**AGENDA**
**CITY OF LARAMIE, WYOMING**
**CITY COUNCIL MEETING**
**CITY HALL**
**May 3, 2016 6:30 pm**

*City Council Meetings are open to the public. Requests for accommodations from persons with disabilities must be made to the City Manager's Office 24 hours in advance of a meeting.*

*Please be advised no additional agenda item will be introduced at a Regular City Council meeting after the hour of 9:30 p.m., unless the majority of the City Council members present vote to extend the meeting.*

## 1. PRE-MEETING ITEMS

### 1.A. PROCLAMATIONS & PRESENTATIONS

### 1.B. ANNOUNCEMENTS

### 1.C. PUBLIC HEARING

## 2. AGENDA

### 3. Pledge of Allegiance

### 4. Roll Call

### 5. Disclosures by City Council Members

### 6. Consideration of Changes in Agenda and Setting the Agenda

A. MOTION BY ___, seconded by ___, that the following changes to the Agenda be approved:

B. MOTION BY ___, seconded by ___, that the Agenda be set as submitted or changed.

### 7. Approval of Consent Agenda

Items listed on the Consent Agenda are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless a Councilor or citizen so requests, in which case the item will be removed from the Consent Agenda and will be considered on the Regular Agenda.

MOTION BY ____, seconded by _____, that the Consent Agenda be approved and that each specific action on the Consent Agenda be approved as indicated.

## 8. CONSENT AGENDA

### 8.A. MINUTES: City Council Meetings

**Action:**

that Council approve the Minutes of the City Council Regular Meeting of April 19, 2016,

Public Hearings of April 19, 2016, Special Meeting of April 26, 2016, and have them placed on file for public inspection.
**[Johnson, CClk]**

Documents: Minutes 04.19.2016.pdf, Public Hearing 04.19.16.BRC.EmpressLot.pdf, Special Meet 04.26.16.pdf

**8.B. CEMETERY DEEDS: For April 16-30, 2016**

**Action:**

that the Cemetery Deeds for April 16-30, 2016 be accepted, and the Mayor and City Clerk be authorized to sign and have them recorded in the Office of the County Clerk. **[Feezer, P/R Dir]**

**8.C. VOUCHERS: April 2016**

**Action:**

that the following Resolution be adopted: BE IT RESOLVED: that all vouchers approved by the Finance Committee be allowed, warrants drawn on proper City funds in payment thereof, and the vouchers be placed on file in the Treasurer's Office subject to public inspection; and that Council authorize payment for the month-end payroll, light and gas charges, telephone charges, Pioneer Canal-Lake Hattie Irrigation District lease, employee travel, other employee reimbursements, pay advances, refunds for City services, recording fees, postage, lease purchase and bond payments, self-funded employee health insurance claims, miscellaneous insurance claims, Council-approved bid items, outside attorney fees, other consulting fees, before normal City Council approval on the first Tuesday of May. These expenditures are to be paid subject to audit by the City of Laramie Finance Department.
**[Brown, City Treasurer]**

**8.D. LICENSE: Pawnbroker, Renewal, Ann's Pawns & Antiques.**

**Action:**

to approve the Renewal of Pawnbroker License for Ann's Pawn's & Antiques, 1005 S 3rd St., Laramie, WY, for the term of one year, from April 6, 2016 to April 5, 2017, and authorize the Mayor and Clerk to sign.
**[Johnson, CClerk]**

Documents: Cover Sheet, Anns Pawn Shop, 5-3.pdf, AnnsPawn.pdf

**8.E. AGREEMENT: Amendment to the Professional Engineering Services Agreement for Construction Oversight on the South Laramie Sewer Line Project.**

**Action:**

that Council amend the Professional Engineering Services Agreement between the City of Laramie and AMEC Environment & Infrastructure, Inc., by increasing the original contract amount of $383,867.00 by the amount of $52,131.92 for a not to exceed total of $435,998.92 and amend the budget in the amount of $2,255.52, authorize the Mayor and Clerk to sign.
**[Smith]**

Documents: CS South Laramie Amendment.pdf, AMEC Cover Letter.pdf, AMEC Change Order Request 4.pdf, South Laramie Amendment 1.pdf

**8.F. BID AWARD: concurrence of bid award by WYDOT for the Bill Nye Ave Improvement Project**

**Action:**

concurrence of Bid Award by WYDOT for the Bill Nye Avenue Improvement Project (Vista Drive to Boulder Drive) as provided in the Cooperative Agreement between WYDOT and the City of Laramie.

**[Smith]**

Documents: CS Bill Nye Concurrence.pdf, Exhibit B.pdf

8.G. **SCHEDULE MEETING(S)**

**Action:**

that Council schedule the following meeting(s):

1. **June 14, 2016, 6:00pm** - Jacoby Golf Course Community Impact

9. **REGULAR AGENDA**

10. **Original Ordinance No. , adoption of the 2015 International Fire Code (IFC).**
Introduction and First Reading
**[Chief Johnson]**

Documents: 2015 IFC Cover Sheet.pdf, 2015 - ordinance - Fire.pdf

11. **Original Ordinance No. 1941, amending Title 15 of Laramie Municipal Code to Provide for an Effective Determination of Value for Rights-Of-Way Proposed for Vacation**
Third and Final Reading (Introduced by Shuster)
**[Hunt]**

Documents: 1.Cover Sheet Ord. 1941 vacation cost 3rd rdg 2016-05-03.pdf, 2.Ord. 1941 vacation cost 3rd rdg 2016-05-03.pdf, 3.Ord. 1941 Vacation appraisal Staff Report (rev d).pdf

12. **Original Ordinance No. 1942, amending Title 15 of Laramie Municipal Code for the purposes of allowing "Hotels and motels" as a Permitted Use in the C2 District, allowing "Light industrial" as a Permitted Use in the I2 District and correcting typographical errors in LMC 15.10.010 and 15.14.010.B**
Third and Final Reading (Introduced by Shuster)
[Hunt]

Documents: 1.Cover Sheet Ord. 1942.pdf, 2.Ord. 1942, 3rd Reading.pdf, 3.Staff Report.pdf

13. **Award of Bid for the Linford School/West Laramie Drainage Project**
**[Smith]**

Documents: CS Linford School Award of Bid - Hamaker.pdf, Linford School Construction Contract - Hamaker.pdf, Linford Bid Recommendation Letter AMEC.pdf

14. **Ordinance No. , to enact Chapter 10.13 of the Laramie Municipal Code.**
**[Loos]**

Documents: Cover Sheet10.13.pdf, Ordinance Enacting 10.13.pdf

15. **Consideration of Big Brothers Big Sisters request for reallocation of remaining funds approved in November 2013**
**[Derragon]**

Documents: 1. Cover Sheet - Big Brothers Big Brothers.pdf, 2. Letter - Big Brothers Big Sisters.pdf

16. **Ordinance No. , to amend section 2.04.010, and to delete sections 2.04.016, 2.04.020, 2.04.030, 2.04.070, 2.04.080, 2.04.090, 2.04.100, 2.04.110, 2.04.120, 2.04.130, 2.04.140, 2.04.150, 2.04.170, 2.04.180, 2.04.190, 2.04.210, 2.04.220, and 2.04.230 of the Laramie Municipal Code.**
**[Loos]**

Documents: Cover Sheet ordinances.pdf, Ordinance changing 2.04.pdf

17. **Resolution 2016- , to adopt Rules of Procedure and Code of Conduct of the Laramie City Council.**
**[Loos]**

Documents: Cover Sheet.pdf, Resolution adopting rules 4-22-16.pdf, FInal Clean.pdf

18. **Consideration of future Council work session topics**

Documents: May-3-16 Upcoming Meetings.pdf, 5-3-16 Future Work Session Topics.pdf

19. **Public Comments on Non-Agenda Items by sign-in requests**
(Members of the public may address the City Council on items not on the printed Agenda. Please observe the time limit of five (5) minutes.)

20. **Adjourn to executive session regarding Personnel**

# MINUTES
# CITY OF LARAMIE, WYOMING
# CITY COUNCIL MEETING
# April 19, 2016
# Page 1

## 1. PRE-MEETING ITEMS

## 1.A. PROCLAMATIONS & PRESENTATIONS

## 1.B. ANNOUNCEMENTS

## 1.C. PUBLIC HEARING: Business Ready Community, Community Readiness Application to Support the Redevelopment of the Empress Lot

## 2. AGENDA

Regular Meeting of the City Council was called to order at 7:03 p.m.

## 3. Pledge of Allegiance

Mayor Paulekas led the Pledge of Alliance.

## 4. Roll Call

Roll call showed present: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Absent: None.

Staff present: Janine Jordan, City Manager; David Derragon, Assistant City Manager; Angie Johnson, City Clerk; Jason Loos, City Attorney; Randy Hunt, Community Development Director; Earl Smith, Public Works Director; Todd Feezer, Parks & Recreation Director; and Dan Johnson, Fire Chief.

## 5. Disclosures by City Council Members

None.

## 6. Consideration of Changes in Agenda and Setting the Agenda

MOTION BY PEARCE, seconded by Shumway, that the Agenda be set as submitted.

MOTION CARRIED by voice vote.

## 7. Approval of Consent Agenda

MOTION BY PEARCE, seconded by Summerville, that the Consent Agenda be approved and that each specific action on the Consent Agenda be approved as indicated.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

## 8. CONSENT AGENDA

**8.A. MINUTES: City Council Meetings**
**Action:** that Council approve the Minutes of the City Council Regular Meeting of April 5, 2016, Public Hearings of April 5, 2016, Public Hearings of April 12, 2016, and have them placed on file for public inspection.

**8.B. CEMETERY DEEDS: For March 16-31, 2016**
**Action:** that the Cemetery Deeds for April 1-15, 2016 be accepted, and the Mayor and City Clerk be authorized to sign and have them recorded in the Office of the County Clerk.

**8.C.**
**MINUTES: Urban System Advisory Committee Meeting on April 16, 2014**
**Action:** That Council acknowledge receipt of the Minutes from the April 16, 2014 USAC meeting, and that the following items be approved as indicated:
1) To remove Lewis Street between 12th and 15th Streets from Collector status and downgrade to a local street on the Functional Classification map.

**8.D. MINUTES: Urban System Advisory Committee Meeting on October 14, 2015**
**Action:** That Council acknowledge receipt of the October 14, 2015 USAC Minutes.

**8.E. MINUTES: Urban System Advisory Committee Meeting on March 2, 2016**
**Action:** That Council acknowledge receipt of the Minutes from the March 2, 2016 USAC meeting, and that the following items be approved as indicated:
1) That the 2016 USAC Priorities list be accepted as amended.
2) That the Major Street plan be amended to classify West Harney Street as a local street and to remove the southern proposed Snowy Range Road/Harney Street corridor that generally follows the abandoned rail line.
3) That the Major Street Plan be amended to reclassify Sherman Hill Road south of Pilot Peak Road and Happy Jack Trail as local streets.
4) That the Major Street Plan be amended to reclassify Sheridan Street east of 26th Street as a local street, and to remove the Sheridan Street Spring Creek Channel crossing from the Major Street Plan.
5) That WYDOT be requested to start preliminary design of Urban System Project Priority #1 - Corthell Road from Whitman Street to future Bill Nye; Bill Nye from the extension of Corthell Road to the extension of Boulder Drive; and Bill Nye from Corthell Road to 15th Street.

**8.F. Urban Boundary and Roadway Functional Classification Concurrence**
**Action:** To approve modifications to the 2011 "Urban Boundary, Functional Classification, and Central Business District Boundary" map, as recommended by the urban System Advisory Committee on March 2, 2016; and to authorize the Mayor and City Clerk to sign the Concurrence instrument

**8.G. MINUTES: March 10, 2016 Traffic Commission meeting**
**Action:** To acknowledge receipt of the Minutes from the March 10, 2016 Traffic Commission meeting and that the following items be approved as indicated:

1) To approve placement of a specifically reserved handicap parking space at the location of 259 North Pine Street.
2) To approve the elimination of the handicap parking space and remove the sign at 1216 South 4th Street.
3) To approve the elimination of the handicap parking space and remove the sign at 1120 Ivinson Avenue.

**8.H. MINUTES: Monolith Ranch Advisory Committee**
**Action:** that Council approve the Minutes of the Monolith Ranch Advisory Committee of January 14, 2016, and have them placed on file for public inspection.

**8.I. RESOLUTION 2016-33, proclaiming International Composting Awareness Week and Offer Free Compost Days at the Laramie Landfill**
**Action:** that the Laramie City Council approve Resolution 2016-33, proclaiming May 1-7, 2016 as International Composting Awareness Week, and offer Free Compost Days at the Laramie Landfill on May 14, and May 21, 2016 for all residents of Albany County.

**8.J. RESOLUTION 2016-34, granting authority to purchase from State of Wyoming Surplus Property**
**Action:** to approve Resolution 2016-34, granting authority to listed specific City of Laramie employees to purchase from State of Wyoming Surplus Property and authorize the Mayor and Clerk to sign.

**8.K. MEMORANDUM OF UNDERSTANDING: outlining the provision of public artwork and a pollinator garden at Depot Park.**
**Action:** to approve the Memorandum of Understanding between the City of Laramie, Wyoming and the University of Wyoming, Art Museum outlining the provision of public artwork and a pollinator garden at Depot Park and authorize the Mayor and Clerk to sign.

**8.L. AGREEMENT: 2016 Wildland Fire Management Annual Operating Plan**
**Action:** that Council approve the 2016 Wildland Fire Management Annual Operating Plan (AOP) between the City of Laramie, WY and the USFS and authorize the Mayor and Fire Chief to sign.

**8.M. SCHEDULE MEETING(S)**
**Action:** that Council schedule the following meeting(s):
1. **May 2, 2016, 6:00pm** - Joint Meeting with Albany County Commissioners, Aquifer Protection
2. **May 10, 2016, 6:00pm** - Laramie Main Street Alliance Annual Report

**9. REGULAR AGENDA**

**10. Original Ordinance No. 1941, an Ordinance Amending Title 15 of Laramie Municipal Code to Provide for an Effective Determination of Value for Rights-Of-Way Proposed for Vacation** Second Reading (Introduced by Shuster)

MOTION BY SHUSTER, seconded by Henry, that Council approve Original Ordinance No. 1941 on second reading, in accordance with findings of fact and conclusions of law, and noting that a public hearing was held on April 5, 2016.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**11. Original Ordinance No. 1942, amending Title 15 of Laramie Municipal Code for the purposes of allowing "Hotels and motels" as a Permitted Use in the C2 District, allowing "Light industrial" as a Permitted Use in the I2 District and correcting typographical errors in LMC 15.10.010 and 15.14.010.B.** Second Reading (Introduced by Shuster)

MOTION BY SHUSTER, seconded by Vitale, that Council approve Original Ordinance No. 1942 on second reading, in accordance with findings of fact and conclusions of law; and note a public hearing was held on April 5, 2016.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**12. Resolution 2016-35, approving a Project Agreement for the North Side Tank Design Project.**

MOTION BY HENRY, seconded by Pearce, that Council approve Resolution 2016-35 approving a Project Agreement with the Wyoming Water Development Commission funding the design of the Laramie North Side Tank Project and authorize the Mayor and City Clerk to sign said Resolution and Project Agreement."

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**13. Consideration to award Professional Services Agreement for the Laramie North Side Tank Project; Design Phase.**

MOTION BY HENRY, seconded by Pearce, that Council award the Professional Services Agreement for the design of the Laramie North Side Tank Project to DOWL, of Laramie, WY, in the total amount of $377,801.00 plus a contingency of $37,780.00 for a total amount not to exceed $415,581.00 and authorize the Mayor and Clerk to sign.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Weaver, Pearce, and Paulekas. Nay: Vitale. Absent: None. MOTION CARRIED.

