

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

July 8, 2019

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, Ken Esquibel, Pete Laybourn, Mike Luna, Scott Roybal, Dicky Shanor and Jeff White. Absent: Dr. Mark Rinne. Also present: Kris Jones, City Clerk. 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. Esquibel, and pursuant to support received by Mr. Luna and Mr. White, agenda item #18 was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. White. Mr. Shanor clarified he did not vote as he has a conflict with agenda item #16. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Shanor who did not vote.

[CA] Minutes from Regular Meeting of the Governing Body on June 24, 2019. Motion (per Consent Agenda) carried.

Mr. Roybal moved to approve payment of vouchers as presented, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body present.

Mayor Orr opened a Public Hearing to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for a portion of Tract 119, all of Tract 120 and portions of Tracts 135 and 136, and adjacent vacated rights-of-way, Sunnyside Addition, Fourth Filing, Laramie County, Wyoming (located south of the intersection of Fillmore Avenue and Charles Street). Tawn Hillenbrand, Planning and Development, advised the annexation request was submitted by the landowner, provided information on the property and reviewed requirements of and compliance with annexation conditions contained in state statutes. She advised the annexation ordinance has been delayed and will appear on the council agenda at a later date. Upon inquiry, Ms. Hillenbrand advised the land is currently developed with a church and this will allow development of the proposed annexation portion of the property. She further noted she is unaware of a future plan to develop the property, advising, however, upon annexation, it could be developed. 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 determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for the three hundred foot (300’) wide right-of-way of U.S. Highway No. 30, situated in a portion of Sections 26, 27, and 34, Township

14N, Range 66W of the 6th PM, Laramie County, Wyoming (located between Cleveland Avenue and Hayes Avenue). Tawn Hillenbrand, Planning and Development, advised the annexation request was submitted by the landowner, provided information on the property and reviewed requirements of and compliance with annexation conditions contained in state statutes. Ms. Hillenbrand advised agenda item #14 is the affiliated annexation ordinance. Charles Bloom, Planning and Development Director, explained upon inquiry, the purpose of the annexation is to clarify city and county boundaries, which will place law enforcement under one entity. He further reported the need to be able to provide more efficient traffic control and clarification of emergency response. Ms. Hillenbrand explained there are two different applicants for annexations. Amy Allen, City Engineer, advised meetings were held with multiple agencies relating to traffic control along this stretch of Highway 30 and the annexation would allow City officers to patrol the area, noting the area is a safety concern. Ms. Allen clarified the annexation is for WYDOT Right-of-Way only. Comment was made related to concern for future development in the area adding additional traffic. 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 for a resort liquor license application filed with the City Clerk's Office for Driftwood Special Servicing LLC d/b/a Red Lion Hotel Cheyenne & Conference Center, 204 Fox Farm Rd., Cheyenne, Wyoming. Billie Addleman, Hirst Applegate, LLP, advised he was present on behalf of the applicant to answer any questions. There being no comments or input and purpose of the hearing having been met, Mayor Orr closed the hearing.

ORDINANCE – 3rd READING – Pursuant to Sections 1.1.6 and 2.4.1 of the Cheyenne Unified Development Code (“UDC”), replacing UDC Section 5.8.1 in response to the rapidly changing technology and regulatory environment for wireless communication facilities, including the deployment of new, smaller wireless communication facilities. Charles Bloom, Planning & Development Director, advised a substitute ordinance dated 7/8/19 was emailed to members of the governing body which contains final revisions and includes amendments made at the 7/2/19 Public Services Committee meeting. Mr. Bloom reported Charter and Verizon are in agreement with the proposed revisions. He explained one of the changes is reducing standalone towers heights from 50 ft. to 40 ft. Reporting for Public Services Committee, Mr. Shanor moved to amend by substitute dated 7/8/19, seconded by Mr. Roybal. Kris Jones, City Clerk, confirmed the proposed substitute contains all amendments made at Public Services Committee. Motion to amend carried. Voting “yes” – all members of the governing body present. Mr. Shanor explained that in his opinion, this is one of the most important economic development and quality of life ordinances that has been approved and it is possible due to collaboration of entities. Mr. Shanor further advised an industry partner raised issues that weren't addressed in the proposed substitute, however, he believes those can potentially be addressed in the future. Main motion as amended carried. Voting “yes” – all members of the governing body present. (#4278)

ORDINANCE – 2nd READING – Amending Section 2.04.160(D), 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. Reporting for Finance Committee, Mr. White moved to approve on second reading, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body present.

