

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

September 10, 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.

Mayor Orr called for a moment of silence in remembrance of the late Chris Green, who was a Traffic Division employee at the time of his death.

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. Johnson, and pursuant to support received by Mr. Shanor and Mr. Roybal, Agenda Item #22 (a) was removed from the Consent Agenda. Mr. Luna moved to approve remaining Consent Agenda items, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on August 27, 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. 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 – 2nd 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. White moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” – all members of the governing body.

ORDINANCE – 2nd READING – Annexing to the City of Cheyenne, Wyoming, the S $\frac{1}{2}$ E $\frac{1}{2}$, Tract 1, Skyline Tracts, and that portion of Brimmer Road right-of-way adjacent to said S $\frac{1}{2}$ E $\frac{1}{2}$ of Tract 1, Laramie County, Wyoming situated in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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). Reporting for Public Services Committee, Mr. Roybal moved to approve on second reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body.

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 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). Mr. Roybal moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” – all members of the governing body.

ORDINANCE – 2nd 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. Mr. Roybal moved to approve on second reading, seconded by Mr. Johnson. Motion carried. Voting “yes” – all members of the governing body.

ORDINANCE – 1st 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 – referred to Public Services Committee. (SPONSOR – MR. ROYBAL)

RESOLUTION – Re-appropriating the Fiscal Year 2019 budget of the City of Cheyenne according to the provisions of W.S. §§ 16-4-112 & 16-4-113. Mr. White moved to adopt, seconded by Mr. Johnson. Motion carried. Voting “yes” – all members of the governing body. (#5946)

RESOLUTION – Adopting the recommendations of the Cheyenne Broadband Task Force, which will serve as a catalytic event to facilitate accelerated deployment of ubiquitous, affordable, high-speed internet access. Eric Trowbridge, Array School of Technology and Design, and chairperson of the Broadband Task Force, explained the educational programs offered by Array which correlate with the importance of reliable internet infrastructure within the community. Mr. Trowbridge reviewed the purpose and objectives of the Task Force. He discussed internet investment, creating a competitive environment, low cost deployment for private companies and laying a technology foundation for the future, and outlined the six recommendations proposed by the Task Force. Speaking in favor of the Task Force initiatives were: Ben Rowland, former member of the Task Force; Abby Peterson; Austin Hein, Wyoming Liberty Group; Adam Marsh; Bria Hammock; Vicki Dugger, Downtown Development Authority; Craig Boal, Language I/O; Evan Asher; Cortney Thompson, Task Force member, and Thomas Pettigew. Topics discussed by the speakers included: Task Force recommendations and steps needed to carry out the recommendations involving governing body review and approval; inadequate local internet speeds and features hindering home business and employment opportunities; concerns with publicly vs. privately operated broadband; financial costs and future policies that may affect the City and taxpayers; incentivizing private company investments; supporting technology growth in the community; recommendations as a first step in pursuing further research and options; competitive

