

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

May 26, 2020

The Governing Body of the City of Cheyenne met in regular session on this date beginning at 6:07 p.m. via electronic conference meeting. Attending electronic conference meeting were: MAYOR – Marian J. Orr; COUNCIL MEMBERS – Rocky Case, Bryan Cook, Pete Laybourn, Mike Luna, Dr. Mark Rinne, Scott Roybal, Dicky Shanor and Jeff White. Absent: Ken Esquibel. Also attending: Kris Jones, City Clerk.

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. Case and Mr. Cook, agenda item #29 (c) was removed from the Consent Agenda. Upon request by Mr. Laybourn, and pursuant to support received by Mr. Cook and Mr. White, agenda item #18 was removed from the Consent Agenda. Mr. White moved to approve remaining items, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body present.

[CA] Minutes from Regular Meeting of the Governing Body on May 11, 2020. Motion (per Consent Agenda) carried.

[CA] Minutes from Special Meeting of the Governing Body on May 13, 2020. Motion (per Consent Agenda) carried.

ORDINANCE – 3<sup>rd</sup> READING – Amending Chapter 10.56, Handicapped Parking Spaces, within Title 10, Vehicles and Traffic, of the Municipal Code of the City of Cheyenne, Wyoming. Reporting for Finance Committee, Mr. Luna moved to approve on third and reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body present. (#4305)

ORDINANCE – 3<sup>rd</sup> READING – Approving and establishing an amendment to the Temporary Permit Process contained in Title 5 of City Code. Mr. Luna moved to approve on third and final reading, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Laybourn voting “no”. [Clerk’s note: no verbal vote from Mr. Shanor was recorded.] (#4306)

ORDINANCE – 3<sup>rd</sup> READING – Approving and establishing amendments to various portions of Title 6 of City Code to redefine animal owner and amend fee structure. Mr. Luna moved to approve on third and final reading, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body present. (#4307)

ORDINANCE – 2<sup>nd</sup> READING – Approving and establishing revised water and sewer rates, tap and system development fees, administrative fees, service charges and penalties, and septic and commercial waste dump rates, as recommended by the Board of Public Utilities. Mr. Luna moved to approve on second reading, seconded by Mr. Case. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Cook voting “no”.

ORDINANCE – 2<sup>nd</sup> READING – Appropriating moneys for the City of Cheyenne, Wyoming for various purposes in conducting the municipal government of said City and fixing the amount of general and special taxes as part of the revenue required to meet the said appropriation, all for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021. Reporting for Committee of the Whole, Dr. Rinne moved to approve on second reading, seconded by Mr. Cook. Dr. Rinne moved to postpone to June 8, 2020, seconded by Mr. Cook. Motion to postpone carried. Voting “yes” – all members of the governing body present. Dr. Rinne advised the next Committee of the Whole meeting for this agenda item will be held Wednesday June 10, 2020 at 6:00 p.m. via electronic conference meeting.

ORDINANCE – 2<sup>nd</sup> READING – Amending Sections 1.4.3, 2.1.1, 2.1.2, and 4.2.5 of the Unified Development Code of the City of Cheyenne, Wyoming, to define and clarify the purpose of remainder lots. Reporting for Public Services Committee, Mr. Case moved to approve on second reading, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body present.

ORDINANCE – 2<sup>nd</sup> READING – Amending Section 2.2.6 of the Unified Development Code of the City of Cheyenne, Wyoming, to modify time limits associated with temporary uses. Mr. Case moved to approve on second reading, seconded by Mr. Luna. Motion carried. Voting “yes” – all members of the governing body present.

ORDINANCE – 2<sup>nd</sup> READING – Amending Sections of Article 2 of the Unified Development Code of the City of Cheyenne, Wyoming, to modify posted notice requirements for site plans and administrative approvals, clarify procedures for modification of site plans, modify authority to initiate text amendments, and modify criteria for variance approval. Mr. Case moved to approve on second reading, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body present.

ORDINANCE – 1<sup>st</sup> READING – Amending Section 5.12.110, Open Container-Sales and Consumption-Exceptions, and Section 5.12.120, Special Use Areas-Special Event Permit of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 4, Business Licenses and Regulations, of the Municipal Code of the City of Cheyenne, Wyoming. (Sponsors – Mr. Case & Mr. White) – referred to Finance Committee.

