

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

July 9, 2018

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, Richard Johnson, Mike Luna, Dr. Mark Rinne (arriving at 6:06 p.m.), Scott Roybal, and Jeff White. Absent: Pete Laybourn and Dicky Shanor. 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.) Mr. Roybal moved to approve Consent Agenda items, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on June 25, 2018. Motion (per Consent Agenda) carried.

Mr. Roybal declared a conflict of interest (business interest in voucher payable to Cowboy Dodge, Inc.) 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. Roybal returned to Council Chambers.

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 The Ridge Restaurant LLC d/b/a The Ridge Restaurant, 1820 Ridge Road, Cheyenne, Wyoming. There being no comments or input and purpose of the hearing having been met, Mayor Orr closed the hearing and referred the application to Finance Committee.

Mayor Orr opened a public hearing to receive comments and input on a proposed trade of a portion of real property owned by the City of Cheyenne at 2303 Westland Road, for a portion of real property owned by Roger E. Gill and Alec Yurgilevich at 2305 Westland Road, Cheyenne, Wyoming. Jack Studley, City Surveyor, advised the proposed trade is for City acquisition of a third parcel of land in the vicinity, and that property appraisals of the land have been completed and valuation amounts are within \$1,000 of each other. There being no further comments or 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 on the “Development Plan for the Hynds/Hole (H2) Project” as proposed by the Cheyenne Downtown Development Authority. Vicky Dugger, Executive Director, Downtown Development Authority, explained the plan is related to a resolution also on the meeting agenda and presentation of the plan meets statutory requirements, and requested support for the resolution. [City Clerk note: Dr. Rinne joined the meeting in progress] Chuck West also spoke in support of the plan, the affiliated resolution and the proposed Project, noting he had been a member of the planning group involved in developing the plan. John Volk expressed concerns with the City helping out of town developers when local downtown business owners have expended their own funds to enhance or remodel their properties. He reviewed his knowledge of the Hynds building ownership and obstacles and limitations involved with building renovation; suggested the current owner of the Hynds should donate the building to the City; questioned the current sales value of the building, and, upon inquiry, discussed the benefits of the Christensen Road project as a public transportation network. Georgia Rowswell spoke in support of the H2 development project and use of the Hynds building for Arts Space programs and Lights On activities, citing Colorado’s Space to Create initiative. Mr. White raised a point of clarification regarding purpose of the public hearing vs. future action on the affiliated resolution with Mayor Orr ruling that comments being made were relevant to the hearing topic. Major Dorr spoke in opposition of the proposed project and expressed objection to “bailing out” the current owner of the Hynds. Frank Cole and Dick Mason also spoke in opposition to the development plan, noting infrastructure problems with the building and high renovation costs, and utilizing City monies proposed for project assistance to instead be used to pay the City’s debt on the downtown parking structure. Terry Kreuzer referred to Ms. Rowswell’s comments and encouraged use of the building for cultural and arts purposes, suggesting that grants could be pursued to assist with renovation costs. Donn Edmunds commented on the cost of building renovation and stated the City needs to look at its other responsibilities. There being no further comments or input and purpose of the hearing having been met, Mayor Orr closed the hearing.

ORDINANCE – 3rd READING – Amending various chapters and sections contained within Title 5, Business Licenses and Regulations, of the Code of the City of Cheyenne, Wyoming, pertaining to notarization of applicant signatures. Reporting for Finance Committee, Mr. White moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting “yes” – all members of the governing body present. (#4236)

ORDINANCE – 3rd READING – Amending Section 5.12.140, Persons under the age of twenty-one (21) years – Restrictions – Provisions, of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of the Code of the City of Cheyenne, Wyoming. Mr. White moved to approve on third and final reading, seconded by Mr. Johnson. Motion carried. Voting “yes” – all members of the governing body present. (#4237)

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 MUB Mixed-Use Business Emphasis to CB Community Business for Lots 1 and 2, Block 1, Simpson Estates, Cheyenne, Wyoming (located at the southwest corner of the intersection of College Drive and Cheyenne

Street). Ginger Brown, Coffey Engineering and Surveying, speaking on behalf of the developer, advised the zone change request is for a new express carwash business. Reporting for Public Services Committee, Mr. Roybal moved to approve on third and final reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Johnson voting “no”. (#4238)