ORDINANCE – 1st READING – Pursuant to Sections 1.1.6, 1.1.7, and 2.4.1 of the Cheyenne Unified Development Code (UDC), amending Section 6.5.4.c to modify allowances for Electronic Message Centers – referred to Public Services Committee. (Sponsor – Dr. Rinne)

ORDINANCE – 1st READING – Pursuant to Section 2.2.2 Planned Development - Regulating Plan or Development Master Plan, Section 5.1.3 Official Zoning Map, and Section 5.6.2 PUD – Planned Unit Development District of the Unified Development Code, amending Ordinance No. 2975 and Ordinance No. 3297 by modifying certain standards of the adopted district, Planned Unit Development (PUD), for all of Block 596 and the westerly 40 feet of the vacated right of way of House Avenue between East 7th and 8th Streets, Original City of Cheyenne, Wyoming (located east of I-180 between 7th and 8th Streets) – referred to Public Services Committee. (Sponsor – Dr. Rinne)

ORDINANCE – 1st READING – Vacating all portions of non-vacated: alley, adjoining half-street right of way of 12th Street, and adjoining half-street right of way of Holmes Avenue; of Block 168, Interior Heights, 2nd Filing; and all of Center Drive west of the west line of Harmony Center 2nd Filing, City of Cheyenne, Laramie County, Wyoming (located north of and adjacent to West College Drive, west of Walterscheid Boulevard) – referred to Public Services Committee. (Sponsor – Dr. Rinne)

ORDINANCE – 1st READING – Pursuant to Sections 1.1.6 and 2.4.1 of the Cheyenne Unified Development Code (UDC), amending Section 1.4.4 and 5.1.4 of the UDC to clarify definitions for entertainment and recreation land uses; to create a new entertainment and recreation – Other Land Use; and to allow these uses in various zoning districts as administrative, conditional or principal permitted uses – referred to Public Services Committee. (Sponsor – Dr. Rinne)

ORDINANCE – 1st READING – Annexing to the City of Cheyenne, Wyoming, the three hundred foot (300') wide right-of-way of U.S. Highway No. 30, situated in a portion of Sections 26, 27 and 34, Township 14 North, Range 66 West of the 6th P.M., Laramie County, Wyoming, (located between Cleveland Avenue and Hayes Avenue) – referred to Public Services Committee. (Sponsor – Dr. Rinne)

RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Christensen Park, situated in a portion of the SW¹/₄ NE¹/₄, Section 36, Township 14 North, Range 67 West of the Sixth Principal Meridian, Cheyenne, Laramie County, Wyoming (located at the southwest corner of Talbot Court and Cribbon Avenue) (Postponed from 06-24-19). Trey Rinne, AVI, agent for the applicant, advised he was available to answer any questions. Mr. Shanor moved to adopt, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body present. (#5999)

[CA] RESOLUTION – Authorizing the submission of an application by the City of Cheyenne for federal funding through the Transportation Alternatives Program administered by the Wyoming Department of Transportation for the purpose of constructing a multi-use path for pedestrians and bicycles at Lions Park and Frontier Park. Motion (per Consent Agenda) carried. (#6000)

[CA] RESOLUTION – Repealing Resolution No. 5835, as amended, and Resolution No. 5942, both pertaining to the expedient redevelopment of the building located at 1602 Capitol Avenue, commonly referred to as the Historic Hynds Building. Motion (per Consent Agenda) carried. (#6001)

RESOLUTION – Naming the future Municipal Courthouse in honor of Judge Joseph M. Carey. Stephanie Lowe, on behalf of the Historic Preservation Board, advised she was available to answer questions. Comments were made related to Carey Avenue and Carey Jr. High that were previously named after Judge Carey and acknowledgement was given to other individuals that have made contributions to the community. Mr. White, a co-sponsor of the resolution, advised the building at this location has always been known as the Carey Building and that Judge Carey was a prominent community figure and had held the offices of Municipal Justice of the Peace, governor and mayor. Ms. Lowe provided information on the Carey Block and the first and only building at that location. She provided further information on the naming of Carey Jr. High and explained the Historic Preservation Board felt it was important to continue with the Carey name at the new building since the prior building has been demolished. Mr. Shanor moved to adopt, seconded by Mr. Luna. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Esquibel voting “no”. (#6002)

