

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 1**

Regular meeting of the Laramie City Council was called to order by Mayor Williams at 7:45 p.m.

**ROLL CALL**

Roll call showed present: Erik Stone, Dan Furphy, Tom Gaddis, Bob Bell, Trudy McCracken, Joel Coffey, E.G. Meyer and Dave Williams. Absent: Joe Shumway.

Staff present: Harry LaBonde, Interim City Manager/Public Works Director; Hugh McFadden, City Attorney; Sue Morris-Jones, City Clerk; Gary Rimington, Community Services Director; Bill Ware, Police Chief; and Mike Carlson, Fire Chief.

**CHANGES IN AGENDA**

MOTION BY MEYER, seconded by Bell: that second Consent Agenda Item 3H become Item 3I, and subsequent items be renumbered accordingly; that the address in the new 3I be changed to 1528 Palmer St; that in new Item 3M "Lot 1, Block 2" be changed to "Lot 2, Block 1"; that Regular Agenda Item 5 be "Presentation concerning Constitutional Amendment B" and subsequent items be renumbered accordingly; and that "G. Letter from Tim Banks," "H. Letter from Edward Sherline," and "I. Additional signature page for Friends of Undine Park Petition" be added to new Item 6.

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**CONSENT AGENDA**

MOTION BY MEYER, seconded by Gaddis: that the Consent Agenda be approved and that each specific action be approved as indicated:

- 3A. Approve the Minutes of the City Council Regular Meeting of October 03, 2000 and Public Hearings of October 10, 2000, and have them placed on file for public inspection;
- 3B. Accept the Cemetery Deeds for October 1-15, 2000, and authorize the Mayor and City Clerk be authorized to sign and have them recorded in the office of the County Clerk;
- 3C. Acknowledge receipt of the long- and short-term investments report of 09/30/2000;
- 3D. Acknowledge receipt of the Minutes of the Laramie Plains Civic Center Joint Powers Board meeting of September 12, 2000;
- 3E. Acknowledge receipt of the Minutes of the 1997 Capital Facilities Tax Joint Powers Board meeting of August 22, 2000;
- 3F. Acknowledge receipt of the Code Administration Division Monthly Report - September 2000;
- 3G. Appoint Erik Stone to serve the balance of Dan Furphy's term on the Downtown Development Authority Board, effective May 16, 2000 to December 31, 2000;
- 3H. Extend the Planning Commission Board terms of Everett King, Jeanette Reisenburg, and John Swett through December 31, 2000;
- 3I. Acknowledge receipt and deny the damage claim of Ron Borgialli, 1528 Palmer Street, Laramie, WY, in the amount of \$9,634.09, and forward the claim to Wyoming Association of Risk Management (WARM);
- 3J. Acknowledge receipt and damage deny the claim of John and Laura Pluskota, 1929 Thornburgh Drive, Laramie, WY, in the amount of \$15,707.35, and forward the claim to Wyoming Association of Risk Management (WARM);
- 3K. Acknowledge receipt and deny the liability claim of Cowboy Village Apartments, LLC, 125 S. Howes Street, Suite 820, Ft. Collins, CO, in the amount of \$12,650.00, and forward the claim to Wyoming Association of Risk Management (WARM);
- 3L. Approve the request for one reserved handicapped parking space at 1117 Bradley Street, and it be subject to annual administrative review;
- 3M. Approve the Final Plat of Lot 2, Block 1, Prairie's Edge Second Addition;
- 3N. Acknowledge receipt of 9/25/2000 letter from Curtis Syme, General Manager, AT&T Broadband & Internet Services, Laramie, WY, advising Council of an initiative the company is undertaking to simplify customer bills and acknowledge receipt of the 9/29/2000 letter from same, informing Council that AT&T will increase current charge for adult Pay-Per-View services effective November 1, 2000;
- 3O. Acknowledge receipt of the 9/28/2000 letter from Richard Bridger, President, WY Recreation & Parks Association, Sheridan, WY, thanking Laramie Parks and Recreation Department for an outstanding job of hosting the 2000 WY Recreation & Parks Conference.

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 2**

Roll call vote showed all members voting ayes; nays, none; Coffey abstaining on Item 3M. Absent: Shumway.  
MOTION CARRIED.

**REGULAR AGENDA**

**MONTHLY FINANCIAL REPORT – SEPTEMBER, 2000 – BY MADER TSCHACHER PETERSON & CO.**

MOTION BY MEYER, seconded by Stone: to accept the Monthly Financial Report for September, 2000, by Mader Tschacher Peterson & Co.

MOTION CARRIED on voice vote.

**PRESENTATION CONCERNING CONSTITUTIONAL AMENDMENT B.**

Rick Shumway, Secretary of the Wyoming Association of the National Guard (the political lobbying agency of the Guard), passed out a brochure concerning Constitutional Amendment B. He explained how the age, gender, and residency issues addressed in Constitutional Amendment B affect the Wyoming National Guard and the state.