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 MR Medium-Density Residential, to MUB Mixed-Use Business Emphasis for Lots 1-5, Block 19, North Cheyenne, 2nd Filing, Cheyenne, Wyoming (located at the northwest corner of the intersection of Yellowstone Road and Prairie Hills Drive). Margaret Thompson spoke in opposition to the zone change; questioned what is allowed within a MUB zone, and suggested her proposal for use of the property, which she had previously submitted to the City (on file with office of City Clerk), be considered which would involve a “tiny” house concept as a low income/affordable housing option. Susana Montana, Planning and Development Department, explained a MUB zone allows for both residential and commercial development and there is no percentage ratio requirement between the two uses, and that the land owner plans to demolish an existing apartment complex. Mr. Roybal moved to approve on third and final reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Cook and Mr. Johnson voting “no”. (#4239)

ORDINANCE – 2nd READING – Amending Section 8.40.070, Food Stands or Pushcarts-Mobile Food Trucks-Mobile Food Units-Temporary Parade Vendors-Business License Required-Application, of Chapter 8.40, Food and Food Service Establishments, of Title 8, Health and Safety, of the Code of the City of Cheyenne, Wyoming, by creating a new Section 8.40.070(D) exempting lemonade stands operated by minors under the age of eighteen (18) years from the provisions of this section. Mr. White moved to approve on second reading, seconded by Mr. Luna. Mr. White moved to amend by substitute that reflects amendments approved at the July 2, 2018 Finance Committee meeting, seconded by Mr. Luna. It was explained the substitute ordinance involves moving the exemption wording from Section 8.40.070(D) to Section 8.40.010(D), Purpose, and changes the wording to read as follows “Minors under the age of eighteen (18) years operating a beverage stand selling lemonade, iced tea or similar beverages on property owned, leased or rented by their parents or legal guardians are exempt from the provisions of this chapter.” Clarification was made that the current City code involving this type of youth activity is not being enforced, and comment was expressed that future amendments may be needed to Chapter 8.40 relative to potential state legislation changes. Motion to amend by substitute carried. Voting “yes” – all members of the governing body present. Main motion as amended carried. Voting “yes” – all members of the governing body present.

ORDINANCE – 2nd READING – Creating Section 15.08.031, Building Permit Fees – Exceptions for Incentivization Program, of Chapter 15.08, International Building Code, of Title 15, Buildings and Construction, of the Code of the City of Cheyenne, Wyoming. Vicki Dugger, Cheyenne Downtown Development Authority, spoke in support of the program and commented on high return of investments. Joe Patterson, Guardian Development Company, commented on

concerns with costs of development for those within as well as outside of the program development area and in opposition to permit fee waivers, citing the need for more City building department staff and revising the UDC (Unified Development Code) to reduce parking and landscaping requirements to aid developers. Robert Briggs, Director of Planning and Development, provided information on the proposed Incentivization Program involving waiver of building fees for development within the program area; return on investments; estimated budgeted revenues from building permit fees and current downtown projects, and confirmed the resolution has a program sunset clause of June 30, 2019. Mr. White moved to approve on second reading, seconded by Mr. Johnson. Discussion included possible limitation of the incentivization program to commercial private projects; sunset clause; program being a pilot program to spur development and redevelopment in the downtown area; waiver amount being limited to \$100,000.00, and a request for additional permit revenue information being provided by Mr. Briggs at the next Finance Committee meeting. Motion carried. Voting “yes” – all members of the governing present with the exception of Mr. Cook voting “no”.

