

## **PUBLIC SERVICES COMMITTEE MINUTES**

A meeting of the Public Services Committee was held on Tuesday, April 5, 2022, at the Kiwanis Community House (due to Municipal Building closure) and via electronic meeting, starting at 12:01 p.m. Those in attendance were as follows:

**COMMITTEE MEMBERS:** Bryan Cook, Chairman; Pete Laybourn; Dr. Mark Rinne; and Tom Segrave.

**CITY STAFF:** Stefanie Boster, City Attorney; Charles Bloom, Planning & Development Department Director; Seth Lloyd, and Mark Christensen, Planning & Development Department; Tom Cobb, City Engineer; Teresa Moore, Community Recreation & Events Director; Jason Sanchez, Community Recreation & Events Deputy Director; Mark Ellison, Urban Forestry Manager; Chief Mark Francisco, Police Department; Division Chief Byron Matthews, Fire & Rescue Department; Jeanie Vetter, Parks & Greenway Planner; Sam Payne, Parks Manager; and Kris Jones, City Clerk.

**OTHERS PRESENT:** Mayor Patrick Collins; Councilwoman Michelle Aldrich, and Councilman Richard Johnson, Ward III; Mark Stec; Bob Wilson; Debra Lee, Laramie County Clerk; Jordan Evans, Cheyenne Laramie County GIS Cooperative Coordinator; Desiree Brothe, Arts Cheyenne; Haylee Chenchar, Downtown Development Authority Director; Boyd Wiggam; and Patti Riesland, Mayor's Council for People with Disabilities.

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### **AGENDA ITEMS**

7. **ORDINANCE –3<sup>rd</sup> READING –** Amending the Unified Development Code (UDC) to create a Common Landscaping Plan and definition of Development Footprint. (POSTPONED FROM MARCH 28, 2022)

Mr. Segrave moved to approve on 3<sup>rd</sup> and final reading, seconded by Mr. Laybourn. Mr. Segrave moved to amend by substitute dated April 1, 2022, seconded by Mr. Laybourn. Motion to amend carried by unanimous voice vote. Main motion, as amended, carried by unanimous voice vote.

**DISCUSSION:** Charles Bloom, Planning & Development Department Director, provided a staff report and advised the ordinance has been postponed allowing for a substitute amendment to be prepared to address the development community's concerns. Mr. Bloom reviewed the proposed substitute which includes the creation of a new definition of "decorative fence", the ability to locate street trees within one-hundred feet of the right-of-way, allows pine trees to substitute some trees, increases the administrative tree reduction percentage from 20% to 25% subject to payment of an in-lieu fee to be used for other tree planting in the city, establishes a lot coverage basis based on the lot size, allows up to 25% of required trees to be substituted for other non-tree items like wayfinding signs, decorative fences, and large boulders, and modification of the tree-diversity requirements to a level more appropriate for large (80+ acre) developments that utilize this option. Upon inquiry, Mr. Bloom advised he doesn't believe the proposed substitute amendment requires

reconsideration by the Planning Commission. Mr. Laybourn voiced concerns with the abandonment of landscaping plans and the lack of enforcement for developments to maintain landscaping. Mr. Bloom provided information related to the abandonment of landscaping plans and explained the process of amending a site plan.

10. ORDINANCE –3<sup>rd</sup> READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from MUB Mixed-Use Business Emphasis to CB Community Business for land located southeast of the intersection of College Drive and Charles Street.

Mr. Segrave moved to approve on 3<sup>rd</sup> and final reading, seconded by Mr. Laybourn. Motion carried by unanimous voice vote.

**DISCUSSION:** Seth Lloyd, Planning & Development Department, provided a staff report and advised no additional changes have been made since approve on 2<sup>nd</sup> reading at the March 28, 2022, meeting of the governing body. Mark Stec thanked staff and made himself available for any questions.

11. ORDINANCE –2<sup>nd</sup> READING – Creating a new Section 9.01.010, Definitions of Title 9, Public Peace and Welfare, of the Code of the City of Cheyenne, Wyoming. (POSTPONED FROM MARCH 28, 2022)

Mr. Laybourn moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Segrave. Mr. Laybourn moved to amend by substitute dated April 5, 2022, seconded by Mr. Segrave. Motion to amend failed with Mr. Laybourn and Mr. Segrave voting “NO” and Dr. Rinne voting “YES”. Main motion, as amended failed with Mr. Laybourn and Mr. Segrave voting “NO” and Dr. Rinne voting “YES”.

**DISCUSSION:** Stefanie Boster, City Attorney, provided a staff report and advised she has been working with Councilman Johnson and constituent Bob Wilson on recommendations for an amendment to the definition of “harass”. Ms. Boster read into the record the proposed amendment changes which includes in Section A the removal of “compliments and”, in Section B(2) the replacement of Wyo. Stat § 6-2-501(d) with 6-2-501(b), and in Section B(3) the definition of harass to read: “Harass means to deliberately direct threats of physical harm, vandalism, nonconsensual physical contact, or obscene statements or images of a specific person that the defendant knew or should have known would cause a reasonable person to suffer substantial emotions distress.” Upon inquiry, Ms. Boster advised that previously the definitions were requested by the Chief of Police however, the proposed substitute amendment has not been reviewed by the Police Department. Bob Wilson recommended that the wording in Section B (3) be revised to read “Harass means to deliberately direct threats of physical harm, vandalism, nonconsensual physical contact, or obscene statements or images *towards* a specific person *and* that the defendant knew or should have known would cause a reasonable person to suffer substantial emotions distress.” Upon inquiry, Ms. Boster advised the City’s intent is to broadly define “harass” and voiced concerns with the placement of “and” as Mr. Wilson recommended noting she believed it should read “or”. Mr. Wilson voiced concerns that without the word “and” the definition becomes subjective which he doesn’t believe was the intent of the governing body as it relates to the previously approved anti-bias ordinance. Mr. Laybourn thanked Mr. Wilson for his “true citizenship” regarding his dedication and work on recent ordinances. Councilman

Richard Johnson, Ward III, voiced support for Mr. Wilson's recommended changes based on language in the anti-bias ordinance that both acts, "harass" and "batter", must be present to be chargeable. Mr. Segrave and Mr. Laybourn voiced concerns with the proposed amendment.

