

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

March 22, 2021

The Governing Body of the City of Cheyenne met in regular session on this date beginning at 6:00 p.m. at the Cheyenne Civic Center and via electronic conference meeting. Present were: MAYOR – Patrick Collins, COUNCIL MEMBERS – Dr. Michelle Aldrich, Bryan Cook, Ken Esquibel, Richard Johnson, Pete Laybourn, Dr. Mark Rinne, Scott Roybal, Tom Segrave (via Zoom) and Jeff White. 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. White, and pursuant to support received by Mr. Cook and Mr. Roybal, agenda items #21 and 26 (b) were removed from the Consent Agenda. Upon request by Mr. Esquibel, and pursuant to support received by Mr. Cook and Dr. Aldrich, agenda items #28 (b) and 28 (d) were removed from the Consent Agenda. Mr. Esquibel moved to approve remaining items, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body.

[CA] Minutes from Regular Meeting of the Governing Body on March 8, 2021. Motion (per Consent Agenda) carried.

[CA] Minutes from Special Meeting of the Governing Body on March 10, 2021. Motion (per Consent Agenda) carried.

Mayor Collins opened a public hearing for a transfer of retail liquor license application filed with the City Clerk’s office for Redwood Saloon, LLC d/b/a/ Redwood Lounge & Package Liquors, 2105 E. Lincolnway, Cheyenne, Wyoming (license currently held by Ace Majestic, Inc. d/b/a Redwood Lounge and Package Liquors). There being no comments or input and purpose of the hearing having been met, Mayor Collins closed the hearing and referred the application to Finance Committee.

ORDINANCE –3rd READING – Pursuant to Section 2.2.2 Planned Development Regulating Plan and Section 5.6.2 PUD-Planned Unit Development District, of the Cheyenne Unified Development Code (UDC) amending Ordinance Number 3741, which established The Village Planned Unit Development (PUD), to allow mixed use business (MUB) District Use on Lot 28 of Block 2 of The Village PUD located southwest of the intersection of Powderhouse Road and Old Town Lane. Reporting for Public Services Committee, Dr. Rinne moved to approve on third and final reading, seconded by Mr. Cook. Motion carried. Voting “yes” – all members of the governing body. (#4348)

ORDINANCE –3rd READING – Amending Chapter 5.68, Body Art Establishments and Operations, of the Code of the City of Cheyenne, Wyoming. Sativa Osiris, Diamond Dog Body Piercing Studio, commented on the concerns voiced relating to not allowing gun piercing. Ms. Osiris reported the practice will still be allowed however, with the amendment, all businesses providing gun piercing will be required to adhere to body art establishment requirements. Mr. Roybal advised the item failed at the Finance Committee due to lack of a second, therefore there is no recommendation from the committee. Mr. Roybal moved to approve on third and final reading, seconded by Dr. Aldrich. Mr. Esquibel moved to amend by substitute to reinsert previously stricken language in Section 5.68.020 under “body art” and “body piercing” definitions that reinserts language providing an exemption for gun piercing, seconded by Mr. Johnson. Ms. Osiris inquired as to the hesitancy for requiring these types of businesses to adhere to body art establishment requirements, noting skin is still being pierced and she doesn’t support the exemption. Ms. Osiris further stated she believes big box stores providing gun piercing services should adhere to sanitary regulations as the small local businesses do and reiterated these establishments work on carpet and do not have hand washing sinks. Comments were made in support of health and safety concerns and opposition to allowing preference to big box establishments. Comments were voiced that there have been no health concerns reported by the Health Department regarding gun piercing by local establishments or big box stores and it was noted big box stores hire local employees. Additional comments were made regarding monitoring health concerns involving gun piercing at the State Health level. Motion to amended carried. Voting “yes” – all members of the governing body with the exception of Dr. Aldrich, Mr. Laybourn and Mr. White voting “no”. Main motion as amended carried. Voting “yes” – all members of the governing body. (#4349)

ORDINANCE – 3rd READING – Amending Section 5.12.150, Suspension or Revocation of License; Denial of Permit, 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. Mr. Roybal moved to approve on third and final reading, seconded by Mr. White. Motion carried. Voting “yes” – all members of the governing body. (#4350)