**PRESENTATION BY UNDINE PARK NEIGHBORS CONCERNING PROPOSED ICE ARENA.**

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|---|--|
| <b>A. Friends of Undine Park Petition</b>                               | <b>D. Letter from Donna and Chuck Palmer</b>   |
| <b>B. Letter from Snehalata Huzurbazar</b>                              | <b>E. Letter from Jon and Ginnie Madsen</b>    |
| <b>C. Letter from Nickolas Zakis</b>                                    | <b>F. Letters/images from Dr. Robert Field</b> |
| <b>G. Letter from Tim Banks</b>   | <b>H. Letter from Edward Sherline</b>          |
| <b>I. Additional signature page for Friends of Undine Park Petition</b> | <b>J. Leo Pueblitz</b>                         |
|   | <b>K. Kali McCrackin</b>                       |

Pat Schick, 806 S. 5th Street, spokesman for Friends of Undine Park, said that most of the people who signed the petition opposing the new ice rink facility live near Undine Park. People would have objected sooner, but only recently has it become known that the proposed facility would cover 42,150 square feet. Undine Park was deeded to the city in 1888, and is in a quiet, historical district with well-maintained and refurbished homes. The park enhances property values, but the proposed facility would lower those property values. It would also be detrimental to present uses of the park, cause traffic congestion, and clash with the historical character of the neighborhood. Roofing the rink is a worthwhile goal, but a large, industrial metal building should be placed in another area. Her group has met with the Roof the Rink committee and promised assistance in helping to locate another site, perhaps at Wyoming Territorial Prison Park, although WTP would not accept a metal building. It is unreasonable to expect an instant solution and, rather than debating the Undine Park location, another location should be sought. There are many unanswered questions about operational costs, landscaping, and maintenance of the proposed site. She understands that the hockey group can use their lease as collateral for a long-term building loan; if they default, the City would have to use public funds to buy back public property, or permit a lending institution to own a sizable portion of the park. She feels this is improper and wonders if the City would be able to repay the hockey club's debt. There is also the question of what protection the City has against construction cost overruns. Friends of Undine Park are concerned about potential parking (already a problem), crime, traffic, and noise and light pollution problems. City statutes allow this kind of facility in a residential zone, but Wyoming Statute 15-1-601 that controls the scope and purpose of zoning by cities seems to conflict with that. Friends of Undine Park believe that a significant portion of an historic park should not be dedicated to a special interest group, especially under a lease term as lengthy as 40 years.

Leslie Irving, 819 S. 7th Street, read a letter summarizing the results of the Friends of Undine Park petition. Out of 115 people who own property around Undine Park, 23 were not or could not be contacted. Of the 92 people who signed the petition, 7 were neutral or unsure, 5 were in favor of the new structure, and 80 were opposed. No one was opposed to a community ice rink, but felt there had to be a better location for the proposed facility. Since September 21, 539 people from all over the community have signed the petition opposing this proposal.

Rob Field, 907 S. 7th Street, agreed that a structure of the proposed size would not fit in Undine Park. Friends of Undine Park are now trying to protect the park, but hopefully will develop into a group to improve the park.

Tom Mautoux, 600 Ord Street, said that people around Undine Park did not appreciate what they had until it was threatened. He feels that this proposed building represents the beginning of a recreation center that would take over Undine Park. He said it is a worthwhile project, but there are more appropriate locations. He read a portion of an editorial his wife wrote praising the efforts of the Laramie Hockey Association, Roof the Rink Committee, and the City and suggesting that the efforts be expanded to include a community recreation center at another location.

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 3**

Andrea Herries, 701 Ord Street, said that she and her husband purchased their house less than a year ago. Part of the attraction of that house was Undine Park, and they oppose the proposed facility because it would ruin the beauty and spoil the present uses of the park, as well as create safety issues and lower property values.

John Guthrie of Rock River, a member of the Wyoming Territorial Park Board, urged City Council and ice rink groups to consider the WTP as a location for the ice rink, as well as for a future recreation facility.

Peggy McCracken, 1517 Arnold Street, agreed with everything has been said. She lives on the other side of town, but feels greatly affected by having this open space taken away, as she and her family often use Undine Park.

Leo Pueblitz, 502 Ord Street, said that traffic and parking during hockey games has been a constant problem, and this proposal would make it worse. He left a letter on this matter for Council.

Rebecca (a little girl), 715 S. 7th Street, opposes the proposed ice rink because she rides her bike to school and it would make the streets around the park busier. She does not like to ride on busy streets.

Jeannie Schlump, 1104 S. 5th Street, said that Roof the Rink was a misnomer that added to the confusion about plans for the ice rink. She said that Undine Park is a park, not a sports or industrial complex. An editorial in the Boomerang by a Roof the Rink member referred to "an eye-pleasing, enamel-painted steel building and parking lot that would encompass one acre, 10% of the 10-acre park." Ms. Schlump disagreed that it would be eye-pleasing, saying that the building would be ugly and that a private individual would not be able to put up such a building in that area. She feels that there is already too many "eye-pleasing enamel-painted steel buildings and parking lots" in Laramie.