ORDINANCE – 1<sup>st</sup> READING – Amending Section 8.40.063, Food Service Establishments-Sidewalk Cafes, of Chapter 8.40, Food and Food Service Establishments, of Title 8, Health and Safety, of the Municipal Code of the City of Cheyenne, Wyoming. (Sponsors – Mr. Case & Mr. White) – referred to Finance Committee.

ORDINANCE – 1<sup>st</sup> READING – Granting a Non-Exclusive Franchise to Union Telephone Company within the rights-of-way of the City of Cheyenne, Wyoming. (Sponsor – Mr. White) – referred to Finance Committee.

RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Willow Heights, a replat of Lot 14, Block 5, Homestead Addition, First Filing Replat, Cheyenne, Laramie County, Wyoming (located south of Homestead Avenue, between Henderson Drive and Hanson Street) (Postponed from May 11, 2020) Mr. Case moved to adopt, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body present. (#6056)

[CA] RESOLUTION – Authorizing the Cheyenne Police Department to apply for Coronavirus Emergency Supplemental Funding Program Grant Funding. Motion (per Consent Agenda) carried. (#6057)

[CA] RESOLUTION – Adopting the City of Cheyenne Comprehensive Consolidated Plan 2020-2024 and 2020 Annual Action Plan, prepared by the Cheyenne Housing and Community Development Office (Department of Housing & Urban Development (HUD) Grant). Motion (per Consent Agenda) carried. (#6058)

[CA] RESOLUTION – Authorizing submission of an application to the Wyoming Department of Transportation for a Wyoming Bus and Bus Facilities Program Grant, 49 U.S.C. §5339, for the purchase of a facility to be used as a Transit Administrative Office and Bus Transfer Station (49 U.S.C. §5339 Grant). Motion (per Consent Agenda) carried. (#6059)

RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Center Point Subdivision, 2<sup>nd</sup> Filing, a replat of Lots 1 thru 7, Block 1, inclusive, Center Point Subdivision, Cheyenne, Laramie County, Wyoming (located west of the intersection of Homestead Avenue and Eda Place). Mr. Case moved to adopt with staff condition #1, seconded by Mr. Roybal. Motion carried. Voting “yes” – all members of the governing body present with the exception of Mr. Laybourn voting “no”. (#6060)

[CA] RESOLUTION – Temporarily suspending Resolution No. 6023 which establishes that all revenue from City Contract No. 5902 to be split evenly between the City of Cheyenne Solid Waste Enterprise fund, the Board of Public Utilities, and the newly established Belvoir Ranch Recreation Special Revenue Fund. (Sponsor – Mr. Luna) – referred to Finance Committee.

[CA] RESOLUTION – Temporarily suspending Resolution No. 5635 which establishes guidelines for the maximum amount of excess revenue that may be collected for the operation of Cheyenne’s Solid Waste Fund. (Sponsor – Mr. Luna) – referred to Finance Committee.

[CA] RESOLUTION – Declaring June 2020 as 307 First Month. (Sponsors – Mr. Case, Mr. Cook, Mr. Laybourn & Mr. White) - referred to Public Services Committee.

[CA] RESOLUTION – Approving the budget of the Cheyenne Regional Airport Board for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021. (Sponsor – Mr. Luna) – referred to

Finance Committee.

Agreement between the City of Cheyenne, Laramie County, and Christensen's Inc., granting an access easement for use and maintenance of an access road and drainage conveyance across land owned by the City (revenue to the City). (Postponed from May 11, 2020) Mr. Luna moved to approve, seconded by Mr. White. Mr. Luna moved to amend by substitute dated May 18, 2020, seconded by Mr. Cook. Upon inquiry, Charles Bloom, Planning and Development Director, advised the amendment is to recognize a necessary BOPU waterline easement recorded as recommended in the Engineering plan review. Mr. Bloom reported staff worked with applicant and Engineer's office to change language in the agreement and on the exhibit. 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. (#7174)

Agreement between the City of Cheyenne, Laramie County, and Christensen's Inc., for driveway and drainage maintenance of an access road and drainage conveyance across land owned by the City. (Postponed from May 11, 2020). Mr. Luna moved to approve, seconded by Mr. Laybourn. Mr. Luna moved to amend by substitute dated May 18, 2020, seconded by Mr. Roybal. Upon inquiry, Charles Bloom, Planning and Development Director, explained the amendment is to recognize a waterline easement as discussed in the previous agenda item. 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. (#7175)