ORDINANCE – 2nd READING – Amending Section 5.12.110, Open Container-Sales and Consumption-Exceptions, of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 5, Business Licenses and Regulations, of the Municipal Code of the City of Cheyenne. Alessandra McCoy Fakelman, Deputy City Attorney, reported on the ordinance changes for open container laws which reflect some of the changes that were allowed last summer. Ms. McCoy Fakelman advised there are a few changes related to rodeo events that change the way that open containers align with statute. She provided further information to changes to wine and champagne involving open container allowances and other resolution changes made last summer. It was noted open containers within the downtown district boundaries would be allowed between 8 a.m. and 10:00 p.m., no glass will be allowed and only malt beverage products are allowed. Ms. McCoy Fakelman further reported the Governing Body retains control by allowing for limitations that can be put in place by resolution if necessary. She reported that certain holidays will always be allowed: July 4, Cheyenne Day, and Founders Day or Statehood Day. Amber Ash, DDA Executive Director, spoke in favor of the ordinance and noted she received positive feedback related to open container events last summer that were beneficial to businesses downtown. She advised she would follow

up after events with the Chief of Police, noting there weren't many concerns with the exception of 1 minor situation involving a specific individual. Mr. Roybal moved to approve on second reading, seconded by Mr. Esquibel. Motion carried. Voting "yes" – all members of the governing body.

ORDINANCE – 2nd READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from CB (Community Business) to MUB (Mixed-Use Business Emphasis) for property generally located at the southwest corner of the intersection of McCann Ave. and E. Pershing Blvd. Christofer Lovas, AVI, agent for owner and applicant, advised the zone change is for Health Works which is a non-profit medical facility that provides care for under insured. Mr. Lovas reported Health Works purchased 4 parcels and the zone change will allow them to move their facility closer to Pershing Blvd. Mr. Lovas requested a 20' setback instead of the 25' setback that is currently required, noting there are some utility easements existing that will require this. Dr. Rinne moved to approve on second reading, seconded by Mr. White. Motion carried. Voting "yes" – all members of the governing body.

ORDINANCE –2nd READING – Amending the Unified Development Code (UDC) Section 6.6.3.b.1, Encroachments. Dr. Rinne 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, land located north of Dell Range Boulevard, west of Whitney Road. Dr. Rinne moved to approve on second reading, seconded by Mr. Segrave. Comments were voiced related to the large size of the annexation and it was noted there are concerns that need to be discussed relating to prevention of future drainage issues. Discussion included the following topics: prevention of drainage issues relating to the platting process, necessity of approving annexation and zoning requests when they have met criteria, noting the Governing Body has no legal justification to deny the annexation. Concerns were raised involving annexing large parcels of land and how the city becomes responsible for providing public safety and lack of planning to increase first responders, police, and fire personnel accordingly. Additional comments were made relating to denial of annexation requests that meet the annexation criteria and need for additional housing to accommodate community growth. Motion carried. Voting "yes" – all members of the governing body with the exception of Dr. Aldrich and Mr. Laybourn voting "no".

ORDINANCE –2nd READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from County A-2 Agricultural to MR Medium-Density Residential for land located north of Dell Range Boulevard, west of Whitney Road. Dr. Rinne moved to approve on second reading, seconded by Mr. Segrave. It was noted that this item is related to agenda item #14 and if the annexation is approved, the land must be zoned for the city. Motion carried. Voting "yes" – all members of the governing body with the exception of Dr. Aldrich and Mr. Laybourn voting "no".

ORDINANCE –2nd READING – Annexing to the City of Cheyenne, Wyoming, land located north of Dell Range Boulevard and east of Griffith Avenue. Dr. Rinne moved to approve on second reading, seconded by Mr. Segrave. Motion carried. Voting "yes" – all members of the governing body with the exception of Dr. Aldrich voting "no".

ORDINANCE –2nd READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from County MR (Medium-Density Residential) to MR (Medium-Density Residential) for property generally located north of Dell Range Boulevard and east of Griffith Avenue. Dr. Rinne moved to approve on second reading, seconded by Mr. Segrave. Motion carried. Voting “yes” – all members of the governing body with the exception of Dr. Aldrich voting “no”.