**14. Mountain West Estates Subdivision: A Final Plat for eight lots out of a parcel of land 40.35 acres in size.**

MOTION BY SHUSTER, seconded by Weaver, that Council approve the Mountain West Estates Subdivision Final Plat, in accordance with findings of fact and conclusions of law; and authorize the Mayor and Clerk to sign the plat.

For the record, Matt Goetz wanted it clarified that his wife (Megan Goetz) was not acting as an attorney for Mountain West.

Roll call showed Aye: Hanson, Shumway, Shuster, Weaver, Pearce, and Paulekas. Nay: Henry, Summerville, and Vitale. Absent: None. MOTION CARRIED.

Council recessed at 8:08 p.m.

Council reconvened at 8:19 p.m.

**15. Original Ordinance No. 1939, annexing approximately 93 acres of property located in unincorporated Albany County, generally located on the northeast corner of I-80 and Curtis Street (Love's Travel Center).** Third Reading (Introduced by Summerville)

MOTION BY SUMMERVILLE, seconded by Shuster, that Council approve Original Ordinance No. 1939 on third and final reading, annexing approximately 93 acres of property located in unincorporated Albany County, generally located on the northeast corner of I-80 and Curtis Street; based on findings of fact and conclusions of law and authorize the Mayor and Clerk to sign the Ordinance.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**16. Resolution 2016-23, certifying Planning Commission action, regarding amendments to the Future Land Use Map (Map 3.2) of the 2007 Laramie Comprehensive Plan.** Resolution (Introduced by Summerville)

MOTION BY SUMMERVILLE, seconded by Henry, that Council approve City Council Resolution 2016-23, certifying Planning Commission action amending the Future Land Use Map (Map 3.2) of the 2007 Laramie Comprehensive Plan, for the property described in the Resolution, generally located on the northern portion of a property located on the northeast corner of Interstate 80 and Curtis Street for an area approximately 60 acres in size, by changing the Future Land Use Designation from the Agriculture (AG) category to Auto-Urban Commercial (AUC) category, based on findings of fact and conclusions of law, and authorize the Mayor and Clerk to sign.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**17. Original Ordinance No. 1940, establishing zoning in an area approximately 93 acres in size to B2 (business) District, generally located on the northeast corner of I-80 and Curtis Street (Love's Travel Center).** Third Reading (Introduced by Summerville)

MOTION BY SUMMERVILLE, seconded by Shuster, that Council approve Original Ordinance No. 1940 on third and final reading; establishing zoning in an area approximately 93 acres in size to B2 (Business) District generally located on the northeast corner of I-80 and Curtis Street; based on findings of fact and conclusions of law and authorize the Mayor and Clerk to sign the Ordinance.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**18. State Loan Investment Board Grant Award in the amount of $125,000 - Laramie Fire Department Station #2 Bay Addition**

MOTION BY VITALE, seconded by Shuster, that Council accepts a MRG grant award from the State Loan Investment Board in the amount of $125,000.00 for the construction of an additional bay at the Laramie Fire Station #2; and authorizes the Mayor and Clerk to sign.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**19. Consideration of a Bid Award to Spiegelberg Lumber and Building in the amount of $251,539 for the purpose of the Laramie Fire Station #2 Bay Addition with a contingency fund of 7.5% - $18,865. [Chief Johnson]**

MOTION BY VITALE, seconded by Summerville, that Council authorize the City of Laramie to award a bid to Spiegelberg Lumber and Building in the amount of $251,539.00 with a contingency fund of 7.5% - $18,865.00 for the purpose of construction of an additional bay at LFD Station #2; and amend the FY 15 – 16 budget."

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

**20. Original Ordinance No. 1930, approving the nonexclusive Franchise Agreement for Cable TV Services** Third and Final reading (Introduced by Shuster)

MOTION BY SHUSTER, seconded by Shumway, that Council bring on the floor for discussion Original Ordinance No. 1930.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: None. Absent: None. MOTION CARRIED.

MOTION BY SHUSTER, seconded by Hanson, that Council, on Original Ordinance No. 1930, go with Charter Option No. 2, with a 10 year agreement with an annual meeting of review every year.

Roll call showed Aye: Hanson, Shumway, Shuster, Summerville, Vitale, Weaver, Pearce, and Paulekas. Nay: Henry. Absent: None. MOTION CARRIED.

**21. Resolution 2016-32, adopting City Goals for 2016 - 2017.**

MOTION BY WEAVER, seconded by Summerville, that Council approve the Resolution 2016–32 Adopting City Goals for 2016 – 2017, and Authorize the Mayor and Clerk to sign.

MOTION BY PEARCE, seconded by Henry, that Council amend No. O, delete the word Agencies, add s to partner, and add a comma and etc. after Memorial Hospital

Roll call ON AMENDMENT showed Aye: Hanson, Henry, Summerville, Weaver, and Pearce. Nay: Shumway, Shuster, Vitale, and Paulekas. Absent: None. MOTION CARRIED.

Roll call ON MAIN MOTION showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Weaver, Pearce, and Paulekas. Nay: Vitale. Absent: None. MOTION CARRIED.

**22. Consideration of future Council work session topics**

Weaver: Urban renewal agencies, the state statutes governing them, and potential implementation strategies that have been used in other cities, which help with Council goals C and G.

**23. Public Comments on Non-Agenda Items by sign-in requests**

None.

**24. Adjournment**

MOTION BY HANSON, seconded by Henry, that Council adjourn.

MOTION CARRIED by voice vote.

Council adjourned at 9:16 p.m.

Respectfully submitted,

Angie Johnson
City Clerk

**LARAMIE CITY COUNCIL**
**PUBLIC HEARING**
**Business Ready Community Grant, Empress Lot**
**April 19, 2016**

Public Hearing was called to order by Mayor Paulekas at 6:40 p.m.

City Council present: Klaus Hanson, Vicki Henry, Joe Shumway, Bryan Shuster, Andi Summerville, Joe Vitale, Paul Weaver, Jayne Pearce, and Dave Paulekas. Absent: None.

The City Clerk read the notice:

> NOTICE OF A PUBLIC HEARING
> 2016 BUSINESS READY COMMUNITY GRANT AND LOAN PROGRAM APPLICATION FOR A BUSINESS COMMITTED PROJECT
> The Wyoming Business Council is seeking grant and loan applications from counties, incorporated cities, towns, joint powers boards, and tribes for the 2016/2017 Business Ready Community (BRC) Grant and Loan Program.
> The Laramie Main Street Alliance (LMSA) is seeking a BRC, Community Readiness Grant in the amount of $3 million to redevelop the Empress lot located at 112 South Second Street.
> Laramie City Council will hold a public hearing on April 19th at 6:30 p.m. to gather public comments on this proposed application. The hearing will take place in the Council Chambers of City Hall, 406 Ivinson Avenue.

Mayor Paulekas asked if there were any comments.

Dan McCloud, Head of the Board for Big Hollow Food Co-op. Big Hollow would be the main tenant of this project. In the last 10 years it has developed from a small store to a lucrative business that is community owned and operated and that employs 17 people and supports 40 some vendors within the region to sell their goods and produce.

Francis Fryberger, lives on Corthell Road, Speaking as a resident and customer, the Co-op is a huge draw to downtown Laramie. She spoke about the local produce, and it was a great resource for Laramie.

Lynn Stein, has been here since August, and is a member of the Co-op, related that they needed more space. She was concerned with too much growth and downtown losing its diversity.

Elisa Wexler, secretary for the Board of Directors for the Co-op. The Co-op has reach its capacity at its current location, they've been growing substantially the last 10 years, but the last two years they have plateaued because of lack of space.

Mike McCamman, works for Main Street, talked about why this grant is needed. This project is a blight fixing problem. After the building was removed, the foundation was left in place, supporting the adjacent buildings. You have to engineer around the foundation, inserting pilings for support. Environmentally, there is a plume under there that has to be abated also. They have over $1,000,000.00 budgeted for the site preparation, and they need a grant to help fund such a large product. This would make it cost prohibitive for a private development.

Lindsey Olson, co-owner of Planet Laramie Farms, who sells gourmet mushrooms through the Co-op. It has been a business incubator for them, because they will work with their limited amounts of produce.

Lori Kirk, who is on the Main Street Board, and Cowgirl Yarn and building owner, related that the Empress

Lot is behind her building, and how trash accumulates in it. She was very excited about the potential of this project, and she supports the building proposed.

Jeff Smith, Vice Chair Board of Directors for Big Hollow, related the Empress Lot is a hole in the downtown, and that the downtown area is very supportive of new ventures, but a private business could not afford to develop this lot. He encouraged the application for state funds to aid in the cost of developing the lot into a business for Laramie jobs and development. Big Hollow Food Co-op is willing to pay market value rent for the proposed building. Once the building is up, their rent would help with cash flow.

Brigit Burke, resident, commented that people come to the downtown to shop the Co-op for food, it's a gathering place, and a community building place. The support for Big Hollow also supports the many smaller businesses that operate through it.

Jessica Flock, Petal House Bike Shop Co-owner, on the board for Laramie Mainstreet Alliance, and Co-op member, related Big Hollow is expected to create eight to ten more jobs, they support a lot of local events, groups, and community organizations. It would serve as a strong anchor for keeping the downtown vibrant

Public Hearing was closed at 7:03 p.m.

Respectfully submitted

Angie Johnson
City Clerk

**MINUTES**
**CITY OF LARAMIE, WYOMING**
**CITY COUNCIL SPECIAL MEETING**
**April 26, 2016**
**Page 1**

Special Meeting of the City Council was called to order by the Mayor at 6:01 p.m.

The City Clerk read the following notice:

NOTICE IS HEREBY GIVEN that a Special Meeting of the Laramie City Council will be held Tuesday, April 26, 2016, 6:00 p.m., in Council Chamber of City Hall, 406 Ivinson Street, for the following purposes:

1. Cirrus Sky Technology Park Memorandum of Understanding.

Roll call showed present: Hanson, Henry, Shumway, Shuster, Summerville, Weaver, Pearce, and Paulekas. Absent: Vitale.

1. **Cirrus Sky Technology Park Memorandum of Understanding.**

MOTION BY SHUSTER, seconded by Hanson, that Council to approve the Memorandum of Understanding between DLBA and City of Laramie and authorize the Mayor and Clerk to sign.

Roll call showed Aye: Hanson, Henry, Shumway, Shuster, Summerville, Weaver, Pearce, and Paulekas. Nays: None. Absent: Vitale. MOTION CARRIED.

**Adjournment**

MOTION BY HANSON, seconded by Weaver, that Council adjourn.

MOTION CARRIED by voice vote.

Council adjourned at 6:55 p.m.

Respectfully submitted,

Angie Johnson
City Clerk

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

**Agenda Item: Licensing**

**Title: Consideration of Renewal of Pawnbroker License, for Ann's Pawns & Antiques, 1005**

**Recommended Council MOTION:**

To approve the Renewal of Pawnbroker License for Ann's Pawn's & Antiques, 1005 S 3rd St., Laramie, WY, for the term of one year, from April 6, 2016 to April 5, 2017, and authorize the Mayor and Clerk to sign.

**Background:**

Ann's Pawns & Antiques has been in business since about 1975, was acquired by Joni and Tad Westbrook March 6, 1989, who continue to own and operate the business.
The applicant has filed for renewal and payment has been received by the City Clerk's Office. The Police Department has reviewed and recommends approval. The renewal period for the license is one year. Renewal of this license would be from April 6, 2016 to April 5, 2017 upon Council approval.

**Legal/Statutory Authority:**

LMC Chapter 5.48 provides the authority for Council to issue pawnbroker licenses.

## BUDGET/FISCAL INFORMATION:

**REVENUE**

| Source | Amount | Type |
|---|---|---|
| Fees/Charges for Service | $50.00 | Pawnbroker License |
| Grants for Projects | | |
| Loans on Project | | |
| Other | | |
| Total | $50.00 | |

## Responsible Staff:

Angie Johnson, City Clerk

Attachments: Application for renewal, Ann's Pawns & Antiques

TO: CITY CLERK
CITY OF LARAMIE
P.O. BOX C
LARAMIE, WY 82073

City Clerk Use Only
**Fee Paid: $** _____
**Receipt No.** _____
**License No.** _____

**City of Laramie**
**Annual Pawnbroker Application**
**New License** ☐ **Renewal** ☑
**$50.00 fee**

**For the license term from:** 4/6/16 **through** 4/6/17

1. Applicant: ~~Ann's~~ Joni Westbrook
2. Business Name (dba): Ann's Pawns + Antiques
3. Corporate Name: Anns Pawns + Antiques
4. Business Phone Number: 307-742-2994
5. State the name of the person and in the case of a firm or corporation, the names of the persons composing such firm or the officers of such corporation:
   Joni Westbrook - President
   Tad Westbrook -
6. Premise Address: 1005 S. 3rd St
   Laramie, WY 82070
7. Mailing Address (if different from above): _____
8. The amount of capital proposed to be used: _____
9. Have you complied with LMC 5.48.070 during the previous license term:
   ☑ Yes ☐ No ☐ N/A

**LMC 5.48.070 Registration of pawned articles.**

Every pawnbroker shall keep a book of pawn forms which shall be approved by the chief of police. The book shall be made with a stub, which shall be numbered consecutively and shall correspond in all essential particulars to the detachable pawn ticket attached thereto. The pawnbroker shall, at the time of the making any loan, enter upon the stub, as well as the pawn ticket, legibly and in ink, the following information:

A. Name, address and social security number of the pawner:
B. Birth date, sex, race, height, and weight of pawner;
C. Date and time of transaction;
D. Description of the property pawned;
E. Amount of money loaned to the pawner;
F. Interest rate and maturity date;
G. Signatures of pawnbroker and pawner;
H. Additional information as may reasonably be required by the chief of police;
I. The Pawner shall affix the print of the right index finger on the copy to be delivered to the police department at the time the pawn ticket and stub are signed. The pawnbroker shall deliver to the chief of police, every day, except Sunday before noon, a correct copy of all entries made in such stub book during the preceding business day. Such book shall be carefully preserved without alteration and shall at all times be open to the inspection of any law enforcement officer. (Prior code §20-13).

**Under penalty of perjury, and the possibility of cancellation of the license, I swear the above stated facts, are true and accurate. And I agree to comply with all City of Laramie, Wyoming and State of Wyoming laws. Dated this 20th day of April 2016.**

_____
Signature of Applicant

Police Department After review of this application, I make the following recommendations:

_____

_____

_____ Police Chief/Division Commander

City Clerk After review of this application, I make the following finding(s):

_____

_____ City Clerk

City Manager After review of this application, I make the following recommendation(s):

_____

_____ City Manager

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

**Agenda Item: Amendment**

**Title: Amendment to the Professional Engineering Services Agreement for Construction Oversight on the South Laramie Sewer Line Project**

**Recommended Council MOTION:**

"I move to amend the Professional Engineering Services Agreement between the City of Laramie and AMEC Environment & Infrastructure, Inc., by increasing the original contract amount of $383,867.00 by the amount of $52,131.92 for a not to exceed total of $435,998.92 and amend the budget in the amount of $2,255.52."

