

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

July 24, 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, Richard Johnson, Pete Laybourn, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor and Jeff White. Absent: Bryan Cook. Also present: Carol Intlekofer, City Clerk, and Sylvia Hackl, 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.). Upon request by Mr. Laybourn, and pursuant to support received by Mr. Case and Mr. Johnson, Item #24(a) was removed from the Consent Agenda. Mr. Roybal moved to approve remaining Consent Agenda items, seconded by Mr. Luna. Motion carried. Voting “yes” -- all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on July 10, 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. Upon inquiry, Craig LaVoy, Deputy Director of Public Works, Mayor Orr, Sam Berta, Engineering Department, Jim Voeller, City Engineer, and Carol Intlekofer, City Clerk, provided information available on vouchers payable to the following: Dustbusters, Inc. (annual order of magnesium chloride utilized for dusty roads); Fortune Media Group (contract for Modern Business televised segment highlighting Cheyenne); Strata (professional services for consulting and observation for chip seal repair program), and W.A.R.M. (Wyoming Association of Risk Management) Property Insurance Pool (annual liability and property pool coverage). Comment was made on the cost increase of pet waste receptacle bags located in parks and along the Greenway purchased from Yuckos, Inc. relative to encouraging the community to assist with personally providing alternative plastic bags. Mr. Luna moved to approve payment of vouchers as presented, seconded by Mr Case. 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.

ORDINANCE – 3rd READING – Creating Section 10.24.180, Nuisance exhibition motor vehicle exhaust-prohibited, of Chapter 10.24, Rules of the Road Generally, of Title 10, Vehicles and Traffic, of the Code of the City of Cheyenne, Wyoming. Reporting for Public Services Committee, Mr. Roybal moved to approve on third and final reading, seconded by Mr. Johnson. Comments were made on community health and environmental issues, and the lack of public opposition being voiced on the ordinance. Motion carried. Voting “yes” -- all members of the governing body present with the exception of Mr. Shanor voting “no”. (#4190)

ORDINANCE – 2nd READING - Annexing to the City of Cheyenne, Wyoming, the west 421.77' of Tract 1, Lincoln Valley Tracts, being situated in a portion of the NW ¼ of Section 36 Township 14 North, Range 66 West of the Sixth Principal Meridian, Laramie County, Wyoming (located southeast of the intersection of Whitney Road and East Pershing Boulevard). Mr. Roybal moved to approve on second reading with staff conditions #1 through #4, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body present.

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 AR - Agricultural Residential (County) to AR Agricultural Residential for the west 421.77' of Tract 1, Lincoln Valley Tracts, Laramie County, Wyoming (located southeast of the intersection of Whitney Road and East Pershing Boulevard). Mr. Roybal moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body present.

ORDINANCE – 2nd READING - Annexing to the City of Cheyenne, Wyoming, all of Lot 1, Block 1, Taxidermy Addition and the north 305.23' except north 150' of Tract 14, Sunny Side Addition and the north 50' of the south 300' of the west 91' of Tract 14, Sunny Side Addition; situated in the SW¼SW¼ of Section 27, T.14N., R.66W. of the 6th P.M., Laramie County, Wyoming (located northeast of the intersection of Ridge Road and East Pershing Boulevard). Mr. Roybal moved to approve on second reading, seconded by Mr. Luna. Motion carried. Voting “yes” - all members of the governing body present.

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 MU – Mixed-Use (County) to MUB Mixed-Use Business Emphasis for all of Lot 1, Block 1, Taxidermy Addition and the north 305.23' except north 150' of Tract 14, Sunny Side Addition and the north 50' of the south 300' of the west 91' of Tract 14, Sunny Side Addition, Laramie County, Wyoming (located northeast of the intersection of Ridge Road and East Pershing Boulevard). Mr. Roybal moved to approve on second reading, seconded by Mr. Luna. Upon inquiry, Eric Hammer, Planning and Development Department, advised that upon annexation the applicant can connect to the City's water and sewer system. Motion carried. Voting “yes” -- all members of the governing body present.

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 CB Community Business to LI Light Industrial for Lots 1, 2, 5, and a portion of Lot 3, Block 1, South Park Estates, 6th Filing, Cheyenne, Wyoming (located between Partoyan Drive and Walterscheid Boulevard, north of I-80). Mr. Roybal moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” -- all members of the governing body present.