Randy Carnehan, 608 Ord, said that he asked Community Services Director Gary Rimington if there are any written guidelines for the off-season plans for this facility. Mr. Rimington said there were not and it might be difficult to develop any, but he assured Mr. Carnehan that there would be neighborhood and community-appropriate activities. Mr. Carnehan is worried about the lack of written guidelines, and this is just one of the questions he has written Council about that do not seem to have an answer. What this facility will do to his property values is another. He feels that Council should remove Undine Park as a location for this facility, so the groups that have been formed and the City could concentrate their energies on building an ice facility at another site that works for everybody.

Arlene Byrd, 618 Ord, said the proposed metal building would ruin her view of the park. She pointed out that Spring Creek Elementary School uses the park for baseball, gym, and running events and the building would ruin the park for that use, as well as for use by T-ball players and children who just come to play in the park.

Susan Child, 1628 Kearney, feels that Council should consider leaving the ice rink just as it is. She feels it contributes to the historic, stress-free environment in Laramie. A recreation center should be built somewhere else.

Curt Foil, Jelm, said he used to live in the Undine Park area and the ice rink was an attraction. He supports the proposed facility because it is for children. He offered to replace any trees that have to be taken down.

Ransom Sturdevant, 418 E. Flint, said he agrees with everything said about not destroying Undine Park. He supports a community recreation center in another location.

Leah Hardy, 409 Ord, said her family relies on the park because they have a small yard. It is a neighborhood meeting site. She feels the steel building would be ugly and would take away green space. That would result in people not wanting to use Undine Park and in the overuse of other parks.

Sally Palmer, 715 S. 11th Street, said she and her family have used the park for years and it is part of their history. She asked Council to support green space, traditions, and family values by not approving this facility. Undine Park is an asset to the community, and the new rink should be placed elsewhere.

Shea Holland, 1011 S. 5th Street, plays adult hockey but does not feel that it is worth giving up open space for a better ice rink. She said she agrees with everything else that has been said in support of Undine Park.

Ms. McCracken thanked everyone for taking part. Mayor Williams said that it has been suggested that a committee be formed, made up of Council members, staff, the Roof the Rink Committee, and Friends of Undine Park, but he will not do that right now. He will consult with staff, and will continue to notify people as things come before Council. No action will be taken tonight. Council has heard people's concerns, received their letters, taken their own notes, and will have the

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 4**

comments made tonight available also. The city tries to notify people but cannot guarantee that every item mailed will reach a person. He urged people to consult Channel 11, as everything to come before Council will be posted on that channel. The media also receives copy of Council agendas that they can publish if they choose. Any additional comments can be addressed in a letter in care of City Hall; Council will acknowledge any letters in a future meeting. He thanked everyone for coming, and Council took a short break from 8:42-8:50 p.m.

**ORIGINAL ORDINANCE NO. 1527, APPROVING CABLE FRANCHISE WITH TCI CABLEVISION OF WYOMING. INTRODUCED BY MEYER. PUBLIC HEARING 10/10/00. SECOND READING.**

**A. Letter from Delores Saucedo Cardona.**

The City Clerk read Original Ordinance No. 1527 by title only:

AN ORDINANCE TO ADOPT A CABLE SERVICES FRANCHISE AGREEMENT BETWEEN THE CITY OF LARAMIE AND TCI CABLEVISION OF WYOMING, INC.

MOTION BY MEYER, seconded by Stone: that Original Ordinance No. 1527 Do Pass Second Reading;

Mr. Meyer asked that Council acknowledge receipt of the letter from Delores Saucedo Cardona concerning TCI programming. She asked that some Spanish language programming be added, and Mr. Meyer endorses that idea. Although by federal law Council cannot specify anything about programming, he feels it should be a matter of record that Council does favor some Spanish language programming by TCI Cablevision of Wyoming dba AT&T Broadband.

MOTION BY MEYER, seconded by Stone: that the ordinance be amended as follows: 1) That the agreement be between TCI Cablevision of Wyoming, Inc. dba AT&T Broadband; 2) That the last sentence of subsection 3.7 be replaced by: *Grantee shall provide the Franchising Authority a copy of all tests and records required in accordance with appropriate rules within 30 days of the completion of each test. The Franchising Authority has no authority, pursuant to federal law, to enforce compliance with such standard;* 3) That the last sentence of subsection 3.9 be: *By one-call or other means, Grantee agrees to provide an on-the-ground location for its underground lines whenever requested to do so in aid of construction or engineering work;* and 4) That the last sentence in subsection 3.10 be: *Grantee shall furnish the Franchising Authority with a written accounting of the number and location of all temporarily unburied service lines on or before November 15 of each year.*

Mr. Meyer said that the purpose of these amendments is to enable the City to have some control over some of the lines and cable distribution of TCI Cablevision of Wyoming dba AT&T Broadband.