**Administrative or Policy Goal:**

City Council Goal – Maintain City-wide Infrastructure Improvement Program as Adopted in both the a) Water/Sewer (Red Oak) Study and b) Street Capital Plan

**Background:**

AMEC Environment & Infrastructure, Inc., now AMEC Foster Wheeler, and the City of Laramie entered into a professional engineering services agreement October 31st, 2013. The original scope of this agreement included the design of the South Laramie Sanitary Sewer Project; this scope was subsequently modified to add services associated with quality control and the quality assurance during the construction of the South Laramie Sanitary Sewer Project.

Construction of the South Laramie Sanitary Sewer Project was contracted to Simon Contractors on April 21st, 2015. The original substantial and final completion dates for this project were September 30th, 2015, and October 31st, 2015 respectively. There was a delay obtaining the required Union Pacific Railroad permits at the beginning of the project which adjusted the completion dates to December 4th, 2015, and January 4th, 2016.

Since the beginning of work the contractor has not been able to maintain a schedule to complete this project within the contract dates. The contractor is currently scheduled to complete the project 144 days after substantial completion. Due to this delay, we must extend the professional engineering services agreement with AMEC to cover the additional quality control and the quality assurance services needed.

**Legal/Statutory Authority:**

## BUDGET/FISCAL INFORMATION:

**REVENUE**

| Source | Amount | Type |
|---|---|---|
| Fees/Charges for Service | $500,000.00 | 510-8015-432-7340 |
| Grants for Projects | $350,000.00 | MRG - 11075 A1 |
| Grants for Projects | $1,728,250.00 | MRG - 11011 A1 |
| Loans on Project | $1,378,250.00 | CWSRF Loan #129 |
| Total | $3,956,500.00 | |

**EXPENSE**

Proposed Project Cost.

| Project Budget | | Amount | Funds |
|---|---|---|---|
| Project Cost | | $52,131.92 | |
| Loans on Project | | | |
| Grants for Project | | | |
| Other/Outside Projects | | | |
| City's Amount | | $52,131.92 | |
| Contingency | 0% | $0.00 | |
| Total Amount | | $52,131.92 | |

Amount spent to date (approved and adopted by Council)

| Budget | Amount | Funds |
|---|---|---|
| Total Budget Allocation | $3,956,500.00 | Grant and Loan |
| Less Amount Spent to Date | $3,489,965.60 | Simon Contractors Construction Contract |
| Less Amount Spent to Date | $391,337.00 | Design Contracts |
| Less Amount Spent to Date | $25,321.00 | UPRR Permits |
| Remainder of Budget | $49,876.40 | |

Proposed Cost (Approval of this item authorizes preparation of a budget revision for the proposed amount)

| Expenditures | Amount | Fund |
|---|---|---|
| Proposed Expenditure | $52,131.92 | |
| Current Budget | $49,876.40 | |
| Additional Amount Requested | $2,255.52 | WWF Reserves |
| Total Proposed Budget | $52,131.92 | |

**Responsible Staff:**

Earl Smith, P.E., Director of Public Works
Eric Jaap, P.E., City Engineer

Attachments:

AMEC Cover Letter
AMEC Change Order Request #4
South Laramie Amendment #1

April 22, 2016

City of Laramie
P.O. Box C
Laramie, WY 82073
Attention: Mr. Eric Jaap

**Re: Proposal for Additional CM-CA Professional Services for the South Laramie Sanitary Sewer Project**

Dear Mr. Jaap:

Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler) is pleased to submit this proposal to provide additional construction management and construction administration (CM-CA) services for the South Laramie Sanitary Sewer Project. These additional services are necessary to cover the extended construction period caused by the Contractor's slow execution of the construction.

In our opinion, most of the Contractor's delayed execution of this project can be attributed to the slow installation of the four bores required to install sewer mains under Union Pacific Railroad (two), I-80, and Highway 287, and decisions by the Contractor to work during winter conditions. The boring subcontractor had to re-tool and restart one of the UPRR bores, and left the project at one point to complete another job. With only one bore crew on site, much of the prime construction season in 2015 passed without activity on other portions of the work. Late in the season, the Contractor decided to start work on the upstream end of the project (Skyline Drive) while the bores were still being completed. This portion of the work was delayed when the Contractor's chosen location for connecting into the existing sewer line resulted in an unacceptable sump condition in a manhole, requiring a re-design of the sewer line in that area (at the Contractor's expense). The Contractor requested, and was granted approval by the City, for a winter shut-down of the project from mid-December through the end of March to avoid adverse weather conditions. However, the Contractor elected to continue working during this period, resulting in frequent stops and restarts due to weather, and difficult working conditions. Recent work has been slowed by additional moisture during spring storms and cooler temperatures during this time of year that prevent soils from drying out before being compacted back into the trench.

The original construction period was 162 calendar days for substantial completion, with a contract start date of April 21, 2015. The contractor currently projects a substantial completion date of June 24, 2016, which is a total of 430 calendar days from the original contract date. The Contractor has been granted 117 calendar days for delays out of their control (adverse weather, railroad permit delays, etc.), leaving a total of 313 calendar days for construction oversight services. This is 151 calendar days longer than the original construction schedule. We have been able to extend our current CM/CA budget beyond the original construction contract date by approximately 67 days, and have $23,519 remaining (through April 1, 2016). The amount requested for this amendment is the cost for CM/CA services from April 1, 2016 through June 24, 2016 plus another 2 weeks in case there are additional Contractor delays, then subtracting our remaining budget. As summarized in the table below, the resulting request is for an additional 98 days, or 14 weeks, of CM/CA services.

Amec Foster Wheeler
920 E. Sheridan St., Suite A
Laramie, WY 82070
Tel +1 (307) 460 3249

| Description | Calendar Days |
|---|---|
| Original construction period | 162 |
| Current estimated days for substantial completion | 430 |
| Subtracting contract days granted for adverse weather, other delays | 117 |
| Remaining calendar days for construction | 313 |
| Subtracting days of CM/CA services provided under current contract (through April 1, 2016) | 229 |
| Resulting additional days of CM/CA services required | 84 |
| Plus additional two weeks in event of further contractor delays | 14 |
| **Total days for this request** | **98** |

***Scope of Work:***

Amec Foster Wheeler's scope of work will include:

- Construction Management
  - Staff construction site to observe work, monitor site changes, and inspect materials;
  - Review of drawings, submittals, and tests submitted by Contractor;
  - Act as City Liaison with Contractor to interpret contract documents;
  - Providing written notice of defects in Contractor's work;
- Construction Administration
  - Document and administer change orders;
  - Review and process contractor payment requests;
  - Schedule and attend weekly progress meetings (12 meetings)
  - Report defective work and provide daily field reports and biweekly summaries
  - Maintain and produce as-built construction records
  - Inspect and prepare punch list
  - Conduct final inspection
  - Maintain and provide photograph file

Assumptions regarding Amec Foster Wheeler's scope of work:

- On-site construction observation effort is based on 9 hours per day for 14 weeks at 6 days per week, for a total of 84 working days. If construction exceeds 84 working days, or if additional observation per day is required, Amec Foster Wheeler will notify the City in writing to request additional funding.

***Compensation:***

Amec Foster Wheeler can complete the described scope of work for a fee of sixty-two thousand seven hundred sixty-one dollars ($62,761.00). A detailed breakdown of the fee is attached.

Please contact me at 307-460-3249 if you have any questions or if you need additional information. We look forward to working with you on the successful completion of this project.

Sincerely,

**Amec Foster Wheeler**
**Environment & Infrastructure, Inc.**

Aaron Murray, PE
Laramie Branch Manager

Amec Foster Wheeler
920 E. Sheridan St., Suite A
Laramie, WY 82070
Tel +1 (307) 460 3249

# Change Order

**No. 04**

Date of Issuance: 4/19/2016 Effective Date: 4/19/2016

| | | |
|---|---|---|
| Project: S. Laramie San. Sewer Ext. | Owner: City of Laramie | Owner's Contract No.: WWSLSL |
| Contract: S. Laramie Sanitary Sewer Extension Project | | Date of Contract: 10/31/2013 |
| Contractor: Amec Foster Wheeler | | Engineer's Project No.: 32710171 |

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: Provide additional construction management and construction administration services for period of 14 weeks to cover extended construction period due to Contractor delays.

Services will include: Staffing construction site to observe work (14 weeks, 6 days/week, 9 hours/day); Review of drawings, submittals, guarantees, tests, and approvals submitted by Contractor; Act as City Liaison with Contractor to interpret contract documents; Provide written notice of defects in Contractor's work; Document and administer change orders; Review and process contractor payment requests; Schedule and attend weekly progress meetings (12 meetings); Report defective work and provide daily field reports and biweekly summaries; Maintain and produce as-built construction records; Inspect and prepare punch list; Conduct final inspection; Observe testing and start-up; Maintain and provide photograph file.

Attachments: (List documents supporting change): Detailed fee estimate attached.

| **CHANGE IN CONTRACT PRICE:** | **CHANGE IN CONTRACT TIMES:** |
|---|---|
| Original Contract Price:<br>$353,867.00 | Original Contract Times: ☐ Working days ☐ Calendar days<br>Substantial completion (days or date): _____<br>Ready for final payment (days or date): _____ |
| [**Increase**] [Decrease] from previously approved Change Orders No. 01 to No. 03:<br>$ 19,460.92 | [Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:<br>Substantial completion (days): _____<br>Ready for final payment (days): _____ |
| Contract Price prior to this Change Order:<br>$ 373,327.92 | Contract Times prior to this Change Order:<br>Substantial completion (days or date): _____<br>Ready for final payment (days or date): _____ |
| [**Increase**] [Decrease] of this Change Order:<br>$ 62,671.00 | [Increase] [Decrease] of this Change Order:<br>Substantial completion (days or date): _____<br>Ready for final payment (days or date): _____ |
| Contract Price incorporating this Change Order:<br>$ 435,998.92 | Contract Times with all approved Change Orders:<br>Substantial completion (days or date): _____<br>Ready for final payment (days or date): _____ |

| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
|---|---|---|
| By: _____ | By: _____ | By: _____ |
| Engineer (Authorized Signature) | Owner (Authorized Signature) | Contractor (Authorized Signature) |
| Date: _____ | Date: _____ | Date: _____ |

Approved by Funding Agency (if applicable): _____ Date: _____



**Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.**

| Detailed Fee Estimate | | South Laramie Sanitary Sewer Extension Project - Additional CM/CA Change Order Request | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Project Manager Murray | Project Manager Williams | CM Jessen | Engineer Hininger | Admin Loya | AMEC Total Labor ($) | Subconsultants / Direct Costs | Total Cost |
| | Hourly Rate | $ 135.00 | $ 115.00 | $ 70.00 | $ 70.00 | $ 45.00 | | | |
| **TASK 6** | **Construction Management** | | | | | | | | |
| 6.1 | Review Contractor Insurance Certificates | | | | | | $ - | | $ - |
| 6.2 | Conduct Pre-Construction Conference | | | | | | $ - | | $ - |
| 6.3 | Review and Comment on Contractor Construction Schedule | | | | | | $ - | | $ - |
| 6.4 | Staff Construction Site to Observe Work, Monitor Site Changes, Inspect Materials (14 weeks, 6 days/wk, 9 hrs/day) | 80 | | 756 | | | $ 63,720 | | $ 63,720 |
| 6.5 | Conduct Onsite Observations of Work, Including Field Tests | | | | | | $ - | | $ - |
| 6.6 | Review Drawings, Submittals, Guarantees, Tests, and Approvals Submitted by Contractor | 24 | | | 16 | | $ 4,360 | | $ 4,360 |
| 6.7 | Act as City Liaison with Contractor to Interpret Contract Documents | 8 | | | | | $ 1,080 | | $ 1,080 |
| 6.8 | Provide Written Notice of Defects in Contractor's Work | 2 | | 2 | | | $ 410 | | $ 410 |
| 6.9 | Establish and Furnish Contractor with Necessary Baselines and Control Points | | | | | | $ - | | $ - |
| 6.1 | Coordinate Onsite Materials Testing Services | | | | | | $ - | | $ - |
| **Subtotal** | **Construction Management** | 114 | 0 | 758 | 16 | | $ 69,570 | $ - | $ 69,570 |
| **TASK 7** | **Construction Administration** | | | | | | | | |
| 7.1 | Document and Administer Change Orders | 4 | | | | | $ 540 | | $ 540 |
| 7.2 | Review and Process Contractor Payment Requests | 8 | | 8 | | | $ 1,640 | | $ 1,640 |
| 7.3 | Schedule and Attend Weekly Progress Meetings; Provide Minutes (12 meetings) | 12 | | 12 | | | $ 2,460 | | $ 2,460 |
| 7.4 | Report Defective Work and Provide Daily Field Reports and Biweekly Summaries | 4 | | 16 | 8 | | $ 2,220 | | $ 2,220 |
| 7.5 | Maintain and Produce As-Built Construction Records | 12 | | 8 | 40 | 16 | $ 4,980 | | $ 4,980 |
| 7.6 | Inspect and Prepare Punch List | | 4 | 8 | 4 | | $ 1,300 | | $ 1,300 |
| 7.7 | Conduct Final Inspection | | 6 | 6 | | | $ 1,110 | | $ 1,110 |
| 7.8 | Observe Testing and Start-up | | 2 | 4 | | | $ 510 | | $ 510 |
| 7.9 | Maintain and Provide Photograph File | 2 | | 8 | 16 | | $ 1,950 | | $ 1,950 |
| **Subtotal** | **Construction Administration** | 42 | 12 | 70 | 68 | | $ 16,710 | $ - | $ 16,710 |
| | **Total Hours** | **156** | **12** | **828** | **84** | | | | |
| | **Total Fee** | | | | | | **$ 86,280** | **$ -** | **$ 86,280** |
| | **Subtract Remaining Budget (as of 4/4/16)** | | | | | | | | **$ 23,519** |
| | **Total Change Order Request** | | | | | | | | **$ 62,761** |

amec foster wheeler
920 E. Sheridan St., Ste. A
Laramie, WY 82070
(307) 460-3249

**AMENDMENT NUMBER 1**
**TO CONTRACT FOR ADDITIONAL BUDGET**
**FOR SOUTH LARAMIE SANITARY SEWER PROJECT**

1. **Parties**. This Amendment is made and entered into this 18th day of April, 2016 by and between the City of Laramie, Wyoming, a Wyoming municipal corporation (hereinafter referred to as "City"), whose address is 406 Ivinson Street, Laramie, Wyoming 82070 and AMEC Environment and Infrastructure, Inc., (hereinafter referred to as "Consultant") whose address is 920 E. Sheridan Street, Laramie WY 82070.

2. **Purpose of Amendment**. This Amendment shall constitute Amendment Number 1 to the Agreement between City and Consultant which was duly executed on the 31st day of October 2013 to provide professional services related to the SOUTH LARAMIE SANITARY SEWER PROJECT. The purpose of this Amendment is to amend the scope of work to account for expenses associated with project quality management and quality assurance beyond the original contract completion dates. The amended scope adds Fifty-Two Thousand One Hundred Thirty One Dollars ($52,131.00) to the contract; creating a new revised total contract amount not to exceed Four Hundred Thirty-Five Thousand Nine Hundred Ninety-Eight Dollars and Ninety-Two Cents ($435,998.92).

3. **Same Terms and Conditions**. With the exception of items explicitly delineated in this Amendment and its attachments, all terms and conditions of the Original Contract and its amendments, shall remain unchanged and in full force and effect.

4. **Entirety of Amendment**. This Amendment, consisting of two (2) pages, represents the entire and integrated Amendment between the parties and supersedes all prior negotiations, representation, and agreements, whether written or oral.

**INTENTIONALLY LEFT BLANK**

IN WITNESS WHEREOF, the City of Laramie Public Works Department has caused this amendment to be signed and executed in its behalf by the Public Works Director, and duly attested by the Consultant who has signed and executed this Agreement, the day and year first written above.