ORDINANCE – 2nd READING - Pursuant to Section 2.2.1, Zoning Map Amendment, Section 5.1.2, Zoning Districts Established, and Section 5.1.3, Official Zoning Map, of the

Cheyenne Unified Development Code, changing the zoning classification from NB Neighborhood Business to NR-3 Neighborhood Residential High Density for Lot 1, Block 4, Storey Boulevard Extension Subdivision, Cheyenne, Wyoming, to be known as Converse Place Apartments (located between N. Converse Avenue and Ogden Road, south of Storey Boulevard). Randy Reed, Dray, Dyekman, Reed and Healey law firm, attorney representing the developers, reviewed UDC re-zoning criteria, noting the proposed development design meets requirements, and that the applicant is not asking for any variances affiliated with the proposed project. Sam Long, Summit Housing Group, Inc., reviewed Summit's company history of affordable housing projects. During his comments, a hand-out containing information on the company was submitted (on file with City Clerk's office) and Mr. Long provided information on past similar housing projects developed by Summit; the need for affordable housing in the community; location and footprint elements of the property and apartment complex project, including an easement area containing water lines; project benefits; ADA compatibility; Summit's property management experience; no evidence of increased crime rates based upon prior projects; public school availability determined through the school district, and non-anticipated major traffic increase due to the project. Frank Cole, adjacent land owner, submitted a follow-up re-zoning protest petition, to the City Clerk, noting it contained the last signature he had previously advised he would provide. Mr. Cole spoke in opposition to the project, citing concerns with previous discussions regarding water lines within the easement area being located on private property; street access points; school bus routes, and traffic patterns. During his comments, Mr. Cole submitted a map (on file with City Clerk's office) depicting a proposed Crane Bluff Road extension. Patti Riesland, Chair, Mayor's Council for People with Disabilities, spoke in support of the project involving re-zoning and having apartment housing available for disabled tenants, and benefits of affordable housing for qualified low and moderate income families. Speaking in opposition to the ordinance and project generally were: Jim Wade; Krystal Lewis; Jerry Bruner and Gloria Bruner. Topics discussed included: Overcrowded public schools in the vicinity; illegal immigrants; number of apartment housing units already in place in the area; neighborhood concerns and petition that had been previously submitted to the City Clerk signed by approximately 200 residents opposing the project; number of calls for police responses to existing apartments in the area; impact of another apartment housing project planned for construction in the vicinity; effect of the project on nearby residents' property values; concern with a parking lot being built over the easement parcel containing water lines; student and traffic safety, and tenant parking space. During comments by Mr. Wade and Ms. Lewis, each submitted a hand-out (on file with City Clerk's office) in support of their comments. Mr. Roybal moved to approve on second reading, seconded by Mr. Johnson. Upon inquiry, Susana Montana, Planning and Development Department, advised that the original easement and an update is on file, and explained that many of the concerns discussed will be addressed during the site plan process. Discussion included the following topics: Affordable housing; project meeting re-zoning requirements; two protest petitions filed with the City Clerk; ownership, annexation and zoning history of the property; other zoning classifications (MUR or NR-2) which may fit the project's needs but may require condition use approval; impact on schools in the vicinity; property appraisal elements; different zone classifications in the vicinity, and more specific project information being provided through the site plan process. During discussion and upon inquiry, Carol Intlekofer, City Clerk, advised research results on whether the two protest petitions meet state statute and UDC requirements would be provided prior to the next Public Services Committee meeting. Also in response to inquiries, Ms. Montana and Seth Lloyd, Planning and Development, provided information on past ownership, annexation and zoning of

the property and re-zoning processes which vary for different lot types and sizes, and Mr. Long responded to inquiries regarding other types of zoning classifications and Summit's reason for requesting the zone change to NR-3, which is a use by right, based upon the future land use plan. Mr. Shanor requested Public Services Committee members look into MUR and NR-2 zoning classifications as possible considerations. Motion carried. Voting "yes" -- all members of the governing body present.

ORDINANCE – 2nd READING - Amending Section 5.52.050 (A) and (B) of Chapter 5.52, Massage Establishments, within Title 5, Business Licenses and Regulations, of the Cheyenne City Code pertaining to Massage Therapists' licensing requirements. Reporting for Finance Committee, Mr. Luna moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present.