Curtis Syme, General Manager of TCI, said that in general he does not disagree with what Council is doing, but he has to submit these changes to the franchise administrator to make sure the company would agree. He does not think the company would have any objection to the first amendment. As to the technical standards, there is the problem that they could result in TCI being in non-compliance with the franchise agreement. If TCI happens to be late in submitting a report, even for a reason beyond their control, they would fail to be in compliance, and they try to avoid any language that would allow them to fail. The technical standards tests are required by law for the FCC, and it would be a burden on his staff to duplicate the additional paperwork and meet the deadlines for compliance. The City could ask for those tests at any time, and TCI would provide them for inspection. He doubts that the City has the staff to interpret the tests, so he does not know why the City wants a copy of them.

Mr. Syme does not believe his company would have any objection to the change to subsection 3.10, except for the deadline that could result in failure to comply. He would like to see "location of all temporarily unburied service lines" changed to "location of all known temporarily unburied service lines" because TCI could be out of compliance if he failed to list a line he did not know about. He does not object to the change to subsection 3.9, but he does not believe TCI should be unfairly burdened by being the only company to have this in their franchise. He would like to see this provision in the form of an ordinance that would apply to all utilities in the City.

Mr. Coffey stated that he understands Mr. Syme's reluctance to provide one-call service for engineering-type projects, saying they are the only company in town that does not cooperate. He sees no problem in putting this requirement in an ordinance. Mr. Syme said that TCI has no problem with doing the locater service if it is required by the City, but they should be allowed to charge for that service. Mr. Coffey said that is not a problem. It is to TCI's advantage to do those surveys; contractors need to know where cable lines are located when a facility is under construction. TCI has lines in a lot of places where they do not have an easement. In places, there are TCI lines on the surface that need to be identified. Mr. Coffey asked the City Attorney Hugh McFadden to check on whether this can be done by ordinance. Mr. McFadden said that the City has other franchises that this is not a part of, so it may need to be in both an ordinance and in this and future franchise agreements.

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 5**

Mr. Stone disagreed that it is an undue burden on TCI staff to make another copy of test results that are provided to the FCC. With so many users of the various communication services, the City has a responsibility to ensure that TCI is complying with FCC regulations. Mr. Syme said that a lot of the test results do not have to be sent to the FCC; they only have to be available for inspection. The renewal franchise already allows the City to inspect TCI test files, so he does not see how it would benefit the City to keep a separate copy of such a large amount of paperwork.

Mr. Stone feels that the section dealing with cable line burying is a safety issue. The wording "known temporarily unburied service lines" provides TCI an excuse for having unburied lines. The City's aim is to be able to know where the unburied lines are, so they can check that they do get buried. Mr. Syme said that he can guarantee that he will not know where all unburied lines are, so his company would not agree to language that did not include "known."

Ms. McCracken asked Mr. LaBonde if it would be acceptable for the City to just have access to the test results, rather than having to store all those copies. Mr. LaBonde said that room could be found in City hall to store the records, but as long as the records are accessible to the City and the community, that would be acceptable. Ms. McCracken said she recommends that option. She understands Mr. Syme's viewpoint and feels that Council should work with TCI on the wording of the subsection concerning the accounting of unburied cable lines.

Mr. Meyer said that it is not necessary to furnish hard copies of the technical test results; TCI could furnish the data electronically. Mr. Syme said that TCI does not have the data stored electronically. Mr. Meyer said it does bother him that TCI does not know the location of all of their lines, as he feels that is critically important.

Mr. Bell said that he sees some problems with overburdensome regulation. It is important to realize that the more hoops TCI has to jump through, the more cost there will be to the consumer. He is surprised that TCI was not previously given an opportunity to comment on these amendments. He feels it is appropriate for staff to discuss this with TCI before bringing it back. Mr. Bell said that TCI is not the only company that does not know where all its lines are located; even the City has had lines in places that no one knew about. He is more concerned with holding franchise fees down in order to keep costs down for the consumer and allow TCI to be competitive with satellite.

Mr. Gaddis stated that he would prefer to have staff rework these amendments in consultation with TCI before Third Reading of this ordinance. He shares the concern about cable lines that have been exposed for years and agrees that something needs to be done about keeping track of and burying exposed cable lines.

Mr. Stone feels that subsections 3.7 and 3.10 are both only requiring that TCI comply with the franchise agreement and show that they are doing so. This is reasonable, and does not prevent them from being competitive.

Ms. McCracken asked about the possibility of adding a Spanish-language channel. Mr. Syme said that TCI has Spanish-language capability available on its digital service for HBO, Cinemax, and the pay-per-view channels. In April, his request for Univision was denied due to contract negotiations, but he will make that request again in the future.

Mr. Furphy agreed with Mr. Gaddis that the amendment should be withdrawn this evening, as there is too much confusion and disagreement. If the amendment is not withdrawn, he will vote against it.

MOTION BY MEYER, seconded by Stone: that there be a division of the question so that Amendment 1 will be voted on separately from Amendments 2-4.

MOTION CARRIED on voice vote.

MOTION to approve Amendment 1: *That the agreement be between TCI Cablevision of Wyoming, Inc. dba AT&T Broadband*, CARRIED on voice vote.

MOTION BY MEYER, seconded by Stone: that action on Amendments 2, 3 and 4 be postponed until Third Reading.