CITY OF LARAMIE, WYOMING:

By: _____
Earl Smith
Public Works Director

**CONSULTANT:**

**AMEC Environment and Infrastructure Inc.**

By: _____

Witness WILLIAM WINKLER

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

**Agenda Item: Bid Award**

**Title: Consideration of Concurrence of Bid Award by WYDOT for the Bill Nye Avenue Improvement Project (Vista Drive to Boulder Drive)**

**Recommended Council MOTION:**

"I move to concur with an award of bid by WYDOT for the Bill Nye Avenue Improvement Project (Vista to Boulder) as provided in the Cooperative Agreement between WYDOT and the City of Laramie."

**Administrative or Policy Goal:**

Continue infrastructure improvement program for water, sewer, and streets.

**Background:**

On March 19, 2013, City Council approved a Cooperative Agreement with the Wyoming Department of Transportation for the Bill Nye construction project. The agreement commits the City to a contribution of 9.51% toward the project. The funding from the City is our contribution toward the project that includes street construction, curb, gutter, and sidewalk, along with water line improvements. The project is the top priority of the Urban Systems Advisory Committee (USAC), resulting in the construction of a new arterial between Vista Drive and Boulder Drive.

On April 14, 2016, WYDOT opened bids for the street reconstruction project. The bid results are very favorable and well within budget. Based upon the bid results, the City's total match for the street reconstruction project calculates to $358,723.00, which is $55,501.00 higher than the original estimate (2013).

**Legal/Statutory Authority:**

N/A

## BUDGET/FISCAL INFORMATION:

**REVENUE**

| Source | Amount | Type |
|---|---|---|
| Fees/Charges for Service | $600,000.00 | WF - Pumps & Wells 510-7015-461 79.00 |
| General Fund Revenue | $328,621.00 | MCCF 300-3315-410 73.20 |
| Loans on Project | | |
| Other | | |
| Total | $928,621.00 | |

Due to the amount of water line work associated with the project, a portion of the funding will be derived from the Water Fund, Pumps and Wells. The specific funding is for the work to relocate an existing pressure reducing station and associated piping. The Major Capital Construction Fund also includes funding for the project in the amount of $328,621.00.

The cost break down of the project is $250,000.00 attributed to the Water Fund and $108,723.00 to the Major Capital Construction Fund for a total of $358,723.00.

**EXPENSE**

Proposed Project Cost.

| Project Budget | Amount | Funds |
|---|---|---|
| Project Cost | $2,429,000.00 | As per Coop Agreement with WYDOT |
| City's Amount | $358,723.00 | Ex. B, Coop. Agreement |
| Total Amount | $2,429,000.00 | |

Amount spent to date (approved and adopted by Council)

| | | |
|---|---|---|
| Total Budget Allocation | $600,000.00 | WF - Pumps and Wells510-7015-461 79.00 |
| Total Budget Allocation | $328,621.00 | MCCF 300-3315-410 73.20 |
| Less Amount Spent to Date | $76,259.62 | |
| Remainder of Budget | $1,004,880.62 | |

## Responsible Staff:

Earl Smith, P.E., Public Works Director
Jason Moore, Project Manager

Attachments:

Exhibit B to WYDOT Coop Agreement

**EXHIBIT "B"**

Federal Project **STPU-LA-B151019**
Laramie Streets (Bill Nye Avenue)
Albany County

April 14, 2016

Costs were assembled by the State using bid tabulations calculated from the apparent low bid by Simon Contractors, on April 14, 2016

| | |
|---|---|
| Estimated Construction Costs | $ 2,429,000.00 |
| Preliminary Engr.(Expenditures to date) | 468,000.00 |
| Construction Engr.(10%) | 242,900.00 |
| State Maintenance Forces | 1,560.00 |
| Right-of-Way Acquisition (Expenditures to date) | 343,500.00 |
| Work by Others (Expenditures to date) | 266.00 |
| Total Direct Costs | $ 3,485,226.00 [1] |
| Indirect Cost Allocation Plan (ICAP)<br>(3,485,226)(0.0823) | 286,834.00 [2] |
| Total Project Costs<br>[1]+[2] | $ 3,772,060.00 [3] |

Funding Breakdown:

| | |
|---|---|
| WYDOT's Federal Aid Match:<br>(3,772,060)(0.9049) | 3,413,337.00 [4] |
| City's Match Portion:<br>(3,772,060)(0.0951) | 358,723.00 [5] |
| Total Project Costs<br>[4]+[5] | $ 3,772,060.00 |

***Written concurrence is required by Tuesday, April 19, 2016*** *two days prior to the Commission meeting on awarding the projects. A faxed copy of the concurrence letter will suffice* ***WITH THE ORIGINAL TO FOLLOW.***

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

| | |
|---|---|
| LARAMIE 1868 | **Agenda Item: Original Ordinance - 1st Reading**<br><br>**Title: Adoption of 2015 International Fire Code.** |

**Recommended Council MOTION:**
"that council approves the first (1st) reading of Original Ordinance # titled the Adoption of the 2015 International Fire Code (IFC)"

**Administrative or Policy Goal:**
To protect the health and safety of the public by regulating minimum fire safety requirements for new and existing buildings, facilities, storage and processes; and to regulate and govern the safeguarding of life and property from the fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

**Background:**
This ordinance will provide for the local adoption of the most recent fire code approved by the State of Wyoming Fire Marshal's Office and the Council on Fire Prevention and Electrical Safety in December of 2015. A work session was prepared and presented to the Laramie City Council in March of 2016 regarding the adoption of the 2015 IFC. Adoption of the IFC will include Appendices D, E, F, and G which were also adopted in the past. Appendix B refers to fire flow requirements, and was previously referenced by the City of Laramie Code of Ordinances.

**Legal/Statutory Authority: 15-1-119**

**Responsible Staff:** **Mark Doyle, Fire Marshal**
**Dan Johnson, Fire Chief**

Future dates are subject to change

| | |
|---|---|
| Work Session | March 22, 2016 |
| Advertised | Click here to enter a date. |
| Public Hearing Held | May 17, 2016 |
| Pub. Hearing Advertised | May 10, 2016 |
| Introduction/1st Reading | May 3, 2016 |
| 2nd Reading | May 17, 2016 |
| 3rd Reading | June 7, 2016 |
| | Click here to enter a date. |

Attachments:

**ORIGINAL ORDINANCE NO.** **INTRODUCED BY:_____**

**ENROLLED ORDINANCE NO.**

**AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL FIRE CODE WITH CERTAIN SPECIFIED EXCEPTION THERETO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF LARAMIE, WYOMING:**

- **15.24.040- Fire code.**

A.

International Fire Code.

1.

Adoption. The ~~2012~~ 2015 International Fire Code, including Appendix B, D, E, F, and G, is adopted by reference and has the same force and effect as though fully set forth in this chapter, except as specifically amended by this chapter. Copies of such codes are on file in the community development department. (Ord. 1466 § 102, 2005, Ord. 1538 § 332, 2008).

2.

****

3.

Section ~~102.6~~ 102.7 amended—Reference codes and standards.
Section ~~102.6~~ 102.7 of the International Fire Code is amended to read as follows:
The referenced National Fire Protection Association (NFPA) standards listed in Chapter 80 of the International Fire Code shall be the adopted standard for use within the jurisdiction. The most recently published edition of each individual NFPA standard listed in Chapter 80 shall be recognized as standards of good practice which may be enforced by the fire code official whenever other provisions of the code are, at the fire code official's discretion, inadequate or inapplicable to any situation involving the protection of persons and property from the hazards of fire or explosions. All references to the ICC Electrical Code shall be changed to the National Electrical Code as adopted and amended by this Chapter. (Ord. 1466 § 104, 2005, Ord. 1538 § 33, 2008).

4.

****

5.

Section ~~107.5~~ 107.6 amended—Overcrowding.
Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official or designee, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard shall be authorized to cause the event to be stopped until such condition or obstruction is corrected and/or a sworn police officer may issue a written citation of violation. (Ord. 1507 § 2, 2007).

6.

****

7.

****

8.

****

9.

Sections 507.3 and 507.5 amended—Fire flow and fire hydrant systems. Section 507.3 and 507.5 are amended to read as follows:

a.

****

b.

Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying their required fire flow. ~~Minimum standards for fire flow shall be as follows:~~

~~(i)~~

~~Zones I1, I2, IP, C2, AE, AV, DC and B2—4,000 gallons per minute~~

~~(ii)~~

~~Zones B1, LM, NB, O, and R3—3,000 gallons per minute~~

~~(iii)~~

~~Zones R1, R2, R2M, LR, AG, and RR—1,500 gallons per minute~~

~~(iv)~~

~~PUD—To be determined at the time of application for development.~~

c.

The number, type, and location of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street, approved fire apparatus access road, or on the site of the premises to be protected as required and approved by the fire chief or the fire code official. All hydrants shall be accessible to fire department apparatus from city streets or fire apparatus access roadways meeting the requirements of the ~~2012~~ 2015 International Fire Code Section 503 or ~~2012~~ 2015 IFC Appendix D

d.

****

.

(xiii)

Appendix Chapters B (Fire Flow Requirements for Buildings) and C (Fire Hydrant Locations and Distribution) of the International Fire Code and/or the Insurance Service office Commercial Grading Schedule shall be recognized as standards of good practice which may be enforced by the fire chief or the fire code official whenever other provisions of the code are, at the fire chief's discretion, inadequate or inapplicable to any situation involving the protection of persons and property from the hazards of fire or explosions. (Ord. 1466 § 109, 2005, Ord. 1538 § 35, 2008).

10.

Section ~~5304~~ 5304.1 amended—Storage of compressed gasses—Upright storage. Add Paragraph to Section 5304 to read as follows: Any storage of Compressed Natural Gas (CNG) is prohibited unless approved by the fire code official. (Ord. 1466 § 111, 2005).

11.

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12.

Section 5601.1 amended—Explosives and fireworks—Scope.
Add the following sentence to the end of Section 3301.1 to read as follows:
Provisions of Chapter 56 pertaining to fireworks shall extend to and be enforceable within the city limits ~~and up to two miles outside the city limits.~~ (Ord. 1466 § 113, 2005).

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IFC fines, penalties and fees.

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b.

The fire chief, subject to the approval of the city manager, shall establish a fee schedule as follows: repeated false alarms fifty dollars upon the third alarm; repeated reinspections fifty dollars upon the third visit; and repeated acceptance testing fifty dollars on the third visit. ~~Solid fuel appliance inspections outside of the city limits will have a one-hundred-dollar fee assessed per inspection~~.

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# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

**Agenda Item: Original Ordinance - 3rd Reading**

**Title: Original Ordinance No. 1941: An Ordinance Amending Title 15 of Laramie Municipal Code to Provide for an Effective Determination of Value for Rights-Of-Way Proposed for Vacation.**

**Recommended Council MOTION:**

Move to approve Original Ordinance No. 1941 on third and final reading, in accordance with findings of fact and conclusions of law, and to authorize the Mayor and Clerk to sign the ordinance.

**Administrative or Policy Goal:**

"… this code should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law. All city or citizen initiated amendments must be adequately vetted through the public hearing processes identified in the code." (Sec. 15.02.050, LMC)

**Background:**

This UDC amendment will address a longstanding concern with the methods by which the City has determined value for "paper" streets, alleys, and other rights-of-way. Currently, the UDC requires an appraisal of real-estate value for all rights-of-way proposed to be vacated – regardless of whether the right-of-way in question has ever actually been built and/or travelled by the general public.

Many of our right-of-way vacation requests are for thoroughfares that were never built in the past, do not exist now, and are not identified as needs in the future. Current code is set up so that the value of vacating a "real" street" – such as Lewis Street, let us say – is determined the same way as the value of an obscure right-of-way platted in the 19th Century, never constructed, and long forgotten since then.

The proposed amendment would set an effective value of zero for these "paper" streets and alleys. The logic is that a real-estate appraisal – especially commercial real-estate – is not a good instrument for determining value in such cases. A paper street is never a buildable tract of land on its own; its only value is for use as a right-of-way, utility easement, or similar specialized purpose. However, appraisers are obliged to value them on a per-square-foot basis, just as if they were ordinary building lots.

The proposed ordinance eliminates the appraisal requirement and would allow the City to convey these phantom rights-of-way for an effective value of zero. This is viewed as a win-win situation: One or more adjacent property owners gain useful property value, and the City eliminates a legal encumbrance that often does as much harm as good in terms of lost development opportunities and time-effort costs to staff and appointed or elected officials. The ordinance does provide for retention of utility easements in locations where current or future utility lines or facilities may be needed or desired.

Please note that this ordinance does not change appraisal requirements, nor the City's ability to receive value (cash or other consideration) for streets and alleys that have actually been built and used as thoroughfares. The ordinance would also not provide a "free" option in cases where a street has not yet been built, but is shown as needed in future on adopted plans (e.g., the Major Street Plan). Those would still be appraised, and compensation could be required, as per current code and practice.

Staff recommended approval of the ordinance as drafted to Planning Commission, and continues to recommend approval of the ordinance by City Council.

The Planning Commission reviewed this item in conjunction with a public hearing on February 22, 2016, and recommended approval (5 yes, 1 no, 1 absent).

The Planning Commission staff report is included. No changes have been made to the staff report since Planning Commission review.

*Update for 2nd Reading:* Council considered this item on March 15, 2016, and voted (9 yes, 0 no, 0 absent) to approve on first reading.

*Update for 3rd Reading:* Council considered this item on April 19, 2016, and voted (9 yes, 0 no, 0 absent) to approve on second reading.

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**Legal/Statutory Authority:**

- **Laramie Municipal Code: Title 15 (Unified Development Code)**
- **Wyoming State Statutes: Title 15, Chapter 4, Article 3: Property, Financial Affairs, Contracts, Streets, Subdivisions and Utilities**

## Responsible Staff:

Randy Hunt, Community Development Director: 721-5288

Future dates are subject to change

| | |
|---|---|
| Work Session | |
| Advertised | |
| Public Hearing Held | April 5, 2016 |
| Pub. Hearing Advertised | March 19, 2016 |
| Introduction/1st Reading | March 15, 2016 |
| 2nd Reading | April 19, 2016 |
| 3rd Reading | May 3, 2016 |
| | |

Attachments:

- Proposed Orig. Ord. No. 1941 [draft]
- Planning Commission Staff Report (Feb. 22, 2016)

ORIGINAL ORDINANCE NO.: 1941 INTRODUCED BY: Shuster
ENROLLED ORDINANCE NO.: _____

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE TO PROVIDE FOR AN EFFECTIVE DETERMINATION OF VALUE FOR RIGHTS-OF-WAY PROPOSED FOR VACATION.

WHEREAS, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which lists as one of its recommendations to create a unified development code that would combine the zoning and subdivision ordinances in into a single, unified document consisting of multiple parts or sections, including administrative procedures, zoning, subdivision regulations and improvement standards.

WHEREAS, on June 22, 2009 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of the Unified Development Code subject to modifications;

WHEREAS, on March 2, 2010 the City Council adopted the unified development code with an effective date of July 1, 2010.

WHEREAS, 15.02.050 of the Laramie Municipal Code (LMC) calls for the Unified Development Code to be amended from time to time so as to become or remain consistent with the Comprehensive Plan, and should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law.

WHEREAS, there exist certain rights-of-way and public access easements in the City that have been dedicated as such, but have never been built nor maintained at public expense for public-transportation purposes.

