

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

September 24, 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, 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.

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. Luna, and pursuant to support received by Mr. Johnson and Mr. Cook, Agenda Item #21 (a) was removed from the Consent Agenda. Upon request by Dr. Rinne, and pursuant to support received by Mr. Luna and Mr. Cook, Agenda Item #16 was moved from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on September 10, 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. White. 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 Golden Egg of Cheyenne, Inc. d/b/a Epic Egg, 2300 Carey Ave., Cheyenne, Wyoming. Michael Moriarty, applicant, advised upon inquiry that current restaurant operational hours will remain the same. He explained the restaurant is rebranding, which will involve new menu items and they wish to include the offering of certain types of alcoholic beverages. There being no further comments or input and purpose of the public hearing having been met, Mayor Orr closed the public hearing and referred the application to Finance Committee.

Mayor Orr opened a public hearing to receive comments and input for a transfer of retail liquor license application filed with the City Clerk’s office for Cheyenne Frontier Days, Inc. d/b/a Cheyenne Frontier Days, 1230 West 8th Avenue, Cheyenne, Wyoming (license currently held by

Steamboat's, LLC d/b/a Steamboat's Wyoming Steak House, 115 E. 17th St.). Tom Hirsig, CEO Cheyenne Frontier Days, explained timing of the application (requesting transfer of ownership and location of Steamboat's license) coincides with CFD's new headquarters and conference center building currently under construction. Mr. Hirsig reviewed potential events and activities that are planned to be held at the new building and proposed areas for sales and consumption, and explained the benefits of CFD being able to apply for temporary alcohol catering permits allowed under a retail license. During discussion and in response to inquiries, Mr. Hirsig provided information on the intent of CFD to not compete with other liquor licensees; CFD investing money to bring more visitors to Cheyenne; providing a small package liquor store environment to meet City Code operational requirements; dedication of staff to manage activities involving the liquor license; space within the new building dedicated to CFD's volunteer Committees; anticipated annual number of rental events envisioned at the building; that CFD has no plans to implement a full-service restaurant operation; that the Buckle Club will remain where it is; that they do not plan to apply for catering permits to sell alcoholic spirits "on the track", and paid TIPS trained staff, not volunteers, conducting sales under the license with the possible exception of utilizing CFD volunteers (TIPS trained) for certain CFD sponsored events. Upon inquiry regarding a recent violation report issued by the Police Chief involving malt beverage sales violations during this year's annual CFD event, Mr. Hirsig advised issues will be addressed and they will be working closely with Police Chief Brian Kozak. Upon query, Carol Intlekofer, City Clerk, explained City Code requirements regarding the definition of "operational", stating the requirement is that a licensee must offer for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages and that "weekly" means at least one eight-hour day within a week beginning on Sunday. Upon further inquiry, Ms. Intlekofer explained recent temporary malt beverage and alcohol catering permits that had been issued in conjunction with performances at the Civic Center. Questions and comments from the governing body included the following topics: Past practice of the governing body to consider the best economic use of a liquor license when reviewing retail liquor license applications; impact, if any, involving local malt beverage distributors; competition with other current retail liquor licensees; CFD sponsorship relationship; Police Chief's violation report, and proposed retail package liquor store. There being no further comments or input and purpose of the public hearing having been met, Mayor Orr closed the public hearing and referred the application to Finance Committee.

ORDINANCE – 3rd READING – Amending Section 5.12.020, Definitions, and Section 5.12.030, Licenses and permits – Types, of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 5, Business Licenses and Regulations, of the Code of the City of Cheyenne, Wyoming, pertaining to special malt beverage (annual) permits. Reporting for Finance Committee, Mr. Luna moved to approve on third and final reading, seconded by Mr. Johnson. Mr. Luna moved to amend, seconded by Mr. Johnson, by inserting the following sentence at the end of Section 5.12.030 (A) (14) (a): "As used in this section, auditorium setting means an area designated for the primary purpose of seating an audience to view or partake in an event or entertainment.". Motion to amend carried. Voting "yes" all members of the governing body. Upon inquiry, Carol Intlekofer, City Clerk, provided information on proposed plans for an application for this type of permit to be submitted by the City of Cheyenne for use at the Civic Center, advising the City is only allowed to hold one permit in its applicant name, and the permit would be limited to one location (i.e. Civic Center) which will prohibit the City from applying for any future temporary malt beverage permits

if the application is approved, through the usual application, public hearing and review process, by the governing body. Upon inquiry, Teresa Moore, Director of Community Recreation and Events, advised a future conversation is probable involving eligible licensees to apply for temporary catering permits to provide wine or other non-malt based products at the Civic Center. Main motion as amended carried. Voting “yes” – all members of the governing body. (#4242)