[CA] RESOLUTION – Authorizing the Cheyenne Police Department to apply for Wyoming Department of Transportation, Highway Safety Program, Grant Funding for the City’s Mobile D.U.I. Command Vehicle. Motion (per Consent Agenda) carried. (#6130)

[CA] RESOLUTION – Establishing an Affordable Housing Task Force to assess the current and projected future landscape of housing affordability in the City of Cheyenne. Motion (per Consent Agenda) carried). (#6131)

RESOLUTION – Supporting and recommending the United States Congress propose and send to the states for ratification, an amendment to the United States Constitution clarifying the distinction between the rights of natural persons and the rights of corporations, unions, and other legal entities, and providing Congress and the State Legislatures the right to regulate monies raised and spent for political purposes. Brenden McKinney, Wyoming Promise board member, advised the purpose of the resolution is to address and ratify through our constitution that people have the same rights as corporations when it comes to elections. He reported money in politics isn’t primarily traceable and dark money has affected elections in Wyoming without the ability to track it. He further noted this is a bipartisan issue and effort and commented on issues related to elections in Georgia. He stated the more this continues the less voice any of us will have in our elections and spoke in support of the resolution. John Rivera, Wyoming Promise board member, stated he has been working on this issue for a number of years and had approached some council members last year, and expressed appreciation to Dr. Aldrich, Mr. Cook and Mr. Laybourn for their assistance. Mr. Rivera provided detailed information on Wyoming Promise, a bipartisan organization, and a petition drive for the cause collecting over 25,000 signatures. As many of the signatures were removed for various reasons, the petition was not submitted to the Secretary of State as it wasn’t eligible to be placed on the ballot due to Wyoming requirements. He noted 22 states have similar petitions and 34 states are required to get congress involved to propose an amendment to the constitution. Mayor Collins requested speakers to stay on topic while speaking to the resolution. Mr. Rivera stated the purpose of the resolution is to support a change to the constitution, noting Congress can’t on its own propose resolutions. Albert Simpson spoke in support of the resolution. Boyd Wiggam spoke in opposition of the resolution voicing concern with the idea of the city lending support at an attempt to erode the first amendment by asking Congress to take up an amendment to curtail political speech, noting it is critical that people who have issues be able to have financial support to speak out. Mr. Roybal moved to adopt, seconded by Mr. Laybourn. Comment was made that it is unusual for the Governing Body to bring the matter up for consideration since there was a determination by the supreme court that corporations are people and can donate to campaigns and that it can be deterioration of political process when races can be flooded by untraceable money. Discussion included: campaign regulations, concerns

with untraceable funding, purpose of those funds, challenges related to large amounts of money involved in Wyoming elections, purpose of resolution, 4th branch of government and separation of powers, visit from a Florida representative speaking in opposition of a Wyoming representative vote, timing of resolution involving the legislature, issue to make a difference at a local level as 830 resolutions have been passed at local levels. Comment was made that this type of legislation is inappropriate as the purpose of the Governing Body is to handle local issues. Motion carried. Voting “yes” – all members of the governing body with exception of Mr. Johnson and Dr. Rinne voting “no”. (#6132)

RESOLUTION – Authorizing the issuance and sale by the City of Cheyenne, Wyoming of Revenue Refunding Bonds, Series 2021, in a principal amount not to exceed \$5,445,000, for the purpose of refunding the City’s outstanding Refunding Revenue Bonds, Series 2012; prescribing the form of said Series 2021 Bonds; providing for the payment of the principal and interest thereon; ratifying, approving and confirming previous actions of officers and members of the Governing Body of the City and employees thereof; and determining other matters related to the bonds. Mayor Collins declared a conflict of interest involving a family member working at a bank related to the resolution and recused himself from discussion and voting. Mayor Collins relinquished duties of chair to Council President White. Mr. Roybal moved to adopt, seconded by Mr. Esquibel. Mr. Roybal moved to amend to by adding Exhibit A which includes the final principal amount, interest rates and listing of the bond purchasers, seconded by Mr. Esquibel. Robin Lockman, City Treasurer, provided detailed information on the amendment and explained it is needed because bids weren’t received until March 8th. Appreciation was voiced to Ms. Lockman and the Treasury staff for their efforts on the resolution. Motion to amend carried. Voting “yes” – all members of the governing body with the exception of Mayor Collins who did not vote. Main motion as amended carried. Voting “yes” – all members of the governing body with the exception of Mayor Collins who did not vote. Following announcement of the vote, Mayor Collins resumed duties of the chair. (#6133)

[CA] RESOLUTION – Directing Cheyenne Fire and Rescue to evaluate all facilities and operations of the Cheyenne Fire and Rescue Department – referred to Public Services Committee. (Sponsor – Mr. Segrave)

[CA] RESOLUTION – Directing City Staff to initiate, develop, and execute a Property Assessed Clean Energy (PACE) Program – referred to Public Services Committee. (Sponsors – Dr. Rinne and Mr. White)