RESOLUTION - Authorizing the Mayor and the City Clerk to sign a County Final Plat for BT II First Subdivision, a replat of a portion of Tract 13, Allison Tracts, being situated in the west ½ of Section 8, Township 13 North, Range 66 West of the 6th Principal Meridian, Laramie County, Wyoming (located east of and adjacent to South Greeley Highway, south of Fox Farm Road). Mr. Roybal moved to adopt with staff conditions #1 and #2, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present. (#5867)

[CA] RESOLUTION – Authorizing rental rates for the use of the Cheyenne Botanic Garden complex and dedicating the funds raised to the operations and maintenance of the Cheyenne Botanic Gardens complex. Motion (per Consent Agenda) carried. (#5868)

[CA] RESOLUTION - Adopting an amendment to the Future Land Use Map in PlanCheyenne, the master plan for the City of Cheyenne and the comprehensive plan for portions of Laramie County, amending the land use category from Urban Residential and Public Quasi-Public to Mixed-Use Employment for Lots 1-5, Block 1, South Park Estates, 6th Filing, Cheyenne, Wyoming (located between Partoyan Drive and Walterscheid Boulevard, north of I-80) – referred to Public Services Committee. (Sponsor - Mr. Roybal)

[CA] RESOLUTION – Authorizing submission of an application to the Wyoming Water Development Commission for grant funding for a Dam Enlargement Evaluation Project in the amount of \$400,000 and authorizing the Mayor, the City Clerk and the Director of the Board of Public Utilities to execute the application and all related documents – referred to Finance Committee. (Sponsor - Mr. Laybourn)

[CA] RESOLUTION – Authorizing the Mayor and City Clerk to execute a Wyoming Cultural Trust Fund Grant Agreement for Phase 2 of the Warren Rest House in Holliday Park – referred to Finance Committee. (Sponsor - Mr. Roybal)

[CA] RESOLUTION – Authorizing the addition of twenty-nine (29) structures and removal of two (2) structures in the Downtown Cheyenne Historic District from the Contributing Structures List maintained by the City's Planning office – referred to Finance Committee. (Sponsor - Mr. Roybal)

Preliminary Plat for South Park Estates 10th Filing, a replat of Lots 1, 2, 5, and a portion of Lot 3, Block 1, South Park Estates, 6th Filing, Cheyenne, Wyoming (located between Partoyan Drive and Walterscheid Boulevard, north of I-80). Mr. Roybal moved to acknowledge the Planning Commission's recommendation to approve with staff conditions #1 through #5, seconded by Mr. Johnson. Motion carried. Voting "yes" -- all members of the governing body present.

[CA] Human Services Agreement with Safe Harbor to provide a safe and supportive environment for children in the City of Cheyenne. Motion (per Consent Agenda) carried (amount not to exceed \$17,500.00). (#6692)

[CA] Human Services Agreement between Cheyenne Housing Authority. Motion (per Consent Agenda) carried (amount not to exceed \$50,000.00). (#6693)

[CA] Human Services Agreement with Peak Wellness, Inc. Alcohol Receiving Center. Motion (per Consent Agenda) carried (amount not to exceed \$114,955.00). (#6694)

[CA] Human Services Agreement with United Way of Laramie County (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (amount not to exceed \$500,000.00; two year term). (#6695)

Agreement between the City of Cheyenne and the Cheyenne Animal Shelter/Services for animal control and animal shelter services. Mr. Luna moved to approve in an amount not to exceed \$484,000.00, seconded by Mr. Johnson. Mr. Luna moved to amend, seconded by Mr. Johnson, by substitute dated July 18, 2017 which includes the following amendment made at the July 17, 2017 Finance Committee meeting: Page 3, Section 6 - Contractor's Responsibilities, Paragraph 6(c)(ii) by removing the following language "Contractor shall provide to the Mayor by March 1 of each year a detailed report of all such donations, fees and other monies raised" and replacing it with the following language "Contractor shall provide to the Mayor by March 1 of each year a report of income broken down by (1) fees for services; (2) contract revenues-City; (3) contract revenues-County; (4) charitable contributions; (5) income from foundations and grants.". 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. (#6696)

[CA] Agreement between Timothy O'Leary and Dennis Rooney and the City of Cheyenne for the purchase of real property located at 2303 Westland Road, Cheyenne, Wyoming, to be used for public purposes – referred to Finance Committee.

[CA] Agreement for Juvenile Compliance and Diversion Officer services between Laramie County, Wyoming, the City of Cheyenne, and the Laramie County Community Juvenile Services Joint Powers Board (Juvenile Justice Detention Prevention funds) – referred to Finance Committee.

[CA] Memorandum of Understanding by and between Laramie County, the City of Cheyenne, the Cheyenne Board of Public Utilities, the Cheyenne/Laramie County Board of Health, and the

Cheyenne Regional Airport Board regarding the management of the ESRI Enterprise License Agreement – referred to Finance Committee.