ORDINANCE – 3rd READING – Annexing to the City of Cheyenne, Wyoming, the S½ E½, Tract 1, Skyline Tracts, and that portion of Brimmer Road right-of-way adjacent to said S½ E½ of Tract 1, Laramie County, Wyoming situated in SE¼ SE¼, Section 18, Township 14 North, Range 66 West of the 6th P.M., County of Laramie, State of Wyoming (located northwest of the intersection of Storey Boulevard and Powderhouse Road). Seth Lloyd, Planning and Development, explained the difference between when an annexation ordinance becomes effective (upon publication) vs. when annexed boundaries are recognized by entities providing services to the area based upon the filing of the annexation map, and advised the annexation map for this parcel has been submitted. Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body. (#4243)

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 County LR Low-Density Residential to LR Low-Density Residential for the S½ E½, Tract 1, Skyline Tracts, Laramie County, Wyoming (located northwest of the intersection of Storey Boulevard and Powderhouse Road). Dr. Rinne moved to approve on third and final reading, seconded by Mr. Luna. Upon inquiry, Chris Lovas, AVI Engineering, agent for the applicant, stated the reason for the zone change request is for the property owner to be able to connect to City water and sewer services. It was confirmed no change to current use of the property was planned. Motion carried. Voting “yes” – all members of the governing body. (#4244)

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.b to increase the size of Semi-attached Dwelling (“Duplex”) lots in the MR Medium-Density Residential zone district. Dr. Rinne moved to approve on third and final reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body. (#4245)

ORDINANCE – 2nd READING – Vacating the 9th Street right-of-way lying west of Snyder Avenue between fractional Block 523, all of Blocks 524 and 573, and fractional Block 574, Original City of Cheyenne, Laramie County, Wyoming. Dr. Rinne moved to approve on second reading, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body.

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Miller Addition, 4th Filing, a replat of all of Block 2, Miller Addition, City of Cheyenne, Laramie County, Wyoming (located east of Townsend Place, North of Carlson Street). Motion (per Consent Agenda) carried. (#5948)

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a County Final Plat for Stafford-Davis Subdivision, a replat of a portion of Tract 62, Allison Tracts, Laramie County, Wyoming (located north of Prosser Road, east of Walterscheid Boulevard). Motion (per Consent Agenda) carried. (#5949)

RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for the Nishigawa Annex Subdivision, a replat of all of Lots 3 and 4 and the West 44 feet of Lot 2, Block 393, Original City, situated in the SE1/4 SW1/4 of Section 31, Township 14N, Range 66W, of the 6th P.M., Cheyenne, Laramie County, Wyoming (located at the southeast corner of W. 17th Street and O’Neil Avenue). Casey Palma, Steil Surveying Services, agent for the applicant, explained an updated revised map had been submitted; that site plans have been submitted with waiver requests, which were under review and would be determined later, and spoke in favor of moving forward with the revised map. Dr. Rinne moved to adopt with revised plat map dated September 12, 2018, seconded by Mr. Roybal. Motion to adopt with revised plat map carried. Voting “yes” – all members of the governing body. (#5950)

