

## **PUBLIC SERVICES COMMITTEE MINUTES**

A meeting of the Public Services Committee held on Tuesday, October 20, 2020, via an Electronic Meeting, starting at 12:00 P.M. Those in attendance were as follows:

**COMMITTEE MEMBERS:** Rocky Case, Chairman; Bryan Cook, Dicky Shanor and Scott Roybal.

**CITY STAFF:** Alessandra McCoy-Fakelman, Deputy City Attorney; Charles Bloom, Planning & Development Director; Tom Cobb, City Engineer; Kris Jones, City Clerk; Joe Chenchar, Assistant City Attorney; Chief Brian Kozak and Officer David Allen, Police Department; Seth Lloyd, Connor White and Mark Christensen, Planning & Development; Eric Fountain, Mayor's Chief of Staff; and Tom Mason, Metropolitan Planning Organization (MPO) Director.

**OTHERS PRESENT:** Dr. Mark Rinne, City Council President; Boyd Wiggam; Bryan Nicholas and Brad Emmons, AVI Engineering; Jim Weaver; Haylee Chenchar, Downtown Development Authority (DDA) Assistant Director; Katie Legerski, Association General Contractors Executive Director; Casey Palma, Steil Surveying; and Christopher Yaney.

---

### **AGENDA ITEMS**

7. **ORDINANCE –2<sup>nd</sup> READING** – Amending Chapter 10.44, Weight Limits, of Title 10, Vehicles and Traffic, of the Municipal Code of the City of Cheyenne, Wyoming. (POSTPONED FROM 10-12-20)

Mr. Cook arrived during discussion of item #7 at 12:04 P.M.

Mr. Roybal moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Shanor. Mr. Roybal moved to postpone until November 9, 2020, seconded by Mr. Shanor. Motion to postpone carried by unanimous voice vote.

**DISCUSSION:** Chief Brian Kozak, Police Department, provided a staff report and advised a meeting was held with the trucking and construction community to discuss the ordinance and asked the committee for an additional two week postponement to draft an amendment to be presented to the community prior to presentation to the Governing Body. Katie Legerski, Association General Contractors Executive Director, supported the request to postpone and recommended in future development of ordinances that stakeholders be included from the beginning of the process.

8. **ORDINANCE –3<sup>rd</sup> READING** – Amending Chapter 5.04, Business Licenses Generally, amending Chapter 5.08, Business License Fees, and creating a new Chapter 5.77, Nicotine Product Sales, of Title 5, Business Licenses and Regulations; amending Chapter 8.64, Smoking in Public Places, of Title 8, Health and Safety; and amending Chapter

9.16, Offenses By or Against Minors, of Title 9, Public Peace and Welfare, of the Municipal Code of the City of Cheyenne, Wyoming.

Mr. Cook moved to approve on 3<sup>rd</sup> and final reading, seconded by Mr. Roybal. Motion carried with Mr. Cook and Mr. Roybal voting "YES" and Mr. Shanor voted "NO".

**DISCUSSION:** Joe Chenchar, Assistant City Attorney, provided a staff report and reviewed the main changes in the ordinance which include re-organization, broader licensing authority, updated federal age for usage of nicotine and inclusion of vaping businesses. Mr. Shanor reiterated from the previous reading that he feels the timing of adding financial burdens to small businesses couldn't be worse.

Prior to discussion on item #9, Mr. Case relinquished the Chair to Mr. Cook in order to speak as the sponsor of the item.

9. **ORDINANCE –2<sup>nd</sup> READING –** Amending Section 8.56.070, Loudspeakers, Sound Cars, and Sound Trucks, of Chapter 8.56, Noise Control, of Title 8, Health and Safety, of the Municipal Code of the City of Cheyenne, Wyoming. (SPONSOR – ROCKY CASE)

Mr. Roybal moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Case. Motion carried by unanimous voice vote.

**DISCUSSION:** Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this amendment will allow the broadcasting of noise from inside a vehicle to be approved through a permit process by the Chief of Police and filed with the City Clerk's Office. Ms. McCoy-Fakelman noted currently the ordinance requires the Mayor's approval and the proposed amend will change the approval from the Mayor to the Chief of Police. Mr. Case, sponsor of the item, advised upon discovery of the ordinance he felt it was necessary to align it with other noise ordinance permits currently in place. Upon inquiry, Chief Brian Kozak, Police Department, advised ice cream trucks fall under this code and would be required to obtain a permit.

Following the vote on item #9, Mr. Cook relinquished the Chair back to Mr. Case.

10. **ORDINANCE –2<sup>nd</sup> READING –** Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from HR (High-Density Residential) to CB (Community Business) for property generally located east of Interstate 25 and north of Central Avenue adjacent to Hynds Boulevard. (SPONSOR – ROCKY CASE)

Mr. Roybal moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Mark Christensen, Planning & Development, provided a staff report and advised the applicant has requested the zone change to allow for the use of a childcare facility and noted this zone change is related to #18 on this agenda. Bryan Nicholas, AVI Engineering, agreed with the staff report and advised adjacent property owners would be contacted to discuss

traffic and use of the site. Mr. Case shared an email received from the adjacent property owners, Atrium Townhomes HOA, expressing concerns with traffic and safety within a paved roadway used and owned by the Atrium Townhomes HOA. Mr. Nicholas provided contact information for the Atrium Townhomes HOA to discuss concerns as the project moves into the site plan process. Mr. Christensen provided information on future processes as the project develops and any extra outreach would need to come from the applicant. Mr. Cook supported the developer reaching out to the adjacent landowner to resolve concerns.