Development Agreement between the City of Cheyenne and Leader Custom Homes, LLC, for regrading, installation and construction of sidewalks, utilities, drainage features and landscaping on City property in conjunction with development of the Willow Heights Subdivision. (Postponed from May 11, 2020) Mr. Luna moved to approve in an amount not to exceed \$49,074.00, seconded by Mr. White. Mr. Luna moved to amend by striking #2 (A) and re-lettering and by removing the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> sentences in the 2<sup>nd</sup> paragraph of the 04-27-20 staff memo relating to compensation of property use, seconded by Mr. White. Charles Bloom, Planning and Development Director, explained the applicant requested the compensation requirement be withdrawn from the development agreement. Casey Palma, Steil Surveying, agent for the applicant, advised the project will allow for infill development. Support was expressed for the requirement for compensation but not for this particular project. It was noted this is an unusual site with the development being adjacent to Greenway and that there may be occasions when use of City property should be paid for by developer. 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. (#7176)

Maintenance Agreement between the City of Cheyenne and Leader Custom Homes, LLC, for maintenance of improvements made upon land owned by the City in the area of the Willow Heights Subdivision (Postponed from May 11, 2020). Mr. Luna moved to approve, seconded by Mr. Laybourn. Mr. Luna moved to amend by striking #2 (A) in Exhibit A and re-lettering and by removing the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> sentences in the 2<sup>nd</sup> paragraph of the 04-27-20 staff memo relating to compensation of property use, seconded by Mr. White. Charles Bloom, Director of Planning and Development, advised the amendment is to align the development and maintenance

agreement, noting the amendment mirrors the previous agenda item amendment. 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. (#7177)

Hunter Management Agreement between the City of Cheyenne and Wyoming Game & Fish Commission to allow public access for hunting on the Belvoir Ranch. Vicki Nemecek, Public Works Director, explained this is a renewal of a contract that expires June 30<sup>th</sup> and explained the contract noting it provides revenue to the City. Upon inquiry, Ms. Nemecek explained at the present time, fishing is not allowed on the land and reported the type of hunting and fishing allowed at the location is determined by the Wyoming Game & Fish Department, noting pheasants have been approved but not waterfowl. Mr. Luna moved to approve in an amount not to exceed \$14,185.00, seconded by Mr. White. Mr. Luna moved to amend by adding “game birds” to the approved species list, seconded by Mr. Roybal. 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. (#7178)

[CA] Contract between the City of Cheyenne and Seon System Sales, Inc., d/b/a FleetMind Solutions, Coquitlam, British Columbia, for a Solid Waste Services Route Management & Work Management System to include Software, Hardware, and Professional Services (Solid Waste Fund). Motion (per Consent Agenda) carried (in an amount not to exceed \$297,750.00). (#7179)

[CA] Memorandum of Understanding between the City of Cheyenne and Cheyenne Frontier Days, Inc., for the use of city-owned land and buildings for parking, camping, and other activities during the 2020 Cheyenne Frontier Days celebration. Motion (per Consent Agenda) carried (in an amount not to exceed \$11,000.00). (#7180)

[CA] Contract between the City of Cheyenne and Waste Management of Colorado, Inc., Denver, CO, for Waste Management Recycling Services (Solid Waste Fund). Motion (per Consent Agenda) carried. (#7181)

[CA] A Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) Airport Grant Agreement between the United States of America Federal Aviation Administration, the City of Cheyenne, The County of Laramie and The Cheyenne Regional Airport Board (CARES ACT Airport Grant) – referred to Finance Committee.

2020-2021 Collective Labor Agreement between the City of Cheyenne and Cheyenne Firefighters, Local Union No. 279, International Association of Firefighters. Mr. Luna advised the item was reviewed under other items for the agenda at the May 18, 2020 Finance Committee meeting, therefore, provisions of Title 2 of City Code have been met. Mr. Luna moved to approve, seconded by Mr. White. Voting “yes” – all members of the governing body present. (#7182)

[CA] Renewal of Contract #6836 between the City of Cheyenne and Blue Cross Blue Shield for group health insurance benefits for City employees. Motion (per Consent Agenda) carried. (#6836)

[CA] Renewal of Contract #6837 between the City of Cheyenne and Delta Dental for group dental insurance benefits for City employees. Motion (per Consent Agenda) carried. (#6837)

[CA] Contract Modification #3 to Contract #6918 between the City of Cheyenne and FCI Constructions of Wyoming, LLC, to remove Furniture, Fixtures and Equipment (FF&E) Budget (Specific Purpose Sales Tax) – referred to Finance Committee.