[CA] RESOLUTION – Authorizing the Mayor and the City Clerk to sign a final plat for Whitney Ranch, 3rd Filing, a plat of a portion of the southwest quarter of Section 23, Township 14 North, Range 66 West, of the 6th P.M., Cheyenne, Laramie County, Wyoming (located north of Dell Range Boulevard west of Whitney Road) – referred to Public Services Committee. (Sponsor – Dr. Rinne)

[CA] RESOLUTION – Supporting the ‘Cruise the Legend’ event held in Cheyenne – referred to Public Services Committee. (Sponsors – Dr. Aldrich, Mr. Cook, Mr. Esquibel, Mr. Johnson, Dr. Rinne, Mr. Roybal, Mr. Segrave and Mr. White)

[CA] Professional Services Agreement between the City of Cheyenne, Fire & Rescue Department and Stitches Acute Care Center to provide occupational medical exams (2019-2022 1% Sales Tax). Motion (per Consent Agenda) carried (in an amount not to exceed \$65,000.00). (#7304)

Sponsorship Agreement between the City of Cheyenne and Spradley Barr Toyota for the 2021-2022 Performing Arts Series, Family Film Series Presenting Sponsor, Sponsor of the Cheyenne Civic Center audio control desk and as an Art Access Sponsor (revenue to the city). Mr. Roybal moved to approve, seconded by Mr. White. Mr. Roybal moved to amend by substitute dated March 18, 2021, seconded by Mr. White. Mayor Collins clarified the proposed substitute details the funding will go to the Civic Center Foundation. Upon inquiry, Teresa Moore, Community Recreation and Events Director, explained funding will go to the Civic Center Foundation as they administer the Art Access Program. Motion to amend by substitute carried. Voting “yes” – all members of the governing body. Main motion as amended by substitute carried. Voting “yes” – all members of the governing body. (#7305)

[CA] Sponsorship Agreement between the City of Cheyenne and HollyFrontier Cheyenne Renewable Diesel Company, LLC, to designate HollyFrontier as the Presenting Sponsor of SuperDay 2021, SuperDay Tour de Prairie and SuperDay 5K Walk/Run (revenue to the city). Motion (per Consent Agenda) carried. (#7306)

[CA] Memorandum of Understanding between the City of Cheyenne and Laramie County School District #1 to provide transportation services for the summer Rec Camp Program. Motion (per Consent Agenda) carried. (#7307)

[CA] Agreement between the City of Cheyenne and Employee On-Boarding Specialties for drug screening and alcohol testing services. Motion (per Consent Agenda). (#7308)

[CA] Professional Services Agreement between the City of Cheyenne and KLJ Engineering, Bismark, ND, for mapping and surveying services for the City Landfill (Solid Waste Fund) – referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne and Federated Hermes, Pittsburgh, PA, for providing Investment Advisory Services – referred to Finance Committee.

[CA] Development Agreement between the City of Cheyenne and Whitney Ranch, LLC, a Wyoming Limited Liability Corporation, Richfield, MN, to outline the responsibilities of the City and the Developer for public infrastructure improvements related to Whitney Ranch 3rd Filing subdivision – referred to Finance Committee.

[CA] Maintenance Agreement between the City of Cheyenne, the Sweetgrass Owners Association and the Sweetgrass Commercial Owners Association, Cheyenne, to outline responsibilities for both construction and maintenance of the Greater Cheyenne Greenway as well

as enhanced landscaping constructed within tracts of land owned by the City and for areas within the public right-of-way within Sweetgrass, 1st and 2nd Filings – referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne and Post & Associates, Cheyenne, for the Employee Assistance Program – referred to Finance Committee.

[CA] Professional Services Agreement between the City of Cheyenne and Western Research & Development, Ltd., Cheyenne, for design and construction management services of the Nationway Reconstruction Project (2019-2022 1% Sales Tax) – referred to Finance Committee.

Contract Modification #1 to Contract #7277 between the City of Cheyenne and 4 Quarters Excavation and Development, Cheyenne, for the East Cheyenne Community Park, Parking Lot and Trailhead Project (Specific Purpose Sales Tax). Mr. Roybal moved to approve in an amount not to exceed \$8,100.00, seconded by Mr. Esquibel. Upon inquiry, clarification was provided on the modification amount. Motion carried. Voting “yes” – all members of the governing body. (#7277)

[CA] Consideration of Bid #S-7-21 for a Contract between the City of Cheyenne and Synergy Construction, LLC, for the Happy Jack Landfill Front Entrance and Scale House Project (Solid Waste Fund). Motion (per Consent Agenda) carried (accepted bid in an amount not to exceed \$2,537,363.00). (#7309)