elements involving private providers; frustration with current internet provider services; WiFi and internet services for the downtown business area; need for basic reliable internet; benefit of infrastructure to support Internet of Things opportunities; transparency by the City in providing information on franchise agreements, and clarification that the recommendations do not include the City providing internet services. Also commenting on the resolution were Dale Steenberg, Cheyenne Chamber of Commerce, expressing the importance of the topic for local businesses and moving forward cautiously to examine costs, and including private sector businesses and others in future discussions relative to the recommendations. In response to inquiry, Mr. Steenberg stated fair and reasonable costs to private businesses should be considered. Eric Rasmussen, Charter Communications, Task Force member, stated Charter would like to “be at the table” to talk about moving forward with the recommendations and to help with solutions, and advised Charter offers a reduced rate services program for low income families. Upon inquiry, Mr. Rasmussen explained his reasons generally for casting a “no” vote on the recommendations as a member of the Task Force, noting concerns with the need for more data and competing with government. He referred to information he had previously provided to governing body members and commented on the “dig once” recommendation, indicating the need to review scenarios involving different situations, such as when new subdivisions are developed within the City. Mr. Roybal reported there was no recommendation on the item from Public Services Committee. Mr. Roybal moved to adopt, seconded by Mr. Johnson. Discussion included the following topics: Reed Avenue Corridor serving as a possible pilot plan area; public/private partnerships; review and research of options and details related to the recommendations; better broadband capability within the community, and benefits of being a progressive community. Mr. Shanor moved to amend by striking the word “adopting” in the resolution entitlement and replacing it with “acknowledging receipt of the recommendations of the Cheyenne Broadband Task Force ...”; changing the 5th Whereas clause to read “Whereas, in response to the Mayor’s request for recommendations, the CBTF has submitted a memorandum including six (6) recommendations which will enable the City to facilitate deployment of broadband infrastructure, five (5) of those recommendations being as follows: ...”; amending the Now, Therefore, Be It Resolved clause to read “Now, Therefore, Be It Resolved by the Governing Body of the City of Cheyenne, Wyoming, that the five (5) recommendations of the CBTF listed herein are acknowledged.”, and striking the remainder of the section; and adding a Be It Further Resolved clause that reads “Before the City takes any steps, other than research and studying, on any of these five (5) concepts, individual evidence-based proposals will be brought forward to the governing body for approval.”, seconded by Mr. Case. Discussion on the amendment included adopting vs. acknowledging receipt of the CBTF recommendations; five, not six, of the concepts proposed being acknowledged; explanation that the additional recommendation involved the City’s hiring of a full-time employee to facilitate broadband deployment and to develop the City’s long-term broadband strategy; pilot project area; details to be “fleshed out” through further research and discussions; draft wireless communications ordinance which is in progress; resolutions being non-binding and serving as statements of intent; steps envisioned in pursuing recommendations; obtaining outside assistance in correlation with the sixth recommendation, and staff reports constituting “evidence-based” research. During discussion and upon inquiry, Sylvia Hackl, City Attorney, expressed her opinion involving use of the word “adopting” vs. “acknowledging receipt of” the resolution. Motion to amend failed (due to a tie vote). Voting “yes” – Mr. Case, Mr. Cook, Mr. Luna, Dr. Rinne and Mr. Shanor. Voting “no” – Mr. Johnson, Mr. Laybourn, Mr. Roybal, Mr. White and Mayor Orr. Brief discussion

continued on the main motion. Mr. Shanor moved to amend the 5th Whereas clause to read “Whereas, in response to the Mayor’s request for recommendations, the CBTF has submitted a memorandum including six (6) recommendations which will enable the City to facilitate deployment of broadband infrastructure, five (5) of those recommendations being as follows: ...”; amending the Now, Therefore, Be It Resolved clause to read “Now, Therefore, Be It Resolved by the Governing Body of the City of Cheyenne, Wyoming, that the five (5) recommendations of the CBTF listed herein are adopted.” [and striking the remainder of the section]; and adding a Be It Further Resolved clause that reads “Before the City takes any steps, other than research and studying, on any of these five (5) concepts, individual evidence-based proposals will be brought forward to the governing body for approval.”, seconded by Mr. Roybal. Discussion included historical practice of acknowledging receipt of reports; cost effectiveness of hiring a broadband staff position vs. a consultant; recent hiring of a broadband expert by the Wyoming Business Council and information from the expert that had been received by governing body members; potential opportunity to hire a chief technology officer for the City in the future and funding of same, and future actions on the recommendations coming before the governing body for approval. Motion to amend carried. Voting “yes” – all members of the governing body with the exception of Mr. Shanor voting “no”. Main motion as amended carried. Voting “yes” – all members of the governing body with the exception of Mr. Shanor voting “no”. (#5947)

Following a brief recess, Mayor Orr reconvened the meeting at 8:15 p.m.

[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) – referred to Public Services Committee. (SPONSOR – MR. ROYBAL)

[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) – referred to Public Services Committee. (SPONSOR – MR. ROYBAL)

[CA] 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) – referred to Public Services Committee. (SPONSOR – MR. ROYBAL)

[CA] 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 – referred to Public Services Committee. (SPONSOR – MR. ROYBAL)

[CA] 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 – referred to Finance Committee. (SPONSOR – MR. WHITE)

[CA] Memorandum of Understanding between the City of Cheyenne, Cheyenne Police Department, and Laramie County School District No. 1 for school resource officers for the 2018-2019 school year and summer school 2019. Motion (per Consent Agenda) carried. Voting “yes” – all members of the governing body. (#6905)

[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) – referred to Finance Committee.

[CA] Amendment No. 4 to Contract No. 2985 between the City of Cheyenne and the City of Cheyenne, Wyoming-Laramie County, State of Wyoming Joint Powers Board, for use of premises within Frontier Park. Motion (per Consent Agenda) carried. (#2985)

[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) – referred to Finance Committee.

[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 – referred to Finance Committee.