WHEREAS, certain of such rights-of-way and public access easements are not shown or identified as present or future necessary thoroughfares on any adopted or approved plan effective in the City of Laramie, nor shown or identified on any approved and active preliminary subdivision plat.

WHEREAS, it is the determination of the City Council that past, present or future construction or maintenance of such rights-of-way and public access easements are not determined necessary, and therefore they are unlikely to have any determinate fiscal value to the public as identified public thoroughfares.

WHEREAS, requiring compensation to the City in connection with vacation of such rights-of-way or public access easements would not be coherent with determination of value at or close to zero (0) to the public.

WHEREAS, on February 22, 2016, the Laramie Planning Commission affirmatively voted to

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recommend to the Laramie City Council adoption of amendments to the Unified Development Code as shown in this ordinance;

WHEREAS, the Laramie City Council held a public hearing on April 5, 2016, to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1.** That LMC 15.06.060.W.3.b [**Vacations, Public Ways: Procedures: Step 2]** be **amended** to read as follows:

**b. Step 2: Application Submission, Contents, and Fees**

Applicable pursuant to subsection 15.06.030.B.

The following additional information shall be included:

**(i)** Written comments from the appropriate utilities and other public entities affected by the proposed vacation; and

**(ii)** For proposed vacations that do not meet criteria for valuation at zero (0) in Sec. 15.06.060.W.4: A current appraisal of the fair market value of the land to be vacated, by a state certified and licensed appraiser, to be used in arriving at the determination of the value to be paid by the petitioner in compensation for the vacation of the properties.

**Section 2.** That LMC 15.06.060.W.3.e [**Vacations, Public Ways: Procedures: Step 5]** be **amended** to read as follows:

**a. Step 5: Action by Review and Decision-Making Bodies**

Applicable. The following additional procedures shall apply.

**(i) Planning Commission Public Hearing**

The planning commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application.

**(ii) City Council Public Hearing**

The city council shall hold a public hearing and shall approve, approve with conditions, postpone, or deny the proposed public way vacation. Approval or approval with conditions shall be by adoption of an ordinance. The city council may require compensation for the land requested for vacation, provided that a valuation of greater than zero (0) has been determined by an appraisal that is required under Secs.

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15.06.060.W.3 and 15.06.060.W.4. Upon approval of the ordinance, the mayor is authorized to convey the properties so vacated to the abutting property owners accordingly by quitclaim deed.

**Section 3.** That LMC 15.06.060.W.4 [**Vacations, Public Ways: Valuation of Existing Rights-of-Way and Public Access Easements]** be **created** to read as follows:

**4. Valuation of Existing Rights-of-Way and Public Access Easements**

a. For purposes of vacation of rights-of-way and public access easements that meet all of criteria (i) through (iii), the valuation of the property is herein determined and declared to be zero (0), and no appraisal of value shall be required in connection with vacating said rights-of-way and public access easements:

(i) The right-of-way or public access easement is not, and has not been during the thirty (30) year period preceding the vacation application, built or maintained as a public-access thoroughfare by the city or other public street-maintenance authority; and

(ii) The right-of-way or public access easement is not shown on any currently effective plan adopted or approved by the city or the state of Wyoming, and is not shown on any city-approved and active preliminary subdivision plat.

(iii) The vacation of such right-of-way or easement shall not result in lots with no frontage on a public street, highway or a marginal access street.

**b.** Existing right-of-way and public access easements that do not meet all of criteria (i) through (iii) shall be required to provide an appraisal meeting the requirements of Sec. 15.06.060.W.3.b(ii) prior to city council consideration of a vacation request for same.

**c.** Nothing in this section shall preclude the ability of the city to retain, at no additional compensation cost to any party, a public utility easement within the right-of-way or public access easement vacated according to the procedures herein.

**Section 4.** That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this _____ day of _____, 2016.

_____
David A. Paulekas, Mayor and President of the City Council

Attest:_____
Angie Johnson
City Clerk

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| | |
|---|---|
| First Reading: | March 15, 2016 |
| Public Hearing: | April 5, 2016 |
| Second Reading: | April 19, 2016 |
| Third Reading and Final Action: | May 3, 2016 |

Duly published in the *Laramie Boomerang* this _____day of _____, 2016.

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**LARAMIE PLANNING COMMISSION**
**FEBRUARY 22, 2016**
**STAFF REPORT**

| | |
|---|---|
| **FILE:** | **TA-16-01: Providing for an Effective Determination of Value for Rights-of-Way Proposed for Vacation.** |
| **REQUEST:** | An amendment to Chapter 15.06 of the Unified Development Code to provide for an effective determination of value for rights-of-way proposed for vacation. |
| **APPLICANT:** | City of Laramie |
| **PURPOSE:** | To allow rights-of-way and public access easements that meet certain criteria to be assigned a value of zero (0), and thus to be vacated without requiring an appraisal or compensation |
| **PREPARED BY:** | Randy Hunt, AICP, Community Development Director |

**STAFF RECOMMENDATION:**

Move to recommend that the City Council **approve** an amendment to Title 15 (Unified Development Code) of the Laramie Municipal Code as shown in Attachment A, to provide for an effective determination of zero value for certain rights-of-way proposed for vacation, provided such rights-of-way meet specified conditions as stated in UDC.

**APPLICABLE CODE SECTION(S):**

Text Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

- Laramie Municipal Code Title 15, Unified Development Code
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan

**BACKGROUND AND SUMMARY:**

The present proposal is initiated by the City of Laramie as part of the continual effort to keep the Unified Development Code (UDC) in step with current practice, and as a reflection of information gleaned from experience with the UDC since its adoption in 2010.

Vacations:

The issue in this case is the vacation process, and specifically the UDC's requirement that all vacation proposals be accompanied by an appraisal of value.

As the Commission is aware, "vacation" is the technical term for removing the public-use dedication element from a right-of-way or easement. In effect, that vacation procedure turns public land into ordinary real estate. (There are others types of vacations in land-use regulations, none of which happen to involve palm trees or drinks with little umbrellas – and none of which need concern us at the moment.)

This amendment removes the requirement to provide an appraisal in conjunction with certain vacation requests, provided the right-of-way or easement meets specific criteria. The appraisal requirements can cost applicants several thousands of dollars and can add months to a development process. Removal of this requirement will remove what is sometimes viewed as a potential barrier.

Paper Streets and Alleys:

The City has publicly dedicated rights-of-way, and (less commonly) access easements, in all areas of town. Most of these are "real" streets or alleys, meaning that they are surfaced with some sort of durable material and are travelled by the general public. However, some areas – especially older sections of the City – have rights-of-way that were created at some point by a written, recorded legal instrument (e.g., subdivision plat), but never built or improved. Many refer to these as "paper" streets or alleys, for obvious reasons – they exist literally on a piece of paper, not on the ground.

Many such paper rights-of-way fall into the "it seemed like a good idea at the time…" category. That is, a plat or similar instrument may have been approved with one or more rights-of-way in logical places to provide access to the platted lots. Subsequently, the lots may have been developed with completely different road networks. (As odd as that seems now, it was common practice in Laramie as recently as the early 2000s.)

The results of this *laissez-faire* approach to land development left us with paper streets that have no corresponding existence on the ground. Many have parking lots, fences, and even buildings constructed across them, making it unlikely that they will ever be improved. Often, even in cases where they are open and unobstructed, paper streets or alleys are not needed today, as nearby streets provide equal or better accessibility.

Public streets and alleys belong to the public, whether built or not. As the City has come to realize, letting private parties build across public property can be a pretty bad idea. In recent years, vacating a phantom right-of-way has been required before land can be developed around and within it. A significant number of these paper rights-of-way streets have emerged as barriers to development.

History:

Although Wyoming state law has provided for vacation for many years, our municipal code before UDC did not give much guidance on how to deal with paper streets and alleys. In particular, it was unclear under what circumstances the City would charge adjacent owner(s) for, in effect, buying the

real estate in a street or alley. It has also been unclear how to evaluate the property in such cases. A real-estate appraisal is the traditional method for assigning property value; but oftentimes, it appears appraisals were not done, whether or not money exchanged hands between City and buyer.

The UDC attempted to remedy this ambiguity, with partial success. UDC (§15.06.060.W – Vacations, Public Ways) tried to fix the problem by requiring all vacation requests to include an appraisal, supplied by the applicant, which City Council could then use to determine whether and how much to charge for the property. This was partially successful because it at least included a standard way to determine value.

However, appraisals themselves have not been well accepted by either the buyer or the seller when it comes to streets. Appraisals do not always seem to effectively capture value for long, narrow slivers of land, sometimes with buildings or other improvements across them.

City Council and City staff held a work session on this topic approximately two years ago. At that time, among other ideas on how to fix the problem, it was suggested that rights-of-way meeting certain criteria need not be required to sell for cash value. Two criteria for a possible no-charge sale were: (a) the right-of-way had never been built or maintained with public funds; and (b) it was not shown as a needed link in the street network on any City-adopted plans or plats.

This leads us to recent months. Several vacation requests have been filed over the past year or two, and some already approved, for paper streets or alleys. Approaches to valuation and payment have varied. Some have been more difficult than others, but none have been simple.

Canaries and Coal Mines:

As the Commission has heard from staff before, repeated requests for similar actions – especially including actions that never seem to have clear, uniform solutions – are our “canaries in the coal mine.” When the same sort of problem with the UDC keeps cropping up, perhaps the UDC is the problem, rather than the requests.

UDC trouble is not always the reason, by any means. Sometimes canaries die because they are sick for other reasons, and would keel over just as fast if they were in a birdie paradise instead of a coal mine. And sometimes proposals run into trouble because the UDC is promoting an inconvenient but necessary public good. All the same, symptoms are important and should be diagnosed.

Staff Recommendation:

Staff’s judgment, and recommendation to the Commission, is that appraising and charging for a paper right-of-way that’s determined unnecessary for transportation purposes – past, present, and future – is often not in any party’s best interest.

The “past, present, and future” test is vital here. If a right-of-way through or next to a property has lain quietly unnoticed for years or decades with no members of the public driving, riding or walking over it, it’s harder to say that it serves a valued or valuable purpose. Sometimes even a quietly unnoticed right-of-way may be identifiably useful in the future. If so, it ought to be shown on an active plan or plat of the City.

If a right-of-way hasn't been used, has no present-day purpose, and isn't shown as needed in the future, that likely means one of two things: (a) the public has no need to hang onto it; or (b) our plans and our planning aren't as good as they ought to be. Hopefully, the answer is never going to be (b).

It is staff's proposal that UDC §15.06.060.W be amended such that paper rights-of-way meeting the "no past, present, and future" test be relinquished for zero compensation to the City. This also eliminates the need for an appraisal.

Postscript, re Streets That Are Really There:

It should be noted that this amendment has no effect on rights-of-way that are already built and are in public use. Vacating part or all of a "regular" City street or alley and conveying it to an adjacent owner is almost inevitably removing something from the public that has real, definable value. Doing so should not happen without some identified compensatory consideration. Staff is not proposing to change that with this amendment.

**PUBLIC COMMENTS:**

This amendment was legally advertised in the *Laramie Boomerang* on February 6, 2016. Staff has received no comments regarding this proposed amendment to the UDC.

**FINDINGS OF FACT:**

The amendment is found to be in accordance with substantive and procedural requirements and necessities in City of Laramie code and best planning practice.

**CONCLUSIONS OF LAW:**

The amendment is proceeding in accordance with applicable law, including LMC Title 15 and W.S. 15-5-600 *et seq.*

**RECOMMENDED MOTION:**

Move to recommend that the City Council **approve** an amendment to Title 15 (Unified Development Code) of the Laramie Municipal Code as shown in Attachment A, to provide for an effective determination of zero value for certain rights-of-way proposed for vacation, provided such rights-of-way meet specified conditions as stated in UDC.

**ATTACHMENT:**

Proposed Amendment to Subsection 15.06.060.W (Attachment A)

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

| | |
|---|---|
| LARAMIE 1868 | **Agenda Item: Original Ordinance - 3rd Reading**<br><br>**Title: Original Ordinance No. 1942 amending Title 15 of Laramie Municipal Code for the purposes of allowing "Hotels and motels" as a Permitted Use in the C2 District, allowing "Light industrial" as a Permitted Use in the I2 District and correcting typographical errors in LMC 15.10.010 and 15.14.010.B.** |

**Recommended Council MOTION:**

Move to approve Original Ordinance No. 1942 on third reading, in accordance with findings of fact and conclusions of law; and authorize the Mayor and Clerk to sign the ordinance.

**Administrative or Policy Goal:**

"… this code should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law. All city or citizen initiated amendments must be adequately vetted through the public hearing processes identified in the code." (Sec. 15.02.050, LMC)

**Background:**

The present amendment is initiated by the City of Laramie as part of the continual effort to keep the Unified Development Code (UDC) accurate, correct concerns, and remove potential avenues of confusion. The proposed amendments identify uses that were inadvertently omitted from the recent Use Table amendments ("Hotels and motels" and "Light industrial") and resolve several incorrect cross-references regarding applicability with development standards.

Staff recommended approval of the ordinance as drafted to Planning Commission, and continues to recommend approval of the ordinance by City Council.

The Planning Commission reviewed this item in conjunction with a public hearing on February 22, 2016, and recommended approval (6 yes, 0 no, 1 absent).

The City Council unanimously approved this Ordinance at first reading on March 15, 2016. (9 yes, 0 no). The City Council unanimously approved this Ordinance at second reading on April 19, 2016. (9 yes, 0 no).

The Planning Commission staff report is included. No changes have been made to the staff report since Planning Commission review. Copies of all relevant ordinances mentioned in the Planning Commission staff report are available online at www.cityoflaramie.org/ordinances.

**Legal/Statutory Authority:**

- Laramie Municipal Code: Title 15 (Unified Development Code)
- Wyoming State Statutes: Title 15, Chapter 4, Article 3: Property, Financial Affairs, Contracts, Streets, Subdivisions and Utilities

## Responsible Staff:

Randy Hunt, AICP, Community Development Director: 721-5288

Charles Bloom, AICP, Principal Planner

Attachments:

- Proposed Ordinance
- Planning Commission Staff Report (Feb. 22, 2016)

Future dates are subject to change

| | |
|---|---|
| Work Session | N/A |
| Advertised | N/A |
| Public Hearing (PH) Held | April 5, 2016 |
| PH Advertised | March 19, 2016 |
| Introduction/1st Reading | March 15, 2016 |
| 2nd Reading | April 19, 2016 |
| 3rd Reading | May 3, 2016 |

ORIGINAL ORDINANCE NO.: 1942 INTRODUCED BY: Shuster
ENROLLED ORDINANCE NO.: _____

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE FOR THE PURPOSES OF ALLOWING "HOTELS AND MOTELS" AS A PERMITTED USE IN THE C2 DISTRICT, ALLOWING "LIGHT INDUSTRIAL" AS A PERMITTED USE IN THE I2 DISTRICT AND CORRECTING TYPOGRAPHICAL ERRORS IN LMC 15.10.010 AND 15.14.010.B.