[CA] Industrial and Economic Development Services Agreement between the City of Cheyenne and the Cheyenne/Laramie County Corporation for Economic Development (LEADS) – referred to Finance Committee.

[CA] Human Services Agreement between United Way of Laramie County and the City of Cheyenne to create a Community School Pilot Program (2011-2014 1% Sales Tax) – referred to Finance Committee.

[CA] Human Services Agreement between United Way of Laramie County and the City of Cheyenne to provide technical assistance to Human Services community programs (2011-2014 1% Sales Tax) – referred to Finance Committee.

[CA] Agreement for operation of the Cheyenne Botanic Gardens Gift Shop between the City of Cheyenne and The Friends of the Botanic Gardens Foundation located at 710 S. Lions Park Drive, Cheyenne, Wyoming – referred to Finance Committee.

[CA] Contract Extension Agreement to the Community Counseling and Intervention Services Agreement (City Contract No. 6266) between the City of Cheyenne Youth Alternatives Division and Laramie County School District Number One. Motion (per Consent Agenda) carried. (#6266)

[CA] Contract Modification No. 1 to Contract No. 6641 between the City of Cheyenne and American Striping Company to increase the overall contract amount for the 2017 Pavement Markings Project (2011-2014 1% Sales Tax) – referred to Finance Committee.

Consideration of Bid #S-15-17 for a contract between the City of Cheyenne, Engineering Department, and Reiman Corp., Cheyenne, WY, for the Kennedy Guardrail Reconstruction Project (2015-2018 1% Sales Tax). Mr. Roybal moved to approve, seconded by Mr. Johnson (amount not to exceed \$105,500.00). Comment followed on painting/resurfacing the guardrail following reconstruction and cost of same, and damage to the guardrail caused by vehicular incidents over the years. Upon inquiry, Sam Berta, Engineering Department, provided information on the project. Request was made to Mr. Berta to acquire an estimate of how much it would cost to paint/resurface the guardrail following reconstruction. Motion carried. Voting “yes” -- all members of the governing body present. (#6697)

Consideration of Bid #S-14-17 for a contract between the City of Cheyenne, Engineering Department, and Simon Contractors, Cheyenne, WY, for the 2017 City Chip Seal, #1 Project (2015-2018 1% Sales Tax). Mr. Luna moved to accept the bid in an amount not to exceed \$585,343.48.00, seconded by Mr. Johnson. Upon inquiry regarding current status of the pavement management program and the next program update, Jim Voeller, City Engineer, advised they are switching to a new software program and plan to have a contract in place this fall to have the streets reviewed with an update provided by next year. He stated that some of the data from the current program was used for the project but the program considers street conditions, not chip seal, so was not fully used as affiliated for this bid. Comment was made

regarding concerns with the quality and longevity of street repair projects; different methods that have been used for street repairs, and management of and standards involving street repair projects. Upon inquiry, Mr. Voeller provided information on what data Strata will provide under their contract with the City for consulting and observation of the chip seal program, which will not include a report on the longevity of utilizing the chip seal process, and advised a video was available to the public containing information on the chip seal process. Mayor Orr stated, as an alternative to viewing the video, she has requested staff prepare a written report on the information contained in the video. Motion carried. Voting “yes” -- all members of the governing body present with the exception of Mr. Laybourn voting “no”. (#6698)

[CA] Consideration to purchase for the Police Department Motorola APX7500 dual band high power radios from Wireless Advanced Communications, Evans, CO (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (amount not to exceed \$96,028.00).

Announcement was made of a Public Hearing to be held August 14, 2017 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 a portion of the S1/2SE1/4 Section 22, Township 14 North, Range 66 West of the 6th P.M., Laramie County, Wyoming (located north of and adjacent to Dell Range Boulevard, east of Griffith Avenue).

Under other business:

Mayor Orr announced there was an additional item being added to the agenda due to timeliness involving a Federal aviation grant agreement for the Airport Board that is due August 18, 2017, which is prior to the next City Council meeting. Carol Intlekofer, City Clerk, read the following entitlement of the item: “Grant Agreement accepting Federal Aviation Grant AIP #54 for the purchase of snow removal equipment by the Cheyenne Regional Airport Board” and Mayor Orr referred the item to Finance Committee.

Mr. Johnson requested an update on the 17th Street alley issue (near the 4400 block of East 17th Street) with Mayor Orr stating she would request staff provide information on the matter.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:59 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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