Mr. Gaddis and Mr. Bell felt that the amendments should be withdrawn rather than postponed. Mr. Meyer said that postponing the vote on the three amendments allows staff time to consult with TCI about them.

Roll call vote on Motion to Postpone showed Meyer, Coffey, Stone, Furphy and McCracken voting ayes; Gaddis, Bell and Williams voting nays. Absent: Shumway. MOTION CARRIED.

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 6**

Mayor Williams called for discussion on the Main Motion, to pass Original Ordinance No. 1527 on Second Reading.

Todd Lugers, 715 S. 7th Street, said he is on the Albany County Locating Board and is Secretary of the Board of Directors of Call Before You Dig of Wyoming. Concerning subsection 3.9, he said there is no service named One-Call; there is a Call Before You Dig, and a Wyoming One Call service. He explained changes that have been made to the "one-call" line location service that every major utility is required to provide. The one-call organizations will no longer accept survey locates; instead, they will provide the names of people to contact about the location of utility lines. Mr. Coffey clarified that the franchise agreement needs to state that TCI will provide that type of locate; it just does not have to go through a one-call system. He asked that Mr. McFadden talk to TCI about how this can be worked out in the agreement. Mayor Williams asked for a definition of "one-call", and was told that it now means that people make a call to get the name of a person to contact, rather than making one call to get someone to locate utility lines.

Mike McElreath, Director of UW Television Services, spoke as a private citizen. He has an agreement with City Council to help the students who tape the Council meetings for Channel 11. He wanted to discuss programming issues, saying he is proposing that City Council spend money on equipment to make Channel 11 a true public access channel so that citizens can easily provide programming. He said that money from the franchise fee could be used for public access programming equipment and costs. UW has decided to phase out the broadcast program, so he will be losing the ability to find students to assist in the Channel 11 broadcast, but money from the fee increase could be used to train students from the high school or senior citizens and pay them part-time. Mr. McElreath said that UW has for years allowed its educational/institutional channel, Channel 12, to be used by Wyoming Public Broadcasting in Riverton. Public television out of Denver is also available on Channel 6. UW or the high school could preempt Channel 12 at any time, except that a piece of UW equipment used to do that was taken away in order for the channel to be used for public television. He has a three-camera studio that could be used for production, and the capability to train people to film shows, even live, as was done in the past. He pointed out that Council Chambers are not a suitable production facility, and repeated that this would be an appropriate use of the franchise fee.

Delores Saucedo Cardona, 1629 Spring Creek Drive, read the letter she wrote to Council concerning the need for Univision or other Spanish-language or African American programming, and TCI's failure to address this need. She asked that Council look at whether this franchise is responsive to the needs of all of the community.

Roll call vote on Amended Motion showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

Mayor Williams asked that Mr. Syme give Council in writing an answer to Ms. Cardona's letter. Mr. Bell asked what criteria TCI uses to make programming decisions. Mr. Syme explained that the local office does not have sole control; the Programming Department (located in Denver) uses several criteria, including demand and capacity, with input from local operators. The Programming Department negotiates with the individual programmers on contracts to broadcast their services over the AT&T Broadband system. The local cable systems have a list of contracted services and input into which programs they want to launch in their community, depending on local demand and limited by their system's capacity. Mr. Syme detailed the capabilities and limitations of the local cable system.

Mr. Stone asked if a resolution or some action by Council would strengthen the request for Spanish-language programming. Mr. Syme felt that it would, depending on the results of AT&T and Univision contract negotiations. Mr. Stone pointed out that Spanish-language programming is available now on satellite television services.

Mr. Gaddis asked if TCI could try out different programming to find out if there is a demand. Mr. Syme said that is not possible now because of the programming contracts, but he could check further into that possibility.

**ORIGINAL ORDINANCE NO. 1528, PROHIBIT THEFT OF CABLE SERVICES. INTRODUCED BY MEYER. THIRD READING.**

The City Clerk read Original Ordinance No. 1528 by title only:

**AN ORDINANCE TO PROHIBIT THE THEFT OF CABLE SERVICES.**

MOTION BY MEYER, seconded by Gaddis: that Original Ordinance No. 1528 Do Pass Third Reading and Final Reading, and the Mayor and Clerk be authorized to sign.

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 7**

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**ORIGINAL ORDINANCE NO. 1529, AMENDING ZONING DISTRICT MAP OF CITY FROM B-2 TO R-3 FOR LOTS 1-4, REVISED BLOCK 119, WEST LARAMIE ADDITION (HABITAT FOR HUMANITY). INTRODUCED BY FURPHY. PUBLIC HEARING: 10/10/00. SECOND READING.**

The City Clerk read Original Ordinance No. 1529 by title only:

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LARAMIE, WYOMING, BY ESTABLISHING R3 ZONING FOR LOTS 104, REVISED BLOCK 119, WEST LARAMIE ADDITION TO THE CITY OF LARAMIE, WYOMING.

MOTION BY FURPHY, seconded by Coffey: that Original Ordinance No. 1529 Do Pass Second Reading.