Consideration of Bid #S-10-21 for a Contract between the City of Cheyenne and JTL Group Inc., d/b/a Knife River, Cheyenne, for the 2021 City Overlay Part 1 Project (Specific Purpose Sales Tax). Mr. Roybal moved to accept the bid in an amount not to exceed \$2,116,969.90, seconded by Mr. Esquibel. Comment was made that multi-million dollar projects should be discussed by the entire Governing Body. Upon inquiry, Wes Bay, Deputy City Engineer, explained that although a project may be shorter in distance, it may require additional materials and labor to complete. Motion carried. Voting “yes” – all members of the governing body. (#7310)

[CA] Consideration of Bid #S-12-21 for a Contract between the City of Cheyenne and S & S Builders, LLC, for the Dey Avenue Greenway Connector Project (Specific Purpose Sales Tax). Motion (per Consent Agenda) carried (accepted in an amount not to exceed \$273,762.25). (#7311)

Consideration of Bid #S-13-21 for a Contract between the City of Cheyenne and Simon Contractors, Cheyenne, for the 2021 City Overlay Part 2 Project (Specific Purpose Sales Tax). Mr. Roybal moved to accept the bid in an amount not to exceed \$1,317,698.76, seconded by Mr. Esquibel. Motion carried. Voting “yes” – all members of the governing body. (#7312)

[CA] Consideration of Bid #E-17-21 for furnishing four (4) utility carts for the City of Cheyenne Parks Division (2015-2018 1% Sales Tax). Motion (per Consent Agenda) carried (accepted bid from Colorado Golf & Turf, Littleton, CO, in an amount not to exceed \$39,736.00).

[CA] Consideration of Bid #S-14-21 for a Contract between the City of Cheyenne and P.E.I Wyoming, LLC, Casper, WY, for the Capitol Basin – 26th Street Interceptor Storm Sewer Extension Project (2015-2018 and 2019-2022 1 % Sales Tax) – referred to Finance Committee.

[CA] Restaurant liquor license application filed with the City Clerk's office for Machapuchare Inc. d/b/a Durbar Nepalese & Indian Bistro, 3515 E. Lincolnway, 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.

[CA] City of Cheyenne Naming and Memorial Policy – referred to Public Services Committee. (Sponsors – Mr. Cook and Mr. Esquibel)

Announcement was made of Public Hearing to be held April 12, 2021 at 6:00 p.m. in City Council Chambers, 2101 O'Neil Avenue, Cheyenne, Wyoming, and via electronic conference meeting, to determine whether compliance of annexation conditions required by Wyoming Statute §15-1-402 exist for land located northwest of the intersection of Dell Range Boulevard and Whitney Road. Mayor expressed appreciation to Civic Center staff, Michael Skinner, PIO Officer, and Jennifer McClelland, Executive Assistant to the City Council, for their assistance in utilizing the Civic Center for City Council related meetings during the last 3 months. Mayor Collins noted beginning April 12th, City Council meetings will resume in City Council Chambers.

Under other business:

Amber Ash, DDA Executive Director, requested consideration to provide comments relating to agenda item #19- Resolution Establishing an Affordable Housing Task Force. Ms. Ash provided information involving a County Commission Impact Study related to the impact of development and how to increase revenue. She further noted there are challenges that come with annexations and that each time land is annexed it ultimately expands the need for water, sewer police and fire services in those areas. Ms. Ash reported there are areas currently available within the City with potential for infill development and in the downtown area there is more of an upfront cost for development. Mayor Collins confirmed her request to attend the task force meetings.

Dr. Aldrich expressed appreciation to first responders, Public Works staff, other city staff and contractors who provided tireless efforts during the recent historic blizzard. It was noted that although there is always room for improvement, the first responders and city staff did a tremendous job.

Upon inquiry, Kris Jones, City Clerk, confirmed agenda item #26 (b), which was removed from the consent agenda, was discussed and approved as amended by substitute.

Mayor Collins provided details relating to the recent historic blizzard and expressed appreciation to city staff and the public and thanked them for their patience. He extended the appreciation to contractors, first responders, and the County and WYDOT for their partnership in addressing the issues. Mayor Collins acknowledged that no matter how many assets you may have, sometimes there are not enough locally when major weather events occur.

There being no further business to come before the governing body, the meeting was officially adjourned at 7:21 p.m.

Submitted by,

Kristina F. Jones, City Clerk

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

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