WHEREAS, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which lists as one of its recommendations to create a unified development code that would combine the zoning and subdivision ordinances in into a single, unified document consisting of multiple parts or sections, including administrative procedures, zoning, subdivision regulations and improvement standards;

WHEREAS, on June 22, 2009 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of the Unified Development Code subject to modifications;

WHEREAS, on March 2, 2010, the City Council adopted the Unified Development Code with an effective date of July 1, 2010;

WHEREAS, 15.02.050 of the Laramie Municipal Code (LMC) calls for the Unified Development Code to be amended from time to time so as to become or remain consistent with the Comprehensive Plan, and should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law;

WHEREAS, on February 22, 2016 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of amendments to the Unified Development Code as shown in this ordinance;

WHEREAS, on December 7, 2014, the City Council Approved Enrolled Ordinance 1671 amending Chapter 15.06 (Procedures), Chapter 15.14 (Development Standards), Chapter 15.18 (Improvements), renaming the Design Review Process to Site Plan Review Process, and correcting typographical errors within Title 15;

WHERAS, on October 6, 2015 the City Council approved Enrolled Ordinance No. 1690 amending the Use Table (Table 15.10-1);

WHEREAS, typographical errors consisting of incorrect cross-references have been found in LMC 15.10.010 and LMC 15.14.010.B and need correction; and

WHEREAS, the Laramie City Council held a public hearing on April 5, 2016 to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1.** That Table 15.10-1 shown in LMC 15.10.000.E is **amended** as to allow the following as a permitted use in the C2 District: "Hotels and motels";

**Section 2.** That Table 15.10-1 shown in LMC 15.10.000.E is **amended** as to allow the following as a permitted use in the I2 District: "Light industrial";

**Section 3.** That LMC 15.10.010 be **amended** to read as follows: "LMC 15.10.000.E identifies separate Use Categories within Table 15.10-1. Each "Use Category" of Table 15.10-1 is hereby categorized into Use Levels as shown in Table **15.10-2**~~15.14-1~~, Use Levels. Change of Use outside of the existing Use Level requires conformance with the development standards of this chapter as indicated in **LMC 15.14.010.B.4** ~~subsections a. and b. below.~~";

**Section 4.** That LMC Table 15.14-1 shown in LMC 15.10.010 shall be **renamed** to "Table 15.10-2";

**Section 5.** That LMC 15.14.010.B.4.a be **amended** to read as follows: "Change of Use within each use level as shown in Table **15.10-2 of subsection 15.10.010** ~~15.14-1 above~~ shall not require mandatory compliance with the development standards of chapter 15.14 this code. For example, a change of use from a Financial Institution (Level 6 - Financial Service) to a Clothing Store (Level 6 –Retail) shall not require compliance with the development standards of chapter 15.14 this code.";

**Section 6.** That LMC 15.14.010.B.4.b be **amended** to read as follows: "Change of Use between adjacent levels as shown in Table **15.10-2 of subsection 15.10.010** ~~15.14-1 above~~ shall require compliance with 15.14.050.F, Site Perimeter Landscaping, for all adjacent street frontages. For example, A change of Use from a Clothing Store (Level 6 –Retail) to a Restaurant (Level 7 – Food and Beverage Services) shall require compliance with 15.14.050.F, Site Perimeter Landscaping, for all adjacent street frontages –internal landscaping, and site perimeter landscaping not adjacent to rights-of-way shall not be required.";

**Section 7**. That LMC 15.14.010.B.4.c be **amended** to read as follows: "Change of Use differing by 2 or more levels as shown in Table **15.10-2 of subsection 15.10.010** ~~15.14-1 above~~ shall require full compliance with the development standards of this code. For example, A change of Use from a Clothing Store (Level 6 –Retail) to a Wholesale Business (Level 8 - Wholesale Business) shall require full compliance with the development standards of this chapter, including but not limited to parking, landscaping, and screening."; and

**Section 8**. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this _____ day of _____, 2016.

_____
David A. Paulekas, Mayor and President of the City Council

Attest:_____
Angie Johnson
City Clerk

First Reading: March 15, 2016
Public Hearing: April 5, 2016
Second Reading: April 19, 2016
Third Reading and Final Action: May 3, 2016

Duly published in the *Laramie Boomerang* this _____day of _____, 2016.

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**LARAMIE PLANNING COMMISSION**
**FEBRUARY 22, 2016**
**STAFF REPORT**

| | |
|---|---|
| **FILE:** | **TA-16-02 Amending the Use Table and Correcting Typographical Errors** |
| **REQUEST:** | An amendment to Chapters 15.10 and 15.14 of the Unified Development Code allowing "Hotels and Motels" as a Permitted Use in the C2 District, allowing "Light industrial" as Permitted Use in the I2 District and correcting typographical errors in LMC 15.10.010 and 15.14.010.B |
| **APPLICANT:** | City of Laramie |
| **PURPOSE:** | To allow "Hotels and Motels" as Permitted Uses in the C2 District, allow "Light industrial" as Permitted Uses in the I2 District and correct incorrect cross-references within the Unified Development Code. |
| **PREPARED BY:** | Charles W. Bloom, AICP, Principal Planner |

**RECOMMENDED MOTION:**

Move to recommend that the City Council **approve** amendments to Title 15 (Unified Development Code) of the Laramie Municipal Code for the purposes of allowing "Hotels and Motels" as a Permitted Use in the C2 District, allowing "Light industrial" as Permitted Use in the I2 District and correcting typographical errors in LMC 15.10.010 and 15.14.010.B as recommended by staff.

**APPLICABLE CODE SECTION(S):**

Text Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

- Laramie Municipal Code Title 15, Unified Development Code
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan

**BACKGROUND AND SUMMARY:**

The present amendment is initiated by the City of Laramie as part of the continual effort to keep the Unified Development Code (UDC) accurate, correct concerns, and remove potential avenues of confusion. The proposed amendments identify a use that was inadvertently omitted from the recent Use Table amendments and resolve several incorrect cross-references regarding applicability with development standards. Copies of all relevant ordinances mentioned in this staff report are available online at www.cityoflaramie.org/ordinances.

Typographical Errors

On December 7, 2014, the City Council Approved Enrolled Original Ordinance No. 1904 (Enrolled Ordinance No. 1671). This amendment package was quite large, consisting of 14 specific line item amendments and five attachments, all of which targeted multiple sections of Code. These proposed amendments addressed issues identified in Attachments B and C of the Ordinance. Attachments B and C were specifically drafted to complement a new Site Plan Review process and to define when specific development requirements were applicable in conjunction with development that resulted in a change of use (e.g., clothing store to a restaurant).

During early staff drafts of the Ordinance "Use Levels" table presently found in LMC 15.10.010 was proposed to be in LMC Chapter 15.14. Prior to Planning Commission recommendation and subsequent City Council adoption, City staff and the Laramie Economic Development Corporation's UDC subcommittee determined it would be better to relocate the "Use Levels" table to its present location in LMC 15.10.010. The table was successfully relocated, however corrections to the prior references were inadvertently not made.

The proposed amendments in this document correct the incorrect cross-references and will not alter or change current City procedures or policies related to development requirements in conjunction with development.

Hotels, Motels, and Light Industrial

On October 6, 2015 the City Council approved Original Ordinance No. 1927 (Enrolled Ordinance No. 1690) amending the Use Table (Table 15.10-1). A major component of the Use Table amendments was to allow more uses to expand the uses in various zone districts. In the C2 (Commercial) District the intent was to allow more retail, restaurant and complementing uses as Permitted Uses in the district.

During meetings regarding the Use Table amendments, a rezoning request to C2 Commercial was also under consideration. During one of the readings of Original Ordinance 1927 a City Council member pointed out that the proposed amendments continued to require "Hotels and motels" obtain Conditional Use Permit approval in the C2 District. Staff indicated that this should be changed and that they would bring a revision allowing "Hotels and motels" as a Permitted Use within the C2 District forward with upcoming revisions. This amendment proposes to allow "Hotels and motels" as Permitted Uses in the C2 District.

Staff also evaluated the remainder of the Use Table and identified a perceived omission in the 2015 amendment package which required "Light industrial" uses be subject to Conditional Use Permit approval in the I2 (Industrial) District. The "Light industrial" use is a Permitted Use in the less intense I1 (Limited Industrial) District and subject to Conditional Use Permit approval in the C2 District. LMC Chapter 15.28 defines "Light industrial" uses as "manufacturing, processing, storage transportation, construction, repair and wholesale uses including but not limited to: general building contractors; special trade contractor; food products including liquor distributors except meat products; textiles and apparel; lumber and weed products; furniture and fixtures; paper products except mills; printing and publishing; drugs; leather and leather products except tanning and finishing; fabricated metal; and office and computing machines." The "Light industrial" use is very similar to the "Light Manufacturing

or Processing" use that is a Permitted Use in the I2 District. This amendment proposes to allow "Light industrial" as a Permitted Use in the I2 District.

**PUBLIC COMMENTS:**

This amendment was legally advertised in the Laramie Boomerang on February 6, 2016. Staff has received no comments regarding this proposed amendment to the UDC.

**FINDINGS OF FACT:**

The amendment is found to be in accordance with substantive and procedural requirements and necessities in City of Laramie code and best planning practice.

**CONCLUSIONS OF LAW:**

The amendment is proceeding in accordance with applicable law, including LMC Title 15.

**STAFF RECOMMENDATION:**

Move to recommend that the City Council **approve** amendments to Title 15 (Unified Development Code) of the Laramie Municipal Code for the purposes of allowing "Hotels and Motels" as a Permitted Use in the C2 District, allowing "Light industrial" as Permitted Use in the I2 District and correcting typographical errors in LMC 15.10.010 and 15.14.010.B as shown in Attachment A.

**ATTACHMENTS:**

1. Proposed Ordinance

ORIGINAL ORDINANCE NO.: _____ INTRODUCED BY:
ENROLLED ORDINANCE NO.: _____

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE FOR THE PURPOSES OF ALLOWING "HOTELS AND MOTELS" AS A PERMITTED USE IN THE C2 DISTRICT, ALLOWING "LIGHT INDUSTRIAL" AS PERMITTED USE IN THE I2 DISTRICT AND CORRECTING TYPOGRAPHICAL ERRORS IN LMC 15.10.010 AND 15.14.010.B.

WHEREAS, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which lists as one of its recommendations to create a unified development code that would combine the zoning and subdivision ordinances in into a single, unified document consisting of multiple parts or sections, including administrative procedures, zoning, subdivision regulations and improvement standards;

WHEREAS, on June 22, 2009 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of the Unified Development Code subject to modifications;

WHEREAS, on March 2, 2010, the City Council adopted the Unified Development Code with an effective date of July 1, 2010;

WHEREAS, 15.02.050 of the Laramie Municipal Code (LMC) calls for the Unified Development Code to be amended from time to time so as to become or remain consistent with the Comprehensive Plan, and should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law;

WHEREAS, on _____, the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of amendments to the Unified Development Code as shown in this ordinance;

WHEREAS, on December 7, 2014, the City Council Approved Enrolled Ordinance 1671 amending Chapter 15.06 (Procedures), Chapter 15.14 (Development Standards), Chapter 15.18 (Improvements), renaming the Design Review Process to Site Plan Review Process, and correcting typographical errors within Title 15;

WHERAS, on October 6, 2015 the City Council approved Enrolled Ordinance No. 1690 amending the Use Table (Table 15.10-1);

WHEREAS, typographical errors consisting of incorrect cross-references have been found in LMC 15.10.010 and LMC 15.14.010.B and need correction; and

WHEREAS, the Laramie City Council held a public hearing on_____ to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1.** That Table 15.10-1 shown in LMC 15.10.000.E is **amended** as to allow the following as a permitted use in the C2 District: "Hotels and motels";

**Section 2.** That Table 15.10-1 shown in LMC 15.10.000.E is **amended** as to allow the following as a permitted use in the I2 District: "Light industrial";

**Section 3.** That LMC 15.10.010 be **amended** to read as follows: "LMC 15.10.000.E identifies separate Use Categories within Table 15.10-1. Each "Use Category" of Table 15.10-1 is hereby categorized into Use Levels as shown in Table **15.10-2**~~15.14-1~~, Use Levels. Change of Use outside of the existing Use Level requires conformance with the development standards of this chapter as indicated in **LMC 15.14.010.B.4** ~~subsections a. and b. below.~~";

**Section 4.** That LMC Table 15.14-1 shown in LMC 15.10.010 shall be **renamed** to "Table 15.10-2";

**Section 5.** That LMC 15.14.010.B.4.a be **amended** to read as follows: "Change of Use within each use level as shown in Table **15.10-2 of subsection 15.10.010** ~~15.14-1 above~~ shall not require mandatory compliance with the development standards of chapter 15.14 this code. For example, a change of use from a Financial Institution (Level 6 - Financial Service) to a Clothing Store (Level 6 –Retail) shall not require compliance with the development standards of chapter 15.14 this code.";

**Section 6.** That LMC 15.14.010.B.4.b be **amended** to read as follows: "Change of Use between adjacent levels as shown in Table **15.10-2 of subsection 15.10.010** ~~15.14-1 above~~ shall require compliance with 15.14.050.F, Site Perimeter Landscaping, for all adjacent street frontages. For example, A change of Use from a Clothing Store (Level 6 –Retail) to a Restaurant (Level 7 – Food and Beverage Services) shall require compliance with 15.14.050.F, Site Perimeter Landscaping, for all adjacent street frontages –internal landscaping, and site perimeter landscaping not adjacent to rights-of-way shall not be required.";

**Section 7**. That LMC 15.14.010.B.4.c be **amended** to read as follows: "Change of Use differing by 2 or more levels as shown in Table **15.10-2 of subsection 15.10.010** ~~15.14-1 above~~ shall require full compliance with the development standards of this code. For example, A change of Use from a Clothing Store (Level 6 –Retail) to a Wholesale Business (Level 8 - Wholesale Business) shall require full compliance with the development standards of this chapter, including but not limited to parking, landscaping, and screening."; and

**Section 8**. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this _____ day of _____, 2016.

_____
David A. Paulekas, Mayor and President of the City Council

Attest:_____
Angie Johnson
City Clerk

First Reading: March 15, 2016
Public Hearing: April 4, 2016
Second Reading: April 4, 2016
Third Reading and Final Action: April 18, 2016

Duly published in the *Laramie Boomerang* this _____day of _____, 2016.

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

**Agenda Item: Bid Award**

**Title: Award of Bid for the Linford School/West Laramie Drainage Project and Authorize the Mayor and Clerk to Sign the Contract**

## Recommended Council MOTION:

"I move to award the bid for the Linford School/West Laramie Drainage Improvements Project to Hamaker Excavation, Inc., Laramie, WY in the amount of $2,462,799.13 along with contingency of $246,279.91 for a total amount of $2,709,079.04 and authorize the Mayor and Clerk to sign the contract."

## Administrative or Policy Goal:

Previous Council Goal: Continue West Laramie Infrastructure Improvement Program for Streets and Storm Water System (Prioritize Area around Linford School)

## Background:

According to City Council goals in prior years, staff worked with AMEC Foster Wheeler to complete a project design to improve the streets and storm drainage system in the area around the Linford School and adjacent areas of West Laramie. The extent of the proposed improvements include:

- Wyoming Avenue from Highway 130 through Johnson Street
- Grant Street from Jefferson Street to Wyoming Avenue
- Johnson Street from Wyoming Avenue through Monroe Street
- Jefferson Street from Johnson Street through Colorado Avenue
- Colorado Avenue from Jefferson Street through Monroe Street

Bids for the Linford School/West Laramie Drainage Improvement Project were opened on April 19th, 2016, with results as follows:

| Company | Bid |
|---|---|
| Hamaker Construction Inc. | $2,462,799.13 |
| Simon Contractors | $2,630,165.84 |

Through the development of this project, the City worked closely with the Albany County School District (ACSD). The City and ACSD entered into a Memorandum of Understanding (MOU) establishing a 30/70 cost share split between the ACSD and the City for the underground detention system based upon the amount of runoff area contributing to the detention. The ACSD will pay thirty percent (30%) of the cost of improvements for the Underground Water Detention System. The 30% participation is derived from the total site drainage attributed to the ACSD property. The City is responsible for the remaining 70% based upon our contributing share of drainage.