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**ORIGINAL ORDINANCE NO. 1530, CONDITIONAL USE REQUEST FOR GROUP DAYCARE AT 2095 RIVERSIDE DRIVE (KRISTINE DORY). INTRODUCED BY COFFEY. PUBLIC HEARING: 10/10/00. SECOND READING.**

The City Clerk read Original Ordinance No. 1530 by title only:

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LARAMIE, WYOMING, BY AUTHORIZING A GROUP DAY CARE HOME AS A CONDITIONAL USE IN AN RR ZONE LOCATED ON LOT 18, LARAMIE RIVER SUBDIVISION, CITY OF LARAMIE, ALBANY COUNTY, WYOMING. (Located at 2095 Riverside Drive).

MOTION BY COFFEY, seconded by McCracken: that Ordinance No. 1530 Do Pass Second Reading.

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**ORIGINAL ORDINANCE NO. 1531, TO REGULATE EXCAVATIONS ON PRIVATELY-OWNED PROPERTY WITHIN THE CITY. INTRODUCED BY COFFEY. SECOND READING.**

The City Clerk read Original Ordinance No. 1531 by title only:

AN ORDINANCE TO REGULATE EXCAVATIONS ON PRIVATELY-OWNED PROPERTY WITHIN THE CITY.

MOTION BY COFFEY, seconded by Meyer: that Original Ordinance No. 1531 Do Pass Second Reading.

Mr. Coffey said that the purpose of this ordinance was to eliminate situations like the one on South 2nd Street where a building burned years ago, leaving a hole in the lot. This ordinance will ensure that, in that type of situation, the lot would be brought back to grade within a short time. He asked that staff address revegetation in this ordinance, and bring back a reworked ordinance for Third Reading.

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**ORIGINAL ORDINANCE NO. 1532, TO REPEAL BLOCK FACE RESTRICTION ON PARKING. INTRODUCED BY SHUMWAY. SECOND READING.**

The City Clerk read Original Ordinance No. 1532 by title only:

AN ORDINANCE TO REPEAL THE BLOCK FACE RESTRICTION ON PARKING IN THE LIMITED PARKING ZONE, AMENDING SECTION 10.36.115 OF THE LARAMIE MUNICIPAL CODE.

MOTION BY GADDIS, seconded by Bell: that Original Ordinance No. 1532 Do Pass Second Reading.

Punch G.F. Williamson, Chairman of the Downtown Development Authority (DDA), said that DDA has spent a lot of time on parking. The original downtown parking ordinance was amended to stop the practice of people moving their cars around to different spaces on the same block throughout the day to avoid getting a parking ticket. The key to the amendment was the

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 8**

reference to the block face. Aided by City funding, DDA developed a means to administer the ordinance, and on April 27, 2000, requested signage to support the amended parking ordinance. The cost of that signage would be quite substantial due to new regulations; that seems to be the reason for this new ordinance that would allow "space hopping" to continue with no penalty. Mr. Williamson asked Council to reconsider this ordinance.

Mr. Stone asked Mr. LaBonde what the cost of the signage replacement for the downtown district would have been. Mr. LaBonde said the estimated cost to replace around 260 sign faces and poles would have been about \$20,000. Mr. Stone does not feel that the cost of redoing the signage should stop the City from supporting the DDA in their efforts to relieve parking congestion downtown. Mr. Stone asked if DDA would enforce the ordinance if this amendment does not pass. Mr. Williamson said a small hand-held computer has been developed to identify people who are parking on the same block face more than once in a day. Anyone who receives a parking ticket can appeal the ticket if they have left the downtown area and returned but got a ticket, and DDA personnel can be trained to recognize and deal courteously with those people who have legitimate complaints and are not space hoppers. Mr. Stone asked if, in light of the possible changes resulting from the last DDA election, it might be better to wait until it is determined what direction DDA will be taking and whether it will have the ability to continue parking enforcement. Mr. Williamson felt that is a good suggestion, but noted that at some point the signage will have to be addressed.

Mr. Meyer asked how serious the space-hopping problem is, and Mr. Williamson said there are probably about 27 habitual offenders. Mr. Meyer asked if DDA could deal with these people individually rather than expecting the City to install \$20,000 in signs. Mr. Williamson did not believe that approach would work.

Mr. Bell asked how much it would cost the City to start enforcing downtown parking. Police Chief Ware said he has not done any calculation on that, but he opposes using sworn, well-trained law enforcement officers for parking enforcement; it would be too expensive. He was not aware that any citations for block face parking violations were being issued, and did not know that the computer was in operation. Mr. Williamson said that only warnings are being issued, as it was made clear to DDA that until the new signage was in place, a real citation could be challenged.

Mr. Furphy asked if DDA wants Council to leave the block face ordinance on the books, and leave the signs as they are, as the City cannot afford to replace them now; or pass this ordinance until the money for signage can be found. Mr. Williamson would like Council to agree to re-enact the block face ordinance when money for the signage is found.

