, confirmed that if the City Engineer's signature is needed on the FEMA grant extension request, he would provide. Discussion included potential funding sources to extend the project in the future. Motion

carried. Voting "yes" -- all members of the governing body with the exception of Mr. Johnson voting "no". (#6653)

[CA] Consideration of Bid #S-11-17 for a contract between the City of Cheyenne, 1% Construction Division, and Simon Contractors, Cheyenne, WY, for the 2017 City Overlay, Part 1 Project. Motion (per Consent Agenda) carried. (#6654)

[CA] Consideration of Bid #E-21-17 for furnishing one new 2017/2018 2,000 gallon water truck for the City's Landfill Division (Solid Waste funds) – referred to Finance Committee.

[CA] Consideration of Bid #S-13-17 for a contract between the City of Cheyenne, Engineering Department, and Kolbe Striping, Inc., Castle Rock, CO, for the 2017 Epoxy Striping (rebid) Project (2015-2018 1% Sales Tax) – referred to Finance Committee.

[CA] Consideration of RFP-6-17 for the redevelopment of 2020-2022 Capitol Avenue, Cheyenne, Wyoming, and described as all of Lots 1 and 2, Block 266, Original City, City of Cheyenne, Laramie, County, Wyoming – referred to Finance Committee.

[CA] Amendment No. 2 to Contract #4913 Wind Park Easement, between the City of Cheyenne and Tierra Energy, LLC, to extend the contract term for an additional 7 years (installation of wind energy generation facilities at the Happy Jack Road City Landfill property) – referred to Finance Committee.

Appointments of Thomas Smith and Aaron Bentley to the Housing and Community Development Advisory Board and Judith Myers to the Downtown Development Authority Board. Mr. Luna moved to approve, seconded by Mr. Roybal. Motion carried. Voting "yes" -- all members of the governing body with the exception of Mayor Orr who did not vote (mayoral appointments).

[CA] Designation of Official Voting Delegate and Alternate Delegate for the City of Cheyenne at the June 2, 2017 Wyoming Association of Municipalities Membership Business Meeting in Gillette, Wyoming. Motion (per Consent Agenda) carried (designated Mayor Marian Orr as Official Voting Delegate and Carol Intlekofer, City Clerk, as Alternate Delegate).

[CA] Request to change location of the dispensing room for retail liquor licensee Central Enterprises, Inc., located within the building addressed as 1701 and 1711 Carey Avenue, Cheyenne, Wyoming – referred to Finance Committee.

[CA] A 201 Exception request to allow a septic wastewater treatment system for a 6,000-square foot office building on a 7-acre site located within Laramie County jurisdiction but contiguous to the City of Cheyenne (located south of Dell Range Blvd. at its intersection with US-30 at the terminus of Hensley Road) – referred to Public Services Committee.

Announcement was made of a Special Meeting of the Governing Body of the City of Cheyenne to be held Monday, May 15, 2017 at 12:00 p.m. (Noon) in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for the purpose of acting upon a contract between

the City of Cheyenne and United Healthcare for group health insurance coverage for City employees.

Under other business:

Larry Wolfe, on behalf of the Mayor's Fight the Blight Committee, gave a presentation on the Committee's work since January involving the identification of blighted residential and commercial properties and proposed solutions to clean-up these types of properties in the community. Committee members Julie Gliem confirmed that at least 50-60 properties have been identified, and Steve Borin spoke in favor of addressing abandoned or vacant buildings in downtown. Comments were made on displacing residents; property locations and finding funding to provide for abatement. Mayor Orr thanked Committee members for their time and work on the project.

Mr. Roybal commented on a group called Friends of the Belvoir Ranch, of which he is a member, who would like to pursue the establishment of a recreational trail system on the City-owned ranch. Todd Thibodeau discussed trail system developments at Curt Gowdy State Park, which has increased the number of annual visitors to the park and has become a user destination stop, and spoke in support of developing a trail system on the ranch for users seeking multiple trail options.

Mr. Shanor moved to introduce an ordinance entitled as follows: "An Ordinance amending Section 2.08.010, Appointment and term -- Removal -- Vacancy, of Chapter 2.08, City Officers and Employees Generally, of Title 2, Administration and Personnel, of the code of the City of Cheyenne, Wyoming", and refer the item to Public Services Committee, seconded by Mr. Johnson. Carol Intlekofer, City Clerk, clarified that, procedurally, a motion isn't needed for Mr. Shanor, as sponsor, to introduce an ordinance on 1<sup>st</sup> Reading, which will automatically be referred to one of the Council's standing committees. Mr. Shanor distributed copies of the proposed ordinance and advised the purpose of the ordinance is to codify which department directors would be required to be appointed by the Mayor, and confirmed by City Council, to address the Mayor's administrative reorganization relative to upcoming budget discussions. Sylvia Hackl, City Attorney, advised she had prepared two ordinances on the topic. One ordinance contained only those positions statutorily mandated to be appointed, which is the version the Mayor supports, and the other ordinance, which Mr. Shanor introduced, includes the statutorily required positions plus all of the Mayor's proposed department director positions per the reorganization.

Mr. Laybourn commented on a western water system conference he recently attended and recognized the Board of Public Utilities for their planning and awareness of community water issues.

There being no further business to come before the governing body, the meeting was officially adjourned at 8:28 p.m.

Submitted by,

Carol Intlekofer, MMC  
City Clerk

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

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