[CA] RESOLUTION – Adopting a Comprehensive Open Data Policy as is Practical – referred to Public Services Committee. (Sponsor – Dr. Rinne)

[CA] RESOLUTION – Whereby the Governing Body of the City of Cheyenne authorizes a special Cheyenne Downtown Development Authority District Election to be held October 16, 2019 as provided by Wyo. Stat. §15-9-217 (5) which, upon affirmative majority vote of the Qualified Voters within the District, will authorize a Special Assessment of Twenty (20) Mills upon real property within the District, excluding real property used exclusively for residential purposes, for a period of four (4) years – referred to Finance Committee. (Sponsor – Mr. White)

[CA] Memorandum of Understanding between the City of Cheyenne, Transit Division, and Laramie County to provide public transportation services to Laramie County Community College and for an area of Laramie County immediately adjacent to the City (Revenue to City). Motion (per Consent Agenda) carried. (#7023)

[CA] Office Rental Agreement between the City of Cheyenne and The Friends of the Botanic Gardens Foundation (Revenue to City). Motion (per Consent Agenda) carried. (#7024)

[CA] Professional Services Agreement between the City of Cheyenne and Semple Brown Design, PC, Denver, CO, for the Civic Center Conceptual Design Project (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried. (#7025)

[CA] Land Purchase and Sale Agreement between the City of Cheyenne and Victory Real Estate Management LLC, for the purchase of real property described as a portion of Lot 1, Block 1, P.A.S. Subdivision, City of Cheyenne, Laramie County, Wyoming, for the appraised value of

\$329,630.00 for economic development purposes (General Fund Reserves) – referred to Finance Committee.

[CA] Memorandum of Agreement between the City of Cheyenne and Preserve Historic Wyoming, a Wyoming Nonprofit Organization, to remediate hazardous substances to renovate the building located at 1605 Central Avenue, Cheyenne, Wyoming, in an amount not to exceed \$384,000.00. (Brownfield’s Revolving Loan Fund Grant) – referred to Finance Committee.

[CA] Consideration of Bid #E-31-19 for furnishing two (2) new 2019-2020 Solid Waste transfer trailers, for the City of Cheyenne, Sanitation Division (Solid Waste Fund). Motion (per Consent Agenda) carried (accepted bid by Ameri-Tech Equipment Company, Casper, WY in an amount not to exceed \$196,400.00).

[CA] Consideration of Bid #E-32-19 for furnishing one (1) new 2019-2020 ½ ton, 4 door crew cab, full size pickup truck, 4x4, 6 ½ foot box, with Fleet work package, with plow, for the City of Cheyenne, Sanitation Division (Solid Waste Fund). Motion (per Consent Agenda) carried (accepted bid by Spradley Barr Motors, Cheyenne, WY in an amount not to exceed \$39,846.00).

[CA] Consideration of Bid #E-29-19 for furnishing two (2) new cab & chassis with rear load sanitation refuse collection bodies, 25 cubic yard with tippers, for the City of Cheyenne, Sanitation Division (Solid Waste Fund). Motion (per Consent Agenda) carried (accepted bid by Peterbilt of Wyoming, Cheyenne, WY in an amount not to exceed \$303,904.00).

Consideration of Bid #E-30-19 for furnishing three (3) new 2019-2020 twin-screw diesel powered cab & chassis, for the City of Cheyenne, Sanitation Division (Solid Waste Fund). Vicki Nemecek, Public Works Director, reported she sent an email to the governing body with the recommendation to accept the bid from Floyd’s Truck Center and the email included minutes from 2 prior meetings containing additional bid process information from May and July 2018. Ms. Nemecek also advised of an additional email sent to the governing body in May 2018 which highlighted her thoughts relating to the bidding process that included information on lowest price, bid specifications, contact representative and necessity to be consistent. Upon inquiry, Ms. Nemecek clarified that although Peterbilt of Wyoming provided a higher trade-in amount, Floyd’s Truck Center still maintained the lowest bid. Upon inquiry, TJ Barttelbort, Purchasing Manager, advised he did not receive an explanation from Tri-State Truck & Equipment regarding not providing trade-in amounts. Ms. Nemecek requested the bid be amended to retain trade-in #5790 for the purpose of recycling, adjusting the total bid price to \$391,959.00. James Balzer, Peterbilt of Wyoming, advised he was available for questions and provided information on their trade-in amounts and additional information relating to their bid. Mr. White moved to accept the bid from Floyd’s Truck Center in an amount not to exceed \$357,989.00, seconded by Mr. Case. Mr. White moved to amend by removing trade-in #5790 increasing the total amount not to exceed \$391,959.00, seconded by Mr. Case. Ms. Nemecek explained the Public Works Department would like to keep the trade-in tractor due to recent changes involving the City’s ability to outsource recycling services. Motion to amend carried. Voting “yes” – all members of the governing body present. Comments were made on the bid process and relying on staff for the best interest of the city. Main motion as amended carried. Voting “yes” – all members of the governing body present.