[CA] Consideration of Bid #S-2-19 for a contract between the City of Cheyenne, Community Recreation and Events Department, and ISC Builders, LLC, Cheyenne, Wyoming, for the Civic Center Hand Rails and Sightline Project (2015-2018 1% Sales Tax, Civic Center funds). Motion (per Consent Agenda) carried. (#6906)

[CA] Consideration of Bid #E-5-19 for furnishing one new 2017-2018 front end wheel loader with less than 10 hours (rebid) for the Street and Alley Division (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried.

[CA] Consideration to purchase Motorola portable radios for the Cheyenne Fire and Rescue Department from Wireless Advanced Communications, Evans, Colorado. (2015-2018 1% Sales Tax) – referred to Finance Committee.

City of Cheyenne Annual Employee Performance Evaluation Plan – Report to the Governing Body. Stephanie Lowe, President, Cheyenne Public Employees Association, encouraged support for the plan and noted concerns with the City’s outdated compensation schedule and inflation; “fitting” employees into a perfect bell curve, suggesting the curve could be adjusted later if needed, and conducting honest and fair evaluations. Reporting for Committee of the Whole, Dr. Rinne moved to approve the plan, seconded by Mr. Roybal. Discussion included a suggestion to change the timing of evaluations to instead be held at 90 days, six months and then annual evaluations due to manhours involved under the current proposed plan; concerns with utilizing a bell curve as a measurement process; who will ultimately be approving employee

increases under the plan, and putting a cap on wages, related with merit-based pay, at market midpoint and not the maximum due to budgetary concerns. Darrin Hass, Human Resources Director, responded to inquiries and explained the role of department directors who have been meeting to develop the plan. Motion carried. Voting “yes” – all members of the governing body.

[CA] Annual report to the City of Cheyenne regarding capital improvements made to the building located at 4801 Central Avenue, as well as any improvements/repairs made to the golf course as required by Lease Agreement No. 2833 between the City of Cheyenne and the Airport Golf Club, Inc. Motion (per Consent Agenda) carried.

Mr. Luna moved to approve the appointment of Jaci Wells to the Historic Preservation Board, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body with the exception of Mayor Orr who did not vote (Mayoral appointment).

[CA] Report of Community Facility Fees for Fiscal Year 2017-2018 – referred to Finance Committee

Announcement was made of a Public Hearing to be held September 24, 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 The Golden Egg of Cheyenne, Inc. d/b/a Epic Egg, 2300 Carey Ave., Cheyenne, Wyoming.

Announcement was made of a Public Hearing to be held September 24, 2018 at 6:00 p.m. in City Council Chambers, 2101 O’Neil Avenue, Cheyenne, Wyoming, 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.).

Under other business:

Jeff Dierksen questioned whether the City has a policy, process or procedures that addresses petitions that are submitted to the City. Carol Intlekofer, City Clerk, advised that petitions filed with the City Clerk are shared with the governing body, however, that does not necessarily mean the governing body will act on a petition. She noted exceptions to this are pursuant to any petition processes outlined by City Code, Wyoming Statutes, the UDC or other regulations. Mr. Dierksen referenced two petitions he had submitted involving traffic issues in his neighborhood, noting the second one had not been addressed. Mayor Orr expressed she was aware of the petitions citing traffic concerns on Pinto Lane, advised of a traffic study that had been conducted and acting on data that is received from the study, and indicated, at some point in the future, the issue could be revisited based on changing conditions. It was noted re-zoning changes pursuant to state statute and the Neighborhood Traffic Management Program involve formal petition processes.

Evan Asher expressed his frustration concerning Sanitation’s yard waste program and unavailability to be on an active list to receive services, and negative customer service experience

he had encountered. Mayor Orr advised money was approved for additional yard waste cans and route and that the bins were unable to be acquired during the current season and that, hopefully, it should be implemented next spring. It was noted that past discussion on the topic during budget preparation included adding one additional route for the yard waste program but there were not enough subscribers at the time warranting the cost of an additional route.

Mr. Johnson noted the Request for Proposals for the Depot Plaza Splash Pad Project had been issued and was available on the City's website, and thanked those who attended the recent re-dedication of the Clark Hose fire bell held at Fire Station No. 2.

Mayor Orr called for a moment of silence in recognition of the September 11, 2001 national tragedy.

There being no further business to come before the governing body, the meeting was officially adjourned at 8:36 p.m.

Submitted by,

Carol Intlekofer, MMC
City Clerk

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

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