RESOLUTION – Supporting the expedient redevelopment of the building located at 1602 Capitol Avenue, Cheyenne, Wyoming, commonly referred to as the historic Hynds Building, and the lot adjacent to and west of the Hynds Building known as The Hole. Vicky Dugger, Cheyenne Downtown Development Authority, spoke in support of the resolution and advised this is the first time DDA has participated in a project of this type. She noted the intent of redevelopment assistance involves investment in the downtown and resulting higher property valuation, and advised all qualified projects submitted will be carefully vetted and considered and that she has received a letter of support for the project from Cheyenne LEADS. Upon inquiry, Ms. Dugger explained a Request for Qualifications/Request for Proposals was still being developed and provided information on the process to involve the City and other stakeholders for input and comment; phases envisioned for the project; purpose and membership composition of a Special Technical Review Committee that will be formed; community vetting process, and role of the realtor involved in marketing the sale of the building relative to no realtor fee being paid through the process. Upon further inquiry, Ms. Dugger confirmed the City’s expenditure of \$750,000.00 will not go toward reducing the property’s sales price. Chuck West confirmed the City’s funding will not be expended until certain conditions are met. Brian Tyrrell questioned the anticipated time frame for project development, noting limitations affiliated with the Hynds building and cost to renovate. John Volk questioned the market price being asked for sale of the building so those submitting proposals know the cost to potentially acquire the property. Mr. White moved to adopt, seconded by Mr. Roybal. Mr. White moved to amend by substitute dated July 2, 2018 which provides for clerical clarifications by renumbering items #2 to #3 under the Now, Therefore, Be It Resolved clause and adding a new item #2 to read “Provide the Seven Hundred Fifty Thousand Dollars (\$750,000.00) for the Project only upon Governing Body review and approval of the proposed development plan”, seconded by Mr. Luna. Ms. Dugger stated DDA supports the amendment. Motion to amend carried. Voting “yes” – all members of the governing body present. Discussion included the following topics: Community unawareness of the project; recent project article in the local newspaper; looking at all options and avenues for use of the building; relationship of the building and The Hole; background on creation of the redevelopment plan; lack of parking issues involving former property redevelopment efforts and past City funding commitment in the same financial amount in which the funding option had

expired; public/private partnering; supporting DDA's new economic development direction; improving property tax values; City's low risk-reward ratio involving the project, and the current listing price being asked for the Hynds building. Mr. West advised, upon inquiry, that the listed price for the Hynds property is \$2.2 million and the LEADS (The Hole parcel) property was \$400,000.00, and provided information on DDA's ability to negotiate a sales price. Main motion as amended carried. Voting "yes" – all members of the governing body present. (#5940)

[CA] RESOLUTION – Authorizing the submission of an application for federal funding through the Transportation Alternatives Program administered by the Wyoming Department of Transportation for the City of Cheyenne for the purpose of the City of Cheyenne and Frontier Days Multi-Use Path Project. Motion (per Consent Agenda) carried. (#5941)

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for North Gate Village, a replat of Lots 1-5, Block 19, North Cheyenne, 2nd Filing, Cheyenne, Laramie County, Wyoming (located at the northwest corner of the intersection of Yellowstone Road and Prairie Hills Drive). Motion (per Consent Agenda) carried. (#5942)

[CA] RESOLUTION – Adopting "The Development Plan for the Hynds/Hole (H2) Project" presented by the Downtown Development Authority of the City of Cheyenne – referred to Public Services Committee. (Sponsors – Mr. Roybal and Mr. White)

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a County Final Plat for Granite Springs Subdivision, a replat of a portion of Tract 3, Prosser Tracts, Laramie County, Wyoming (located northeast of and adjacent to the intersection of Avenue C and Jefferson Road) – referred to Public Services Committee. (Sponsor – Mr. Roybal)

[CA] Preliminary Plat for Willow Heights, a replat of Lot 14, Block 5 and a portion of adjacent rights-of-way, Homestead Addition, First Filing Replat, and a plat of a portion of NE½, NE¼, Section 4, T13N, R66W, of the 6th P.M., Cheyenne, Laramie County, Wyoming (located between Homestead Avenue and the Greenway, west of North College Drive) – referred to Public Services Committee.