[CA] Contract Modification #3 to Contract #6924 between the City of Cheyenne and TC Solutions, LLC, to add purchase and management of furniture, equipment, building commissioning, moving and signage. (Specific Purpose Sales Tax) – referred to Finance Committee.

[CA] Contract Modification #1 to Contract #6927 between the City of Cheyenne and Wyoming Homeland Security for the Cheyenne Regional Emergency Response Team #7 extending the term of the grant through December 31, 2020. (DHS Grant) – referred to Finance Committee.

[CA] Contract Modification #1 to Contract #6976 between the City of Cheyenne and Reiman Corporation for additional construction services of the Evers Boulevard Reconstruction Project (2018-2022 1% Sales Tax) – referred to Finance Committee.

[CA] Consideration of Bid #E-18-20 for furnishing LED Lighting Equipment for the City of Cheyenne, Aquatics Center (2011-2014 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from Constellation Lighting, Houston, TX in an amount not exceed \$57,725.00).

Consideration of Bid #E-19-20 for five (5) new ten yard tandem dump trucks with spreaders and snow plows for the City of Cheyenne, Street & Alley Division (2015-2018 1% Sales Tax). James Balzer, Peterbilt of Wyoming, provided detailed history and current information relating to past and current bid specifications for city equipment and the bidding process. He further expanded on qualifying and non-compliant competitors, bid processes regionally with respect to specifications, vendor preferences, and voiced support for the City's bidding process. Patrick Crank, legal representative for Floyd's Truck Center, voiced objection to awarding the bid to Peterbilt of Wyoming, noting he authored a letter on behalf of his client which was provided to members of the governing body. Mr. Crank cited specific objections to various equipment specifications including required location of mirror mount placement of side mirrors, history of equipment bids awarded by the City, truck length, cab configuration, bid quotes and potential funding savings to the City and Floyd's Truck Center's ability to satisfy bid qualifications. Michael Gillam, Floyd's Truck Center, expressed objections to the City's bidding process, specification qualifications, past bid award history and provided details regarding equipment differences between Peterbilt and Freightliner equipment. Mr. Gillam advised he feels City equipment bids contain narrow specification writing making it difficult for vendors other than Peterbilt to be successful bidders for the City. Randy Hickman, Street & Alley Manager, advised an equipment comparison was held on Wednesday, May 20<sup>th</sup> in which members of the governing body were invited to attend. Mr. Hickman provided an explanation of bid requirements in terms of size requirement and noted a "dog house" means the engine is partially in the cab. Mr. Hickman advised the "dog house" requirement provides more leg room which is very important and placement of mirror mounts can prevent shaking and vibration issues, noting safety is priority. He

further advised that working during snowstorms is difficult with limited visibility and the City can't afford to compromise vision with mirror placement. Upon inquiry, Mr. Hickman and Bryan Bell, Fleet Maintenance Manager, provided additional specification details and history of lifecycle for large equipment. Vicki Nemecek, Public Works Director, provided City bid history information and details relating to snow plows and sanitation trucks. Ms. Nemecek reported there are 2 examples from last year of bids awarded to Floyd's Truck Center which resulted in their inability to deliver equipment as represented and could not meet specifications. She further elaborated on equipment requirement needs and specification compliance. Mr. Luna moved to accept the bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$1,263,725.00, seconded by Mr. Roybal. Members of the governing body provided comments relating to the following topics: Specification writing currently being done in house and inquired about options for 3<sup>rd</sup> party specification writing, different opinions regarding recent equipment demonstration, legal obligations involving bid award process, concerns over equipment cost differences and minor equipment requirements. Motion carried. Voting "yes" – all members of the governing body present with the exception of Mr. Case and Mr. Luna voting "no".

Consideration of Bid #E-20-20 for three (3) new 2020-2021 twin-screw diesel powered cab & chassis for the City of Cheyenne, Sanitation Division (Solid Waste Fund). Michael Gillam, Floyd's Truck Center, noted the same principals apply to this bid as the previous bid (plow trucks) and advised he feels the specifications were written narrowly. James Balzer, Peterbilt of Wyoming, reported equipment by Peterbilt and Kenworth are built separate in multiple ways, noting many vendors meet City specifications. Upon inquiry, Vicki Nemecek, Public Works Director, reported it is common for special equipment to be specified for sanitation equipment, noting issues exist with operations involving trash pick up and landfill dumping. She further stated the Public Works Department is not opposed to having a 3<sup>rd</sup> party bid specification writer, noting currently funding is unavailable for this service. Discussion topics included: Types of and placement of equipment, specification requirements, lifecycle of equipment and landfill equipment necessities. Mr. Luna moved to accepted bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$441,700.00, seconded by Mr. White. Motion carried. Voting "yes" – all members of the governing body present with the exception of Mr. Case and Mr. Luna voting "no".