Trish Steger, DDA boardmember, said that DDA staff spends 50% of their time in the office dealing with parking issues. The 20 plus people that are taking up parking spaces are not just taking parking away from their businesses, but when they move their cars, they take away parking from other businesses. The neighbors and DDA staff asked those people not to do this, but were ignored by the violators, so DDA asked for the block face ordinance specifically to address this problem. She is disappointed that the City did not look into the cost of new signage and how the law would be enforced when the ordinance was passed two years ago. After two years of hard work, time, and money spent on developing a program to enforce this ordinance, it is being changed. Very little revenue resulted from this ordinance during that time while the Palm Pilot was being developed. If DDA does not realize some revenue from this project, they will probably turn parking enforcement back over to the City. Ms. Steger pointed out that the City will have costs related to downtown parking, whether it is for signage or personnel to resume parking enforcement. The contract for DDA parking enforcement expires in January, 2001, and DDA would like to meet with the City to discuss the parking problem, the ordinance, and Palm Pilot problems. At the last DDA board meeting, a number of members were very disturbed to find out about this amendment to the ordinance since DDA had not been aware of it. Ms. Steger asked Council to postpone action on this ordinance and to meet with DDA to discuss the downtown problem.

Mr. Meyer expressed astonishment that there are people who own businesses in the downtown area who flagrantly violate what the DDA is trying to accomplish. He agreed that the ordinance is unenforceable without the signage, so the alternative is to either put up the signage, which the City cannot afford, or modify the ordinance. Ms. Steger noted that if the ordinance is modified, the City will then have to put up the money to do the parking enforcement downtown instead of relying on the DDA. She is aggravated that DDA was promised signage when they went into this agreement two years ago, and it was only noted very recently how much it would cost.

Mr. Gaddis asked if problem areas have been identified so that only enough signs to take care of those could be put up, as the City cannot afford to put up signs in the whole district. Ms. Steger said problem areas have been identified and staff has tried to concentrate attention on them, but DDA has never gotten an answer as to whether it would be legal to only put up a certain number of signs, or even if it is necessary to change the signs at all. She feels that the City and DDA need to get together and talk about all these questions and the expiration of the DDA contract.

Mayor Williams asked where this ordinance originated. Mr. LaBonde said this originated when Paul Jaques, representing



**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 9**

the DDA, asked that the signage be installed so that the block face ordinance could be enforced. Staff took the request to the Traffic Commission, as it involved a change in traffic signage. It was Traffic Commission's recommendation that the block face be eliminated from the ordinance.

MOTION BY GADDIS, seconded by McCracken: that Original Ordinance No. 1532 be tabled.

Roll call vote showed Stone, Gaddis, Coffey, Bell, Furphy, McCracken and Williams voting ayes; Meyer voting nay. Absent: Shumway. MOTION CARRIED.

Mayor Williams said meetings should be started on this, and possibly it should be returned to the Traffic Commission.

Mr. LaBonde suggested that he contact DDA to set up some discussions. He has concerns about enforceability, even if new signs were installed. Mr. Bell feels that, in view of the DDA election results, the first thing to be done is to find out who will be the controlling authority in the downtown area. Mr. LaBonde agreed that there is a question about DDA's future, but he has questions about the ordinance and its enforcement and would like to hear any suggestions DDA has.

Mr. Bell believes that the City will end up having to handle downtown parking enforcement, so Council needs to meet with staff and decide what level of enforcement will be done and write an ordinance to handle that.

**RESOLUTION NO. 2000-22, AUTHORIZING SUBMITTAL OF A 2001 RECREATIONAL TRAILS FUND GRANT APPLICATION TO WY DIVISION OF STATE PARKS & HISTORIC SITES.**

The City Clerk read Resolution No. 2000-22 by title only:

A RESOLUTION AUTHORIZING SUBMISSION OF A RECREATIONAL TRAILS FUND GRANT APPLICATION TO THE WYOMING DIVISION OF STATE PARKS AND HISTORIC SITES FOR CONSTRUCTION OF A RECREATIONAL TRAIL.

MOTION BY GADDIS, seconded by Meyer: that Council approve Resolution No. 2000-22, and authorize the Mayor and Clerk to sign.

Mr. Gaddis said that this application is for a 80/20 match grant; the maximum grant is \$75,000. The total application is for \$93,750: \$75,000 in grant funds, and the City's match of \$18,750, which would come from the one mill recreation levy. The Albany County One Mill Recreation Board approved the City match yesterday.

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**RESOLUTION NO. 2000-23, AUTHORIZING SUBMITTAL OF A WWDC GRANT/LOAN APPLICATION FOR DESIGN ONLY FUNDS FOR THE EAST SIDE TANK PROJECT AND 20-INCH TRANSMISSION LINE REHABILITATION.**

The City Clerk read Resolution No. 2000-23 by title only:

A RESOLUTION AUTHORIZING SUBMISSION OF A LEVEL III WYOMING WATER DEVELOPMENT COMMISSION GRANT AND LOAN APPLICATION FOR DESIGN OF THE LARAMIE EAST SIDE TANK AND THE TRANSMISSION LINE REHABILITATION PROJECTS.

MOTION BY MEYER, seconded by Stone: that Council approve Resolution No. 2000-23, and authorize the Mayor and Clerk to sign.