[CA] Greenway Easement Agreement between the City of Cheyenne and Laramie County School District No. 1 for the purposes of constructing and maintaining a Greenway segment to be known as the Avenues Connector (WYDOT Transportation Alternatives Program grant). Motion (per Consent Agenda) carried. (#6861)

[CA] Memorandum of Understanding between the City of Cheyenne, Transit Division, and Laramie County, Wyoming, to provide public transportation services to Laramie County Community College and for an area of Laramie County immediately adjacent to the City. Motion (per Consent Agenda) carried (revenue to the City \$81,375.00). (#6862)

[CA] Contract between the City of Cheyenne and United Way of Laramie County to provide Human Service agencies with the final installment of 2011-2014 1% Sales Tax overage money. Motion (per Consent Agenda) carried (amount not to exceed \$183,500.00). (#6863)

[CA] Contract between the City of Cheyenne and Peak Wellness, Alcohol Receiving Center, to provide alcohol and drug detoxification services to individuals. Motion (per Consent Agenda) carried (amount not to exceed \$114,955.00). (#6864)

[CA] Contract between the City of Cheyenne and Safe Harbor to provide a safe and secure environment to families who have been affected by abuse. Motion (per Consent Agenda) carried (amount not to exceed \$17,500.00). (#6865)

[CA] Contract between the City of Cheyenne and Cheyenne Housing Authority to provide supportive senior services. Motion (per Consent Agenda) carried (amount not to exceed \$50,00.00). (#6866)

Contract between the City of Cheyenne and Paycom, Inc., to outsource employee payroll and provide software for core Human Resource functionality. Ron Downey, City Treasurer, provided information on the proposed contract which would outsource approximately 85-90% of the City's payroll process; staff "punch in/punch out" working time software tracking and data collection procedures; benefits of contract services and elements of the software program, which will reduce the City's liability and eliminate one staff position, helping with the cost of outsourcing services. Mr. White moved to approve, seconded by Mr. Case. Upon inquiry, Mr. Downey explained there will be an initial set-up fee, then monthly fees based on the amount of City employees. Motion carried. Voting "yes" – all members of the governing body present. (#6867)

[CA] Contract for Services between the City of Cheyenne, Office of Youth Alternatives, and Laramie County Community Juvenile Services Joint Powers Board for crisis center services at the Juvenile Service Center (revenue to City) – referred to Finance Committee.

[CA] Contract for Services between the City of Cheyenne, Office of Youth Alternatives, and the Laramie County Community Juvenile Services Joint Powers Board for the Weekender Community Service program (revenue to City) – referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne, Sanitation Division, and Veolia Inc., Henderson, Colorado, for hazardous waste disposal services at the Cheyenne Household Hazardous Waste Facility (Solid Waste Management fund) – referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne, Sanitation Division, and Onsite Electronics Recycling, LLC, Fort Collins, Colorado, for electronic recycling services at the Felix Pino Transfer Station Waste Facility (Solid Waste Management fund) – referred to Finance Committee.

[CA] Land Exchange Agreement for the proposed trade of a portion of real property owned by the City of Cheyenne at 2303 Westland Road (estimated appraised value of \$15,228.75), for a portion of real property owned by Roger E. Gill and Alec Yurgilevich at 2305 Westland Road (estimated appraised value of \$16,563.94), Cheyenne, Wyoming (Community Development

Block Grant fund – Cheyenne Capitol Basin Flood Control Project) – referred to Finance Committee.

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

Following a brief recess, Mayor Orr reconvened the meeting at 8:13 p.m.