Consideration of Bid #E-21-20 for 2020-2021 cab & chassis, single arm & dual arm automated loaders for the City of Cheyenne, Sanitation Division (Solid Waste Fund). Michael Gillam, Floyd's Truck Center, and James Balzer, Peterbilt of Wyoming, spoke in support of the bid being awarded to Peterbilt of Wyoming. Mr. Luna moved to accept the bid from Peterbilt of Wyoming, Cheyenne, in an amount not to exceed \$1,898,610.00, seconded by Mr. Roybal. Comments were made regarding specification writing process involving desire for a 3<sup>rd</sup> party writer/review. Motion carried. Voting "yes" – all members of the governing body present with the exception of Mr. Case and Mr. Luna voting "no".

[CA] Consideration of Bid #E-22-20 for 2020-2021 ½ ton, 4 door crew cab, full size pickup trucks, 4x4, 6 ½ foot box, with Fleet Work Package for the City of Cheyenne, Compliance Division and Sanitation Division (General Fund & Solid Waste Fund). Motion (per Consent Agenda) carried (accepted bid from Spradley Barr Motors, Cheyenne, in an amount not to exceed \$133,492.00).

[CA] Consideration of Bid #E-24-20 for furnishing Bituminous Asphalt Hot Mix, Tack Oil and Cold Mix on an annual basis for the City of Cheyenne, Street & Alley Division (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bids from Knife River d/b/a JTL Group Inc., Cheyenne, in an amount not to exceed \$29,000.00 (cold mix) and Simon Contractors, Cheyenne, in an amount not exceed \$312,854.40 (hot mix and tack oil)).

[CA] Consideration of Bid #E-25-20 for furnishing Aggregates on an annual basis for the City of Cheyenne, Street & Alley Division (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from Knife River d/b/a JTL Group Inc., Cheyenne, in an amount not to exceed \$36,250.00).

[CA] Transfer of retail liquor license application filed with the City Clerk's Office for Ace Majestic, Inc. d/b/a Redwood Lounge and Package Liquors, 2105 E. Lincolnway, Cheyenne, Wyoming (license currently held by Deep South LLC d/b/a Redwood Lounge). Motion (per Consent Agenda) carried.

[CA] Request to expand seating area for consumption relating to restaurant liquor license held by Central Café LLC d/b/a Central Café, 3920 Central Ave., Cheyenne, Wyoming. Motion (per Consent Agenda) carried.

No comments were made on the Voucher Report as presented.

No comments were made on the Revenue Report as presented.

Announcement was made of Public Hearing to be held June 8, 2020 at 6:00 p.m. via electronic conference meeting, for a transfer of retail liquor license application filed with the City Clerk's Office for Big D Oil Co., d/b/a Big D Oil #29, 100 North Greeley Hwy., Cheyenne, Wyoming. (license currently held by Appaloosa Enterprises LLC d/b/a Sanford's Grub & Pub).

Announcement was made of Public Hearing to be held June 8, 2020 at 6:00 p.m. via electronic conference meeting, for a bar and grill liquor license application filed with the City Clerk's Office for Appaloosa Enterprises, LLC d/b/a Sanford's Grub & Pub, 115 E. 17<sup>th</sup> St., Cheyenne, Wyoming.

Under other business:

Mr. White inquired if there is a plan in place for when the City Municipal Building will re-open and when the governing body and public may meet again in person. Mike O'Donnell, City Attorney, advised the decision to re-open the Municipal Building is driven by the Governor's statewide health orders. He noted currently the City is practicing under Phase I which doesn't allow for public meetings and advised it is anticipated that additional information will be released this week regarding status of re-opening under Phase II. Upon further clarification, Mr. O'Donnell explained part of the difficulty currently is high risk individuals would be unable to attend public meetings, making meeting the requirements of the Public Meetings Act difficult to achieve.



There being no further business to come before the governing body, the meeting was officially adjourned at 8:02 p.m.

Submitted by,

Kristina F. Jones, City Clerk

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

Published: Wyoming Tribune-Eagle  
June 3, 2020