11. **ORDINANCE –2<sup>nd</sup> READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification of Lot 1, Block 2 and Lot 1, Block 3, Back 40 Subdivision Second Filing from MUB (Mixed-Use Business Emphasis) to CB (Community Business) for property generally located north of West Lincolnway at Grant Avenue. (SPONSOR – ROCKY CASE)**

Mr. Cook moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Roybal. Motion carried by unanimous voice vote.

**DISCUSSION:** Mark Christensen, Planning & Development, provided a staff report and advised the zone change meets current market demands of the area and staff recommends approval.

12. **ORDINANCE –2<sup>nd</sup> READING – Vacating the entirety of the Stinson Avenue right-of-way lying between Blocks 404 and 410, Original City, Cheyenne, Laramie County, Wyoming and south of West Lincolnway Highway. (SPONSORS – ROCKY CASE, BRYAN COOK, KEN ESQUIBEL, PETE LAYBOURN, DR. MARK RINNE, SCOTT ROYBAL AND JEFF WHITE)**

Mr. Roybal moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Cook. Mr. Roybal moved to amend with substitute map dated October 9, 2020. Motion to amend carried by unanimous voice vote. Motion as amended carried by unanimous voice vote.

**DISCUSSION:** Charles Bloom, Planning & Development Director, provided a staff report and advised the vacation area is between the former Cedar's Health Facility and the Comea Shelter and noted accessibility to the adjacent private property, owned by the Union Pacific Railroad, will remain at Thomes Avenue. Mr. Bloom provided a revised map of the area and advised staff and the Planning Commission recommends approval.

13. **ORDINANCE –2<sup>nd</sup> READING – Amending the Unified Development Code (UDC) to define, establish permissibility, and create Specific Use Standards for the use 'Emergency Shelter'. (SPONSORS – ROCKY CASE, BRYAN COOK, KEN ESQUIBEL, PETE LAYBOURN, DR. MARK RINNE, SCOTT ROYBAL AND JEFF WHITE)**

Mr. Roybal moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Charles Bloom, Planning & Development Director, provided a staff report and advised a new definition of “emergency shelter” will define, classify and establish this use within zone districts. Mr. Bloom provided background information on the amendment including comparisons with surrounding communities, similar in size, and policies and procedures as related to the term “emergency shelter”.

17. RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Sweetgrass, 4<sup>th</sup> Filing, a replat of all of Block 1, (Lots 1 thru 8 inclusive), Sweetgrass, 3<sup>rd</sup> Filing, Cheyenne, Laramie County, Wyoming (located at the southeast corner of E. College Drive and Goodnight Trail). (SPONSOR – ROCKY CASE)

Mr. Cook moved to adopt, seconded by Mr. Roybal. Motion carried by unanimous voice vote.

**DISCUSSION:** Seth Lloyd, Planning & Development, provided a staff report and advised the proposed plat, in the Village Center, will be developed with a variety of uses and noted the preliminary plat proposed 8 lots and 10 lots are proposed in this final plat.

18. RESOLUTION – Adopting an amendment to the Future Land Use Map in PlanCheyenne, the Master Plan for the City of Cheyenne and the Comprehensive Plan for portions of Laramie County, amending the Land Use Category for property generally located east of Interstate 25 and north of Central Avenue adjacent to Hynds Boulevard from Public/Quasi-Public to Community Business. (SPONSOR – ROCKY CASE)

Mr. Roybal moved to adopt, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Mark Christensen, Planning & Development, provided a staff report and advised this proposed future land use map amendment is accompanying the zone change request in agenda item #10. Upon inquiry, Mr. Christensen provided information on the comment and approval process, as required, by PlanCheyenne.

19. RESOLUTION – Authorizing the Mayor and the City Clerk to sign a Final Plat for Cole School Addition, a replat of all of Block 569 & 570, Original City of Cheyenne, including the 16’ alley rights-of-way of said blocks; and portions of adjacent rights-of-way (O’Neil Ave., W. 8<sup>th</sup> St., Thomes Ave., & Bent Ave.); and all of Block 2, Roberts Place, including the 16’ alley right-of-way, Cheyenne, Laramie County, Wyoming (located at the southeast corner of the intersection of Bent Avenue and W. 9<sup>th</sup> Street. (SPONSOR – ROCKY CASE)

Mr. Cook moved to adopt, seconded by Mr. Roybal. Motion carried by unanimous voice vote.

**DISCUSSION:** Connor White, Planning & Development, provided a staff report and advised the consolidation of 4 lots into a single lot is for future development of an elementary school (replacing the current elementary school). Casey Palma, Steil Surveying, made himself available for any questions and upon inquiry reported no immediate plans are set for development of the elementary school.

20. RESOLUTION – Creating a Special District for the DDA “Boos & Booze” Halloween Pub Crawl to be held on October 31, 2020, in which the possession of open containers is permitted within the Downtown District Boundaries. (SPONSOR – ROCKY CASE)

Mr. Roybal moved to adopt, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Haylee Chenchar, DDA Assistant Director, provided information on the event including the time frame. Upon inquiry, Ms. Chenchar reported she is unaware of any issues related to open containers during previous events and that allowing open containers has helped regulate and slow down drinking by patrons.

There being no further items for the agenda to come before the Public Services Committee, the meeting was adjourned at 12:53 P.M.

Submitted by,



Jennifer McClelland  
Executive Assistant to the City Council