Consideration of Bid #E-25-18 for furnishing new refuse vehicles for the City of Cheyenne, Sanitation Division (Solid Waste Management fund). Vicki Nemecek, Public Works, provided information on vendors and equipment being recommended by staff, noting the recommended vendors (2) met minimum bid specifications at the lowest cost, and explained bidding procedures that had been followed, including a mandatory pre-bid meeting, follow-up meetings, adjustment to specifications, and the exemption request process. Jeff Ketelsen, Elliott Equipment, advised he was present to answer any questions. Mr. White moved to accept the bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$2,811,674.00, and the bid from Floyd's Truck Center, Cheyenne, in an amount not to exceed \$338,160.00, seconded by Mr. Cook. Comment was made concerning the bid submitted by Elliott Equipment and potential consideration of that bid which could result in estimated savings of \$379,000.00 to the City. In response, Bryan Bell, Director of Fleet Maintenance, provided information on bid specifications for certain types of refuse truck(s) and packer equipment involving bids by Elliott Equipment; staff's mechanical and maintenance knowledge of past equipment; vendor bid specification exceptions that were not requested by Elliott Equipment, and staff development of bid specifications. Dennis Bell, Sanitation Mechanic Foreman, provided information on past equipment involving Labrie equipment; advised the bid submitted by Elliott Equipment was the first City staff learned about the Shu-Pak equipment (proposed by Elliott), and that, following review of bids, staff's recommendation was to accept bids that met specifications. Discussion included the different types of equipment involved in the bid; content of bid specifications; vendor exception requests; differences in bids submitted, and mandatory pre-proposal meeting. During discussion and upon inquiry, Mr. Ketelsen confirmed his attendance at the pre-bid meeting and commented on bid amendments. Upon inquiry regarding whether there was a cost affiliated with not being able to provide Sanitation services if the purchase of equipment was not approved, Ms. Nemecek stated it was difficult to ascertain a dollar amount as staff wouldn't know how long the current equipment will last, noting the equipment involved in the bid was due for replacement. Mr. Case moved to amend by accepting the bid from Elliott Equipment for the dual arm side loading refuse trucks in the amount of \$249,856.00. Motion died due to lack of a second to the motion. Discussion followed on rejecting all bids; integrity of the RFP process; bidding procedures, and revamped bidding process recently implemented by the City Purchasing office, and Fleet Maintenance staff knowledge and experience. Motion to accept the bids submitted by Peterbilt of Wyoming, Cheyenne, and Floyd's Truck Center, Cheyenne, carried. Voting "yes" – all members of the governing body present with the exception of Mr. Case and Dr. Rinne voting "no".

[CA] Consideration of Bid #E-30-18 for furnishing one new 2019 77-passenger bus for the City of Cheyenne, Latchkey Division (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from Lewis Bus Group, North Salt Lake City, Utah, in an amount not to exceed \$89,500.00).

[CA] Consideration of Bid #S-15-18 for a contract between the City of Cheyenne, Public Works Department, and Containment Systems, LLC, Birmingham, Alabama, for the City of Cheyenne Landfill Permanent Litter Fence Project (Solid Waste Management fund). Motion (per Consent Agenda) carried (amount not to exceed \$265,000.00). (#6867)

[CA] Consideration of Bid #S-12-18 for a contract between the City of Cheyenne, Engineering Department, and Simon Contractors, Cheyenne, for the 2018 City Chip Seal #2 Project (2015-2018 1% Sales Tax) – referred to Finance Committee.

[CA] Consideration of Bid #S-13-18 for a contract between the City of Cheyenne, Engineering Department, and Simon Contractors, Cheyenne, for the 2018 Pavement Rehabilitation; 20th Street and Mountain Road Project (2015-2018 1% Sales Tax) – referred to Finance Committee.

[CA] Consideration of Bid #S-1-19 for a contract between the City of Cheyenne, Community Recreation and Events Department, and Simon Contractors, Cheyenne, for the Mylar Park Restroom Prep Work Project (Community Development Block Grant) – referred to Finance Committee.

[CA] Transfer of retail liquor license application filed with the City Clerk's office for Stults Management LLC d/b/a The Office Bar & Eatery, 1600 E. Pershing Boulevard, Cheyenne, Wyoming (License currently held by Robert Moberly d/b/a Bob's Place, 1600 E. Pershing Boulevard, Cheyenne, Wyoming). Motion (per Consent Agenda) carried.

Appointment of Patrick Brody to the Community Action of Laramie County Board. Mr. Luna moved to approve, seconded by Mr. White. Motion carried. Voting "yes" – all members of the governing body present with the exception of Mayor Orr who did not vote (Mayoral appointee).

Announcement was made of a Public Hearing to be held Monday, July 23, 2018 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, for a restaurant liquor license application filed with the City Clerk's Office for Central Cafe, LLC d/b/a Central Cafe, 3920 Central Avenue, Cheyenne, WY.

Under other business, Bob Norris expressed appreciation to members of the governing body for their service to the community; Mr. Johnson thanked the Economic Development Joint Powers Board and Laramie County Community College for their recent monetary donations to the Depot Plaza splash pad project, and Mayor Orr recognized Robert Briggs, outgoing Director of Planning and Development, for his service to the City.

There being no further business to come before the governing body, the meeting was officially adjourned at 8:50 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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