[CA] Consideration of Bid #E-36-19 for furnishing battery powered extrication spreaders, cutter, and rams, for the City of Cheyenne, Cheyenne Fire and Rescue Department (General Fund). Motion (per Consent Agenda) carried (accepted bid by Fired Up Rescue, Wheatland, WY in an amount not to exceed \$47,408.00).

[CA] Consideration of Bid #S-18-19 for a contract between the City of Cheyenne, and Simon Contractors, Cheyenne, WY, for the 2019-2020 Miscellaneous Street Repairs Project (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid by Simon Contractors, Cheyenne, WY in an amount not to exceed \$1,094,951.15). (#7026)

[CA] Consideration of Bid #S-19-19 for a contract between the City of Cheyenne, and Mechanical Systems, Inc., Cheyenne, WY, for the Southwest/Grandview Storm Sewer Improvements Project (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid by Mechanical Systems, Inc., Cheyenne, WY in an amount not to exceed \$179,229.00). (#7027)

[CA] Consideration to purchase signaling infrastructure power line relocations from the Union Pacific Railroad Company (Specific Purpose Sales Tax) – referred to Finance Committee.

Resort liquor license application filed with the City Clerk's Office for Driftwood Special Servicing LLC d/b/a Red Lion Hotel Cheyenne & Conference Center, 204 Fox Farm Rd., Cheyenne, Wyoming. Mr. White reported that this item was reviewed under other items for the agenda at the July 1, 2019 Finance Committee meeting, therefore, provisions of Title 2 of City Code have been met. Mr. White moved to approve, seconded by Mr. Esquibel. Motion carried. Voting "yes" – all members of the governing body present.

[CA] Request to expand seating area for consumption relating to retail liquor license held by Alf in Wyoming Enterprises, LLC d/b/a Alf's Pub & Package Liquors, 1622 E. 19th St., Cheyenne, Wyoming – referred to Finance Committee.

Under other business:

Frank Cole voiced support for naming the new Municipal Courthouse after Judge Joseph M. Carey. Mr. Cole provided history relating to the Carey family including community contributions and properties owned within Cheyenne and Laramie County including sections of Eastridge, the Carey Dairy and land south of Dell Range Blvd.

Mr. Laybourn voiced concern relating to aspects of agenda item #17 (Resolution repealing Resolution No. 5835, as amended, and Resolution No. 5942, both pertaining to the expedient redevelopment of the building located at 1602 Capitol Avenue, commonly referred to as the Historic Hynds Building) and provided history regarding failed attempts to redevelop the Historic Hynds Building and the "Hole" property. He requested information relating to the H2 Proposal which was to have produced a final report. Mr. Laybourn suggested prioritizing development of the Hynds and "Hole" properties.

Mr. Laybourn provided copies and information related to the Strategic Downtown Action Plan and the “Deploy Bucket Brigade” program downtown during Cheyenne Frontier Days (CFD). He advised the report was approved by Downtown Development Authority (DDA) and is a working document. Mr. Laybourn voiced concerns relating to the CFD parade route involving a series of issues with curb and gutter in areas where people sit including exposed rebar. He suggested correcting these issues and covering windows of vacant downtown properties.

Mr. Case stated he appreciates comments made relating to funds budgeted for the Historic Hynds Building (agenda item #17) and explained the purpose of recouping and redirecting the funding was to make up for a budget oversight relating to a previous air service funding commitment.

There being no further business to come before the governing body, the meeting was officially adjourned at 6:55 p.m.

Submitted by,

Kristina F. Jones, City Clerk

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

Published: Wyoming Tribune-Eagle
July 17, 2019