12. **ORDINANCE –2<sup>nd</sup> READING – Repealing Ordinance No. 3465, and reestablishing and redefining ward boundaries within the City of Cheyenne. (SPONSOR – MR. COOK)**

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

**DISCUSSION:** Jordan Evans, Cheyenne Laramie County GIS Cooperative Coordinator, provided information on the new ward boundaries including the shift of the boundary between Ward I and Ward III to the east to better align with the new House District 9 boundary and balance population. Mr. Evans advised this will prevent split precinct ballots, as requested by the County Clerk's Office. Upon inquiry, Kris Jones, City Clerk, provided the timeline for approval noting the timeliness of approval to prepare packets and maps for the upcoming elections. Ms. Jones advised her department is researching the possibility of ward boundary changes prior to the next census. Stefanie Boster, City Attorney, reiterated the tight timeline. Upon inquiry, Ms. Jones advised future growth, known development and annexations were considered in the proposed boundary changes and noted a surveyor would be providing legal descriptions of the boundaries in a substitute amendment to be presented to the governing body prior to final approval. Boyd Wiggam requested consideration to incorporate a fourth and possibly a fifth ward citing the populations of each ward exceed the maximum allowable population of state senate districts. Mr. Segrave acknowledged the concerns of Mr. Wiggam and provided information on future annexation efforts and the impact on the number of wards and boundaries.

22. **RESOLUTION – For Governing Body support of Community forum(s) and other appropriate initiatives to encourage more kindness, civility, cooperation and respectful dialogue. (SPONSORS – DR. ALDRICH AND MR. LAYBOURN)**

Mr. Laybourn moved to adopt, seconded by Mr. Segrave. Motion carried by unanimous voice vote.

**DISCUSSION:** Michelle Aldrich, Ward III, and sponsor of the item, advised the proposed resolution shows an intent of support by the governing body for education, activities, and public awareness as it relates to the recently approved anti-bias ordinance. Mr. Segrave voiced appreciation of the context of the resolution and suggested that a declaration or proclamation may be the more appropriate document. Stefanie Boster, City Attorney, advised there are no concerns from a legal perspective on the resolution. Bob Wilson supported the proposed resolution noting it signifies a commitment by the governing body to continue with community conversations. Dr. Rinne and Mr. Laybourn voiced support for the resolution. Additional discussion included the difference and usage relating to a resolution, a declaration, and a proclamation.

23. **RESOLUTION – Directing City staff to repair the tree lawn area on Vandehei Avenue between Yellowstone Road and Stockman Street. (2019-2022 1% Sales Tax fund and General Fund Reserves) (SPONSOR - MR. SEGRAVE)**

Mr. Segrave moved to adopt, seconded by Mr. Laybourn. Dr. Rinne moved to amend by striking in the 5<sup>th</sup> WHEARAS clause “taken from General Fund Reserves” and replacing it with “approval from the governing body”, seconded by Mr. Segrave. Motion to amend carried by unanimous voice vote. Main motion, as amended, carried by unanimous voice vote.

**DISCUSSION:** Mr. Segrave, sponsor of the item, advised the proposed resolution addresses safety issues, identified a year ago, on city owned property noting the issues are a result of the cottonwood tree roots damaging the sidewalks and other private property along the street. Mr. Segrave expressed the importance of the repairs and that it be a public process. Jason Sanchez, Community Recreation & Events Deputy Director, provided information related to the safety issues, removal of twelve cottonwood trees, and funding for the improvements. Mr. Sanchez proposed replacing trees and grass in the area with a xeriscape to conserve on water and noted the city forester has recommendations on species types for replacement trees. Upon inquiry, Stefanie Boster, City Attorney, advised the city does have potential for liability and has a duty of care to maintain city owned sidewalks. Seth Lloyd, voiced concerns with the city funding the repairs and advised the adjacent property owners should be responsible for the maintenance of the sidewalk and right of way. Mr. Laybourn voiced concerns with removal of the trees. Dr. Rinne provided a brief history of the area including the developer gifting the property to the City. Additional discussion included holding a public meeting and placement of cottonwood trees.

24. LEASES/CONTRACTS/LEGAL:

- h) Memorandum of Agreement with Arts Cheyenne for the installation of public art in the City Right of Way.

Mr. Segrave moved to approve, seconded by Mr. Laybourn. Motion carried by unanimous voice vote.

**DISCUSSION:** Mark Christensen, Planning & Development Department, provided a staff report and advised the proposed memorandum will allow public art, in the form of street murals, be placed in crosswalks. Desiree Brothe, Arts Cheyenne, provided a brief presentation and advised four crosswalks have been identified and the murals will be painted by students from the four high schools. Mr. Segrave voiced support for the project. Additional discussion included coordination of city departments.

There being no further items for the agenda to come before the Public Services Committee, the meeting was adjourned at 2:07 p.m.

Submitted by,



Jennifer McClelland

Executive Assistant to the Cheyenne City Council