RESOLUTION – Authorizing a street name change from “Prairie Avenue” to “Back Way” for the portion of the street located between Dell Range Boulevard and the undeveloped section of Prairie Avenue, City of Cheyenne, Laramie County, Wyoming. Jordan Evans, GIS Cooperative, provided information on the purpose of the street name change, which is a request from the Combined Communications (dispatch) Center, to alleviate conflict with other street areas named Prairie Avenue off Dell Range and Powderhouse Road relative to emergency responders. Dr. Rinne moved to adopt, seconded by Mr. Case. Concern was expressed regarding the proposed name of “Back Way”, and current east/west portions of Prairie Avenue. Dr. Rinne moved to amend by naming the section to the east of Powerhouse Road as East Prairie Avenue, and the area west of Powerhouse Road as West Prairie Avenue, seconded by Mr. Roybal. Chief Greg Hoggatt, Fire and Rescue Department, expressed concern that geographically the City has an east/west “point” based on Central Avenue and changing the dividing point to Powderhouse for just this street section may affect block numbers and emergency response. Mr. Evans stated the amendment would affect some resident addresses and suggested postponement of the item could be considered to review suggestions for a street name other than “Back Way”. Amy Allen, City Engineer, provided information on the Prairie Avenue intersections involved, and expressed she was open to other street name suggestions other than “Back Way”. Discussion included naming of streets pursuant to City Code provisions. Upon inquiry, Sylvia Hackl, City Attorney, advised she would like time to review applicable City Code provisions. Motion to amend failed. Voting “no” – all members of the governing body. Upon inquiry, Mr. Evans reviewed information elements the Combined Communications Center receives relative to calls for service. Dr. Rinne moved to postpone to October 8, 2018, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body.

RESOLUTION – Acknowledging the receipt of the Preliminary Cost Models for a second level on the Cheyenne Municipal Court Building to be located at 308 West 17th Street and supporting the dedication of funds to design and build a finished second level on the Cheyenne Municipal Court Building. Vicki Nemecek, Director of Public Works, stated a commitment by

the governing body is necessary to move forward with the second story to facilitate appropriate engineering, structural and design decisions, and noted adoption of the resolution involves acknowledging receipt of the preliminary cost models for a second level and states the governing body's commitment to dedicate necessary funds to design and finish the second level. She advised, pursuant to inquiry at the Finance Committee meeting, the City Treasurer had submitted a memo to governing body members on funding availability for the project relative to use of 6th penny overage sales tax funds, and that a question was posed relative to legal interpretation of the phrase "acknowledging receipt". Ron Downey, City Treasurer, advised 6th penny sales tax overage cannot be spent on general government (ie: salaries or general maintenance), or anything that was not approved on the ballot by voters. In response to inquiry, Mayor Orr provided information on possible sale of a portion of City-owned Swan Ranch (which may assist with project costs) pursuant to an interest expressed by Dyno Nobel to expand their footprint, noting the City would be required to surplus the property and offer it through the bidding process, and that the parcel has been surveyed and appraised and there were no short term plans for use of the property by the City. Noel Griffith, Noel Griffith Jr. and Associates Architects, stated a study for space utilization within the new Municipal Court building still needs to be conducted and provided information on site parking; aesthetic elements involving the building's façade; timing of UDC (Unified Development Code) and Development review, and removal of the building from the Historic Preservation Board's contributing structures list. Mr. Luna advised there was no recommendation on the item from Finance Committee. Mr. Cook moved to adopt, seconded by Dr. Rinne. Comment followed on financial concerns involving a commitment to finish the second level. Dr. Rinne moved to amend by removing the word "finished" from the second section of the Resolution's Now Therefore Be It Resolved clause, seconded by Mr. Shanor. Discussion topics included: Unknown use of the second level; designing the second level as a "shell" space only at this time; potential future finishing costs; revenue streams identified for the project, and \$1.1 million dollar difference between shell-out and a finished product. During discussion, Mr. Griffith advised finishing the second level at a later date may be more expensive but could be done at any time and provided information on mechanical and electrical needs, including elevator and stairways, relating to designing a "shell" (empty) space, and elements considered to be included, or not included, in an unfinished "shell". Upon inquiry, Ms. Nemecek stated use of the second floor could be determined later and that the main issue is whether to contract services to design a "shell" or "finish" space, noting the Construction Manager At Risk (CMAR) will be recommended for selection on September 28th with a contract then being presented. Motion to amend carried. Voting "yes" – Mr. Case, Mr. Cook, Mr. Laybourn, Mr. Luna, Dr. Rinne, Mr. Roybal and Mr. Shanor. Voting "no" – Mr. Johnson, Mr. White and Mayor Orr. [City Clerk note: As a clerical correction in conjunction with the approved amendment, the word "finished" will also be removed from the Resolution entitlement.] Further discussion included cost concerns and other municipal capital facilities and maintenance needs and responsibilities; "shell" design based upon budget proposals received, and potential future sale of the Swan Ranch parcel. Main motion as amended carried. Voting "yes" – all members of the governing body. (#5951)