The ACSD will also pay for fifty percent (50%) of the cost of improvements for the following street construction:

- Wyoming Avenue from Grant Street east to Johnson Street

- Johnson Street from Wyoming Avenue to the southern edge of the school property, south of Jefferson Street
- Grant Street from Wyoming Avenue south to Jefferson Street

The 50% participation is derived from the District's share of street construction adjacent to its property. The City is responsible for the remaining 50% of the cost. The City is also responsible for the cost of improvements to Jefferson between Johnson and Colorado and in Colorado between Johnson and Monroe.

Based upon the MOU with ACSD, the construction cost is split as follows:

| Entity | Base Bid | Contingency | Total |
|---|---|---|---|
| • City of Laramie | $1,989,436.34 | $198,943.63 | $2,188,379.97 |
| • ACSD | $473,362.79 | $47,336.28 | $520,699.07 |

Attached is the bid recommendation letter from AMEC Foster Wheeler.

**Legal/Statutory Authority:**

## BUDGET/FISCAL INFORMATION:

**REVENUE**

| Source | Amount | Type |
|---|---|---|
| Operations Cash | $1,127,500.00 | Major Captial Projects Pg. 239/290 300-3315-410-7360 |
| Fees/Charges for Service | $500,000.00 | WF |
| Grants for Projects | $1,072,500.00 | SLIB Consensus (Linford and West Laramie Ph. 2) |
| Other | $520,699.07 | Albany County School District (As per MOU) |
| Total | $3,220,699.07 | |

**EXPENSE**

Proposed Project Cost.

| Project Budget | | Amount | Funds |
|---|---|---|---|
| Project Cost | | $2,462,799.13 | |
| Other/Outside Projects | | | |
| City's Amount | | | |
| Contingency | 10% | $246,279.91 | |
| Total Amount | | $2,709,079.04 | |

Amount spent to date (approved and adopted by Council)

| Budget | Amount | Funds |
|---|---|---|
| Total Budget Allocation | $3,220,699.07 | |
| Less Amount Spent to Date | $108,544.99 | AMEC Feasibility Study and Design |
| Remainder of Budget | $3,112,154.08 | |

Proposed Cost (Approval of this item authorizes preparation of a budget revision for the proposed amount)

| Expenditures | Amount | Fund |
|---|---|---|
| Proposed Expenditure | $2,709,079.04 | |
| Current Budget | $3,112,154.08 | |
| Additional Amount Requested | | |
| Total Proposed Budget | $3,112,154.08 | |

## Responsible Staff:

Earl Smith, P.E., Director of Public Works
Eric Jaap, P.E., City Engineer

Attachments:
Construction Contract
Bid Recommendation, AMEC

**CONSTRUCTION CONTRACT**
**BETWEEN**
**CITY OF LARAMIE, WYOMING**
**AND**
**HAMAKER CONSTRUCTION INC.**

1. **Parties.** This Contract is entered into this _____ day of _____, 2016, by and between City of Laramie, Wyoming, (hereinafter referred to as "City"), whose address is 406 Ivinson Street, Laramie, Wyoming 82072, and Hamaker Construction Inc. (hereinafter referred to as "Contractor"), whose address is P.O. Box 33, Laramie, WY, 82073. City and Contractor agree to the terms set forth in this document.

**2.Purpose of Contract.** Contractor shall provide all labor, supervision, materials, equipment, all incidentals, related items and appurtenances, and performing all operations necessary to complete the Linford School Drainage Improvements Project, which includes the installation of approximately 801 lineal feet of 15-inch HDPE storm sewer pipe, 877 lineal feet of 18-inch HDPE storm sewer pipe, 363 lineal feet of 24-inch HDPE storm sewer pipe, 96 lineal feet of 30-inch storm sewer pipe, 180 lineal feet of 36-inch HDPE storm sewer pipe, and 502 lineal feet of 42-inch HDPE storm sewer pipe; the paving of Wyoming Avenue from Highway 130 to Johnson Street, the paving of Grant Street from Wyoming Avenue to Jefferson Street, the paving of Johnson Street from Wyoming Avenue to Monroe Street, the paving of Jefferson Street from Johnson Street to Colorado Avenue, and the paving of Colorado Avenue from Jefferson Street to Monroe Street; the installation of approximately 2,180 lineal feet of 8-inch C-900 PVC water line, 591 lineal feet of 10-inch C-900 PVC water line, and 14 lineal feet of 18-inch C-905 PVC water line, along with all associated manholes, inlets, storm sewer and water line appurtenances, curb and gutter, sidewalk and paving.

In accordance with the Advertisement for Bids in accordance with the Advertisement to Bid (hereinafter referred to as "ATB") documents dated March 2016 labeled as **Linford School Drainage Improvements Project** which is marked Attachment A and attached hereto and incorporated herein.

3. **Term of Contract.**

A. **Time of Commencement and Substantial Completion.**

(i) The work under this Contract shall commence as described in Bid Form, such as: within seven (7) calendar days of receipt of Notice to Proceed and will be substantially complete by **October 15, 2016** and ready for final payment by **November 4, 2016**. Other project milestones include: work within the Albany County School District Property must be completed by July 8, 2016 (access to be provided on June 10, 2016) and all work on Wyoming Avenue and Johnson Street must be completed by August 19, 2016.

(ii) Performance under this Contract shall not begin prior to the date upon which the last required signature is affixed to this Contract or the date of the Contractor's receipt of a Notice to Proceed, whichever occurs later.

(iii) Permitting the Contractor to continue and finish the work or any part of it after the time fixed for its completion, or after the use of additional contract time, will in no way operate as a waiver on the part of City of any of its rights under the Contract.

4. **Payment.**

A. **Contract Sum.**

(i) City agrees to pay Contractor for the services described herein. The total payment under this Contract shall not exceed _____ contract price in dollars and cents in words _____, ($_____). No payment shall be made for work performed prior to the date upon which the last required signature is affixed to this Contract or the date of the Contractor's receipt of a Notice to Proceed, whichever occurs later.

(ii) Additional Notices to Proceed shall be issued corresponding to any respective Contract Amendments.

(iii) Pursuant to W.S. 16-6-602, City shall pay interest beginning the forty-sixth day at the rate of one and one-half percent (1 ½%) per month on the unpaid balance of the progress payment until the account is paid in full, unless a good faith dispute exists as to City's obligation to pay all or a portion of the account.

B. **Progress Payments.**

(i) Contractor may submit monthly invoices for progress payment. Materials included on each invoice must either be installed or stored on site, additionally, any fees for labor must be performed prior to the submission of the invoice. No advance payment for materials or services may be requested. So long as the Contractor is satisfactorily progressing in performance of this contract, City may make monthly progress payments on the contract sum to the Contractor. Pursuant to W.S. 16-6-702, City shall withhold ten percent (10%) of the calculated value of any work completed until one hundred percent (100%) of the work required by the contract has been performed. The withheld percentage of the contract price shall be retained in an account in the name of the Contractor which has been assigned to City until the contract is completed satisfactorily and finally accepted. Before the withheld percentage payment is made, City shall determine that satisfactory and substantial reasons exist for the payment and shall require written approval from any surety furnishing bonds for the contract work. Pursuant to W.S. 16-6-1001(a)(iv), Contractor must submit verification that all materialmen, subcontractors and laborers have been paid for completed work through the date of the most recent previous progress payment.

(ii) If it becomes necessary for City to take over the completion of the Contract, all amounts owed the Contractor, including the withheld percentage shall first be applied toward the cost of completion of the Contract, as provided in W.S. 16-6-703, as amended. Any balance remaining of the retained percentage after completion by City shall be payable to Contractor or Contractor's creditors. The retained percentage which may be due to Contractor shall be due and payable as prescribed by W. S. 16-6-116.

C. **Final Payment.**

(i) Final payment, constituting the entire unpaid balance of the contract sum, shall be paid by City to the Contractor when the Contract work has been completed, and the Contract fully performed. The Contractor shall make its request for final payment in writing to City. The Contractor's request for final payment must include the final reconciliation of the return of, and any restocking charges applied by the suppliers for any unused materials in storage. City shall determine in writing when the Contract work has been completed. Final payment will be made pursuant to W.S. 16-6-116, 16-6-117, and 15-1-113(h) as amended.

(ii) No final payment will be made until the Contractor files a sworn statement, stating that all claims for material and labor performed under the Contract have been made, and that no liens or claims for unpaid materials, labor or equipment are outstanding. The sworn statement shall be filed with the appropriate entity, as designated in W.S. 16-6-117. A copy of the sworn statement shall be provided to City.

(iii) If any claim for material and labor is disputed, the sworn statement shall so state and include a copy of any claim or lien and the amount claimed. The amount claimed shall be deducted from the final payment and retained by City until the dispute is resolved, as provided in W.S. 16-6-117. The parties agree that City may, at its discretion, place the disputed amount in an interest bearing account. In the event the funds are placed in an interest bearing account, any and all accrued interest shall belong to City.

(iv) No final payment will be made until the Contractor provides a warranty security in the form of a bond issued by a surety meeting the requirements of Article 5.01 of the General Conditions. The certified or cashier's check or bond shall be in the amount of the 5% of the original contract amount, and shall have an expiration date consistent with the final correction or warranty period.

(v) Before final payment is made to the Contractor, the City shall publish in a newspaper of general circulation in the City, at least ten (10) days prior to the final payment, a notice to the effect that persons having claims for labor and material furnished the Contractor shall present them to the City prior to the date specified for payment.

D. **Liquidated Damages.**

(i) If the Contractor fails to complete the work within the time specified in the Contract, or within any authorized extension of time under a change order, Contractor shall pay to City as liquidated damages, the sum listed in the following table, for each calendar day of delay until the work is substantially complete, as approved by City.

| Original Contract Amount | | | Liquidated Damages charge per calendar day |
|---|---|---|---|
| $0.00 | to | $50,000.00 | $500.00 |
| $50,000.01 | to | $100,000.00 | $1,000.00 |
| $100,000.01 | to | $500,000.00 | $1,500.00 |
| $500,000.01 | to | $1,000,000.00 | $2,000.00 |
| $1,000,000.00 | | and greater | $3,000.00 |

**(ii)** The liquidated damages shall be computed beginning the day following the first calendar day specified for completion and shall continue each and every calendar day until all work under the Contract is substantially complete, as approved by City. Liquidated damages shall also be applied to project milestones listed in Section 3.A.(i) of this Contract.

**(iii)** Liquidated damages will not be charged for any work required to be done by the Contractor as a result of a final inspection, providing the work is only cleanup or of a minor nature and the Contractor has shown constant effort in completing the work, as determined by City. If deferment of the inspection is necessary due to causes which City determines to be beyond the control of and without the fault or negligence of the Contractor, liquidated damages will not be assessed for that period of time.

**(iv)** Nothing herein shall be construed to preclude City from the recovery of damages for causes other than the delay by the Contractor.

**5. Responsibilities of Contractor.**

**A.** The Contractor shall perform all work on the described project as required by the Contract documents. The work to be performed includes the labor and services necessary to produce such replacement, and all materials, supplies, tools, transportation, equipment, and machinery required for replacement.

**B.** This project bid includes all materials, labor and equipment to complete the reconstruction and resurfacing of streets as outlined in the Project Manual for **Linford School Drainage Improvements Project,** March 2016 as outlined in Attachment A.

**6. General Provisions.**

**A. Ownership of Documents/Work Product.** All documents, reports, records, field notes, materials, and data of any kind resulting from performance of this Contract are at all times the joint property of the Contractor and City. Upon termination of the Contract all of the above documents return to the City.

**B. Independent Contractor.** The Contractor shall function as an independent Contractor for the purposes of this Contract, and shall not be considered an employee of the City of Laramie for any purpose. The Contractor shall assume sole responsibility for any debts or liabilities that may be incurred by the Contractor in fulfilling the terms of this Contract, and shall be solely responsible for the payment of all federal, state, and local taxes which may accrue because of this Contract. Nothing in this Contract shall be interpreted as authorizing the Contractor or its agents and/or employees to act as an agent or representative for or on behalf of City, or to incur any obligation of any kind on the behalf of City. The Contractor agrees that no health/hospitalization benefits, workers' compensation and/or similar benefits available to City of Laramie employees will inure to the benefit of the Contractor or the Contractor's agents and/or employees as a result of this Contract.

**C. Amendments.** Any changes, modifications, revisions or amendments to this Contract which are mutually agreed upon by the parties to this Contract shall be incorporated by written instrument, executed and signed by all parties to this Contract.

**D. Insurance.** The Contractor shall maintain the following insurance:

**(i) Comprehensive General Liability.** Contractor shall have and maintain comprehensive general liability insurance coverage during the entire term of the Contract, against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, and including underground, collapse and explosion (XCU) and products and completed operations in an amount not less than five hundred thousand dollars ($500,000.00) each occurrence and one million dollars ($1,000,000.00) in the general aggregate.

**(ii) Workers Compensation or Employers Liability Insurance.** Contractor shall provide proof of workers compensation coverage, for all its employees who are to work on the projects described in this Contract. Contractor's coverage shall be under the Wyoming Workers Safety and Compensation program, if statutorily required, or such other workers compensation insurance as appropriate. Contractor's insurance shall include A Stop Gap coverage in an amount not less than Five Hundred Thousand Dollars ($500,000.00) per employee for each accident and disease. Contractor shall have also supply proof of workers' compensation and employer's liability insurance on each and every subcontractor before allowing that subcontractor on the job site.

**(iii) Business Automobile Liability.** Contractor shall maintain, during the entire term of the contract, automobile liability insurance in an amount not less than five hundred thousand dollars ($500,000.00) per occurrence.

**(iv) Coverage.** All polices required under this Contract shall be in effect for the duration of this Contract and projects. All policies shall be primary and not contributory. Contractor shall pay the premiums on all insurance policies and insurance certificates must include a clause stating that the insurance may not be revoked, cancelled, amended or allowed to lapse until the expiration of at least thirty (30) days advance written notice to City.

(v) **Additional Insured.** All insurance policies required by this Contract, except workers' compensation, shall name City as an additional insured, and shall contain a waiver of subrogation against City, its agents and employees. Contractor shall provide, upon request a copy of an endorsement providing this coverage.

(vi) **City's Right to Reject.** The City reserves the right to reject a certificate of insurance if Contractor's insurance company is widely regarded in the insurance industry as financially unstable. This would include but is not limited to insurance companies with no less than AVIII rating in the A.M. Best insurance rating guide.

(vii) **Subcontractors.** The insurance requirements set forth above apply to all subcontractors. It is Contractor's responsibility to ensure that its subcontractors meet these insurance requirements. City has the right to review the Certificates of any and all subcontractors used by the Contractor.

(viii) **Cancellation.** There shall be no cancellation, material change, potential exhaustion of aggregate limits or intent to not renew insurance coverage without thirty (30) days written notice from Contractor or their insurers to City. Any failure to comply with the reporting provision of this insurance, except for the potential exhaustion of aggregate limits, shall not affect the coverage provided to City and its division, officers and employees.

E. **Indemnification.** The Contractor shall release indemnify, and hold harmless the state, City, and their officers, agents, employees, successors and assignees from any cause of action, or claims or demands arising out of Contractor's failure to perform any of the Contractor's duties and obligations under or in connection with the negligent performance of Contractor's duties or obligations, including but not limited to any claims, law suits, losses or liability arising out of Contractor's malpractice performance under this Contract.