Mr. Meyer noted that this is one of three projects Western Water Consultants developed in a recent Level II study for the Laramie North Side Supply Project. Costs for the East Side Tank Project are estimated at about \$11 million, and at about \$3 million for the 20-inch Transmission Line Rehabilitation Project. The Wyoming Water Development Commission (WWDC) will not have Level III construction funds available for projects of this size before 2002, so this proposal is to apply for WWDC design-only funds in the amount of \$969,200 on a 50/50 grant/loan basis.

Mr. Bell asked how construction of these projects would be paid for. Mr. LaBonde said that by the time the design phase is completed, WWDC 50/50 grant/loan construction funds should be available. The other option is the Capital Facilities Tax (CFT). Mr. Bell said he supports this proposal, but believes the CFT should be used for construction.

Mr. Coffey asked for a synopsis of this project. Mr. LaBonde said the WWDC calls this the North Side Supply Project; it

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 10**

covers three separate issues, including the 20-inch Transmission Line Rehabilitation, the East Side Tank Project, and the North Side Water Supply. Before this study, which was totally funded by the WWDC, it was felt that water could be supplied to the north side by placing a tank on the east side of the community.

Mr. Gaddis noted that the North Side Water Supply Project has a cost of \$17 million. He does not see why the City should study giving water to the north side, since those people are out of the City limits, and probably will be for years to come. Mr. LaBonde explained that he feels it is important to plan for north side development, even if it does not happen until far into the future. This study did show that the East Side Tank Project could supply an area up to 3/4 mile north of Indian Hills, but another pump station and tank system would be needed to expand the north side water supply. The cost of the East Side Tank has increased since the original report because the Corthell Hill area has been added to that project. It is an immediate need in the community for fire protection and to supply water to Walmart, the proposed Farm Bureau project, and the lower part of the Sherman Hills subdivision, if that is annexed. It also replaces a system of four older pump stations with one new one and a higher tank.

Mr. Stone asked what the problem is in the Indian Hills subdivision. Mr. LaBonde explained that that area relies on a system of four pump stations. The East Side Tank Project would replace those stations with a higher tank and one pump station, and would be a more reliable system for supply and fire flows as it would operate partially on gravity.

The 20-inch Transmission Rehabilitation Project would complete the replacement and cathodic protection of the 20-inch and 24-inch transmission lines between the water plant and the city. Mr. LaBonde said it is important to maintain those pipelines, but the work can probably be done in phases over 2-4 years.

Mr. Stone said that he also does not see the benefit of completing the North Side Supply Project in the next 3-5 years. Mr. LaBonde said he recommends that Council take no action on that project tonight. One benefit of including that project in this study was for future planning on how to supply water to the north side; it is now known that the City can supply water up to 3/4 mile past the northern city limits before a new pump station and tank is required.

Roll call vote showed all members voting ayes; nays, none. Absent: Shumway. MOTION CARRIED.

**RECONSIDERATION OF FINAL PLAT, LOTS 25-29, BLOCK 1, AND LOTS 15-24, BLOCK 3, SNOWY RANGE ADDITION AND SIX EASEMENTS.**

MOTION BY STONE, seconded by Gaddis: that Councilman Coffey be allowed to abstain.

MOTION CARRIED on voice vote.

MOTION BY STONE, seconded by Gaddis: that Council approve the Final Plat for Lots 25-29, Block 1, and Lots 15-24, Block 3, Snowy Range Addition, and the six associated easements.

Roll call vote showed all members voting ayes; nays, none; Coffey abstaining. Absent: Shumway. MOTION CARRIED.

**PUBLIC COMMENTS.**

David Sheck, 118 N. Taylor Street, said that he grew up near and Undine Park and much of his childhood revolved around the park. He agrees that it is a good location for the new rink. Because it is in a residential area, many children will be able to travel to the park, often by themselves, without having to cross a busy street. Parents who drop off their children will know that they are leaving them in a safe, well-maintained neighborhood. He feels that if the rink were moved to the outskirts of town, some children would not be able to use the rink due to lack of transportation. An additional advantage to the present location is that the chiller would not have to be moved from the park, and that should help keep costs down. Mr. Sheck does not think that the building would be as large some of the statements made about it, and feels that ways, such as putting part of it underground, could be found to make it more attractive. He is not sure that the rink will lower property values, as it might be an attraction for some homebuyers. Mr. Sheck said it is important to work together for the children; this project will benefit them the most and they spend the most time in the park. He is not a member of Roof the Rink but would not sign a petition against a project that would benefit the children and this community.

Robert Field 907 S. 7th Street, feels that property values might go down, but that is not the issue. The issue is what the structure would do to the area. Friends of Undine Park do not want to be seen as a negative organization or as stopping children from enjoying recreation facilities. They want to work with others on a solution to the rink location.

**LARAMIE CITY COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2000  
Page 11**

**ADJOURN TO EXECUTIVE SESSION REGARDING LITIGATION.**

On motion, Council adjourned to Executive Session regarding litigation at 11:09 p.m.

Respectfully submitted,

Sue Morris-Jones, CMC  
City Clerk