[CA] RESOLUTION – Terminating the agreement between the City of Cheyenne, Wyoming, and the Cheyenne Animal Shelter/Services for Animal Control and Animal Shelter Services – referred to Committee of the Whole. (Sponsor – Mr. Case)

[CA] Contract between the City of Cheyenne, Cheyenne Police Department, and the Wyoming Department of Transportation for D.U.I. Mobile Command Task Force enforcement and educational activities (Highway Safety Grant). Motion (per Consent Agenda) carried. (#6909)

[CA] Memorandum of Understanding between the City of Cheyenne, Cheyenne Police Department, and the City of Casper, Casper Police Department, for law enforcement extraterritorial assistance – 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] Amendment No. 1 to Contract No. 6709, Human Services Agreement, between the City of Cheyenne and United Way of Laramie County to extend the termination date for the Community School Pilot Program (2011-2014 1% Sales Tax). Motion (per Consent Agenda) carried. (#6709)

[CA] Contract Renewal for Contract No. 6794 between the City of Cheyenne, Planning and Development Department, and American Contracting of Wyoming, LLC, Cheyenne, Wyoming, for the Warren Rest House Restoration, Phase 2 Project, to extend the completion date. Motion (per Consent Agenda) carried (amount not to exceed \$37,687.00). (#6794)

Consideration to purchase Motorola portable radios for the Cheyenne Fire and Rescue Department from Wireless Advanced Communications, Evans, Colorado (2015-2018 1% Sales Tax). Chief Greg Hoggatt, Fire and Rescue Department, advised the purchase amount approved by the Finance Committee did not include financing interest as the radios will be leased. Mr. Luna stated it was brought to his attention that the Finance Committee inadvertently recommended to approve in an amount not to exceed \$446,889.52, however, that amount did not include interest charges. Mr. Luna moved to approve in an amount not to exceed \$517,310.95 which includes the interest charges, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body.

[CA] Consideration of Bid #E-4-19 for furnishing ice control product for the City of Cheyenne, Public Works Department (2015-2018 1% Sales Tax) – referred to Finance Committee.

[CA] Report of Community Facility Fees for Fiscal Year 2017-2018. Motion (per Consent Agenda) carried.

Mr. Roybal moved to approve the reappointment of Dr. Earl B. Kincheloe to the Cheyenne Housing Authority, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body with the exception of Mayor Orr who did not vote (Mayoral appointment).

Announcement was made of a Public Hearing to be held October 8, 2018 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 exist for a portion

of the west half, of the west half of Section 17, T14N, R66W, of the 6th Principal Meridian, Laramie County, Wyoming (located west of and adjacent to Powderhouse Road, north of Spirit Lane).

Under other business:

Jeff Dierksen discussed how the governing body addresses petitions (which are not otherwise addressed by law or City requirements), suggesting the governing body implement a procedure to openly discuss and act upon petitions that are received, and questioned whether the location of lead pipes in the City's water system has been identified. Response comments were made by members of the governing body regarding the handling of citizen requests and complaints and responses to same by individual members of the governing body; uniformity and standards concerns involving a formal policy, and concern with developing a threshold as it may pertain to one resident or numerous residents. Mr. Laybourn, City Council liaison to the Board of Public Utilities (BOPU), advised he would pass on the inquiry concerning lead pipes to the BOPU.

Mr. Johnson expressed appreciation to the organizers, donors and volunteers involved in the Rooted in Cheyenne tree planting event over the weekend, and also to the coordinators, organizers, volunteers and participants who assisted with or participated in the community's first marathon event on September 23.

Mr. Case expressed appreciation to the Fire and Rescue Department relative to involvement with Bob Quick's Journey, a bicyclist riding across the country who was recently traveling through Cheyenne.

Mr. Luna commented on a concern he had received regarding unauthorized "residents" at the vacated Hitching Post property and requested follow-up on the issue.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:54 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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