F. **Audit/Access to Records.** The Contractor shall, immediately upon receiving written instruction from City, provide to any independent auditor, accountant, or accounting firm, all books documents, papers and records of the Contractor which are pertinent to this Contract. The Contractor shall cooperate fully with any such independent auditor, accountant, or accounting firm, during the entire course of any audit authorized by City. There will be no cost for audit expense for City request to the Contractor.

G. **Publicity.** Any publicity given to the program or services provided herein, including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Contractor, shall identify City as the sponsoring City and shall not be released without prior written approval from City.

H. **Assignment, Transfer and Subcontracting.** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set for in this Contract without the prior written approval of the other party. The Contractor shall not use this Contract, or any portion thereof, for collateral for any financial obligation, without the prior written permission of City. No such written approval shall relieve the Contractor of any obligations of this Contract and any transferee or

subcontractor shall be considered the agent of the Contractor. The Contractor shall remain liable as between the original parties to the Contract as if no such assignment had occurred.

I. **Compliance With Laws.** The Contractor shall keep informed of and comply with all applicable federal, state and local laws and regulations in the performance of this Contract or any properly promulgated rules and regulations related thereto, and Section 504 of the Rehabilitation Act of 1973.

J. **Wyoming Product Preference.** Unless otherwise provided in the Contract, the Contractor shall provide and pay for all labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities, transportation, and other facilities and services necessary for the proper execution and completion of work, whether temporary or permanent. The Contractor shall comply with all resident and other preference requirements, including but not limited to those applicable to labor, materials and subcontractors. The Contractor agrees to provide Wyoming made goods where those goods are comparable in price and quality to those required by this Contract.

K. **Termination of Contract.** This Contract may be terminated for cause if the Contractor or City fails to perform in accordance with the terms and conditions of this Contract following delivery of a written thirty (30) day notice stating the grounds for such default.

L. **Applicable Law/Venue.** The construction, interpretation and enforcement of this Contract shall be governed by the laws of the State of Wyoming. The courts of the State of Wyoming shall have jurisdiction over this Contract and the parties, and the venue shall be the Second Judicial District, Albany County, Wyoming.

M. **Nondiscrimination.** The Contractor shall comply with Presidential Executive Order 11246 entitled, "Equal Employment Opportunity", as amended by Presidential Executive Order 11375, and as supplemented in the Department of labor Regulations (41 CFR Part 60), the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), 42 U.S.C. 12101, et seq., the Wyoming Fair Employment Practices Act (W.S. 27-9-105 et seq.), the Wyoming Human Rights Act, and the Age Discrimination Act of 1975.

All parties of this Contract agree that all hiring must be done on the basis of merit and qualifications. There may be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person or persons performing the Contract including, but not limited to, the prevailing wage laws.

N. **Entirety of Contract.**

(i) The Contract shall consist of this document and its terms and conditions and the following documents: The Advertisement to Bid, Instructions to Bidders, Bid Form, Signature Sheets, Performance and Payment Bond, General Conditions, Supplementary Conditions, Specifications, Supplementary Specifications, Special Provisions, Notice to Proceed, duly issued Change Orders, Extra Work Orders and Field Orders, Addenda, all modifications issued after execution of this Contract, and the Drawings entitled "LINFORD SCHOOL DRAINAGE IMPROVEMENTS PROJECT CONSTRUCTION

DRAWINGS". The Contract documents are as fully a part of this Contract as if hereto attached or herein repeated. The Contract documents are complementary and what is required by one shall be as binding as if required by all. The Contractor warrants that it has carefully examined and understands all of the Contract documents listed above, prior to starting any work under this Contract. The Contractor has not identified any issues from the above documents or site conditions which would prevent accomplishing the entire work as outlined in the Project Manual which is marked Attachment A and attached hereto and incorporated herein. Modifications include but are not limited to the following: (1) change orders (2) extra work orders or (3) addenda entered into by the parties pursuant to the terms of the Contract.

**(ii)** The Contract does not include prior negotiations or any other documents not specifically enumerated in the contract documents delineated in subparagraph (A) above.

**(iii)** This Contract, consisting of twelve (12) pages, along with the documents explicitly enumerated in Paragraph 6 (N) above and Attachment A entitled Project Manual for **Linford School Drainage Improvements Project** dated March 2016, represent the entire and integrated Contract between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral. The Contractor shall report to City any error, inconsistency or omission it may discover. City, after consulting with the Contractor, will make a determination on correction of such error. The Contractor may request a change order, under the change order provisions of this Contract, in conjunction with any required correction, if appropriate.

**(iv)** The terms and language set forth in this Contract have been negotiated by City and the Contractor and have not been drafted unilaterally by either party. By executing this Contract, the Contractor represents that it has carefully read, studied, compared and examined all contract documents, including the specifications, is satisfied with the sufficiency of the contract documents, and shall not, at any time, complain of defects or inaccuracies in such documents, specifications or drawings.

**P.** **Confidentiality of Information.** All documents, data compilations, reports, computer programs, photographs, and any other work provided to or produced by the Contractor in the performance of this Contract shall be kept confidential by the Contractor unless written permission is granted by City for its release.

**Q.** **Force Majeure.** Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the non-performing party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and usually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all reasonable steps to minimize delays. This provision shall not be effective unless the failure to perform is beyond the control and without the fault or negligence of the non-performing party.

**R.** **Kickbacks.** The Contractor certifies and warrants that no gratuities, kickbacks or contingency fees were paid in connection with this contract, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Contract. If the Contractor breaches or violates this warranty, City may, at its discretion, terminate this Contract without liability to City, or

deduct from the contract price or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee.

S. **Notices.** All notices arising out of, or from, the provisions of this Contract shall be in writing and given to the parties at the address provided under this Contract, either by regular mail, facsimile, e-mail, or delivery in person.

T. **Liaison and Notice.** City Project Manager & Contractor Superintendent.

(i) City project manager is William Winkler, telephone number: (307) 721-5273 and facsimile: (307) 721-5216.

(ii) The Contractor's Project Superintendent is _contractor's superintendent's name_, telephone number: (___) ___-____ and facsimile: (___) ___-____.

(iii) All notices and invoices required in this Contract shall be in writing, properly addressed to the liaison above, and mailed first-class, postage prepaid. All notices sent via U.S. Postal Services are deemed effective on the date of postmark. Notices and invoices mailed through another carrier (e.g., UPS or FedEx) are effective upon receipt.

U. **Sovereign Immunity.** The City does not waive sovereign immunity by entering into this Contract, and specifically retains immunity and all defenses available to them as sovereign pursuant to W.S. 1-39-104(a) and all other state law.

V. **Taxes.** The Contractor shall pay all taxes and other such amounts required by federal, state and local law, including but not limited to federal and social security taxes, workers' compensation, unemployment insurance and sales taxes.

W. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Contract shall not be construed so as to create such status. The rights, duties, and obligations contained in this Contract shall operate only between the parties to this Contract, and shall inure solely to the benefit of the parties to this Contract. The provisions of this Contract are intended only to assist the parties in determining and performing their obligations under this Contract. The parties to this Contract intend and expressly agree that only parties signatory to this Contract shall have any legal or equitable right to seek to enforce this Contract, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this Contract, or to bring an action for the breach of this Contract.

X. **Americans with Disabilities Act.** Contractor shall not discriminate against a qualified individual with a disability and shall comply with the Americans with Disabilities Act, P.L. 101-336, 42 U.S.C. 12101 *et seq.* and any properly promulgated rules and regulations related thereto.

Y. **Warranty.** Contractor warrants the following:

(i) has the ability to perform the agreed services;

(ii) shall provide suitable resources to perform work in accordance with agreed services;

(iii) will endeavor to provide the services herein on a timely basis consistent with the difficulty and scope of services to be provided; and

(iv) shall perform all work in a professional and workmanship like manner.

**Z. Patent or Copyright Protection.** Contractor recognizes that certain proprietary matters or techniques may be subject to patent, trademark, copyright, license or other similar restrictions, and warrants that no work performed by Contractor or its subcontractors will violate any such restriction.

**AA. Extension.** Nothing in this Contract shall be interpreted or deemed to create an expectation that this Contract will be extended beyond the term described herein. Any extension of this Contract shall be requested by the Contractor and following approval by City shall be effective only after it is reduced to writing and executed by all parties to the Contract. Any agreement to extend this Contract shall include, but not necessarily be limited to: an unambiguous identification of the Contract being extended; the term of the extension; the amount of any payment to be made during the extension, or a statement that no payment will be made during the extension; a statement that all terms and conditions of the original Contract shall, unless explicitly delineated in the exception, remain as they were in the original Contract; and, if the duties of either party will be different during the extension than they were under the original Contract, a detailed description of those duties.

**BB. Availability of Funds.** Each payment obligation of City is conditioned upon the availability of government funds which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of the services performed by the Contractor, the contract may be terminated by City at the end of the period for which the funds are available. City shall notify the Contractor at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall accrue to City in the event this provision is exercised, and City shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be constructed to permit City to terminate this Contract to acquire similar services from another party.

**CC. Award of Related Contracts.** City may undertake or award supplemental or successor contracts for work related to this Contract. The Contractor shall cooperate fully with other contractors and City in all such cases.

**DD. Time is of the Essence.** Time is of the essence in all provisions of the Contract.

**EE. Titles Not Controlling.** Titles of paragraphs and sections are for reference only, and shall not be used to control the language in the contract.

**FF.** **Severability.** Should any portion of this Contract be judicially determined to be illegal or unenforceable, the remainder of this Contract shall continue in full force and effect and either party may attempt to renegotiate the terms affected by the severance.

**INTENTIONALLY LEFT BLANK**

IN WITNESS WHEREOF, the Laramie City Council has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Clerk, and Contractor has signed and executed this Agreement, the day and year first written above.

**CITY OF LARAMIE, WYOMING:**

By: _____
Dave Paulekas, Mayor and President of the City Council

Attest: _____
Angie Johnson
City Clerk

**CONTRACTOR:**

**Hamaker Construction Inc.**

By: _____

Title: President

April 20, 2016

Earl Smith
City of Laramie Public Works
P.O. Box C
Laramie, WY 82073

*Re: Linford School Drainage Improvements Project*

Dear Mr. Smith,

Amec Foster Wheeler has reviewed the bids for the Linford School Drainage Improvements Project received on April 19, 2016. The Basis of Award for this project was the Total of Bid Schedule 1. Two bids were received, as shown below. The Engineer's Estimate for the Bid Schedule 1 was $3,042,646.50. A bid summary spreadsheet is attached, showing the line item prices for each bidder. There were no errors found in either bid.

| | | |
|---|---|---|
| 1. | Hamaker Excavation, Inc. | $2,462,799.13 |
| 2. | Simon Contractors Inc. | $2,630,165.84 |

The low bid was submitted by Hamaker Excavation, Inc. Hamaker Excavation's bid was contingent on six conditions.

1) Letter of intent to award within 2 days of bid opening,
2) Notice of award by May 4, 2016,
3) Permission to work Saturdays when needed,
4) 1-day turnaround on shop drawings,
5) Delivery of detention system materials by June 10, 2016,
6) Communication to residents of severe disruptions to access

Allowance of conditions 1, 2, 3, and 6 are at the City's discretion. Regarding Condition 4, Amec Foster Wheeler is prepared to meet a 1-day turnaround on approval of shop drawings. For Condition 5, Amec Foster Wheeler has confirmed with the detention system supplier that shop drawings can be provided within 1 week of request by the Contractor and the materials can be delivered within 4-5 weeks of shop drawing approval. Hamaker Excavation is prepared to request shop drawings upon receipt of the letter of intent to award (April 21, 2016). If shop drawings are received and approved by April 29, 2016, delivery of materials would occur between May 27, 2016 and June 3, 2016, well in advance of the required timeline.

Hamaker Excavation also provided a proposed work schedule. The proposed work schedule meets the milestones in the Construction Contract, with the exception of the following:

- Street construction for Grant Street will not be completed by August 19, 2016 as stated in the Construction Contract.

Amec Foster Wheeler E. & I., Inc.
920 E. Sheridan St., Suite A
Laramie, WY 82070
Tel (307) 460-3249
Fax (307) 745-8204

- Landscape restoration is scheduled for completion by June 1, 2017, while final completion in the Construction Contract is November 4, 2016.

The proposed schedule appears to be reasonable, provided that significant weather delays do not occur. Amec Foster Wheeler recommends approval of both exceptions to the Contract milestones, pending concurrence from Albany County School District (ACSD). If all work on Wyoming Avenue and Johnson Street is completed prior to August 19, 2016, access to the school parking lot from Wyoming Avenue and the drop-off pull-in on Johnson Street will be completed and available. Additionally, all utility work in Grant Street is scheduled for completion prior to August 19, 2016, so it should be possible to maintain a drivable unpaved surface on Grant Street by August 19. It is assumed that paving on Grant Street will be prioritized over Jefferson and Colorado. We recommend that Hamaker Excavation provide the estimated completion date for paving on Grant Street so that the ACSD can plan for an alternate bus drop-off location and parking lot access until the paving is completed. The landscape restoration exception is reasonable, as restoration work in the spring of 2017 will be more likely to successfully establish than landscaping work in late fall 2016.

Hamaker Excavation's bid indicated that 56% of the work would be completed by subcontractors. The Project Manual states that bidders shall not award work to subcontractors in excess of 50% of the total bid price without prior written approval of the Owner. We recommend approval of Hamaker Excavation's subcontracting plan, as multiple work crews will need to be working simultaneously in order to meet the tight project milestones. Also, no single subcontractor will exceed Hamaker Excavation's share of the work.

In summary, our evaluation indicates that Hamaker Excavation, Inc. is capable of completing the work required for the Linford School Drainage Improvements Project, and Amec Foster Wheeler recommends award of the Base Bid to Hamaker Excavation, Inc., in the amount of $2,462,799.13.

If you have any questions or require additional information, please contact me at 307-460-3249 or 307-399-6345.

Sincerely,

Aaron Murray

Aaron Murray, P.E.
Laramie Branch Manager

Amec Foster Wheeler E. & I., Inc.
920 E. Sheridan St., Suite A
Laramie, WY 82070
Tel (307) 460-3249
Fax (307) 745-8204

**BID SUMMARY**
**FOR**
**LINFORD SCHOOL DRAINAGE PROJECT**
**2016-04-19**

| | | | | HAMAKER EXCAVATION | | SIMON CONTRACTORS | | ENGINEER'S ESTIMATE | |
|---|---|---|---|---|---|---|---|---|---|
| ITEM | DESCRIPTION | QTY | UNIT | UNIT PRICE | BID AMOUNT | UNIT PRICE | BID AMOUNT | UNIT PRICE | TOTAL AMOUNT |
| 1 | Mobilization, Bonds, Insurance | 1 | LS | $ 171,820.00 | $ 171,820.00 | $ 227,000.00 | $ 227,000.00 | $268,192.73 | $268,192.73 |
| 2 | Temporary Traffic Control | 1 | LS | $ 27,500.00 | $ 27,500.00 | $ 13,000.00 | $ 13,000.00 | $80,457.82 | $80,457.82 |
| 3 | Storm Water Permit/Erosion Control | 1 | LS | $ 2,750.00 | $ 2,750.00 | $ 20,000.00 | $ 20,000.00 | $12,068.67 | $12,068.67 |
| 4 | Remove and Haul Existing Pavement | 75 | SY | $ 6.77 | $ 507.75 | $ 8.20 | $ 615.00 | $5.00 | $375.00 |
| 5 | Remove and Haul Existing Base/Subbase, 9-In (Wyoming and Colorado) | 14634 | SY | $ 4.62 | $ 67,609.08 | $ 4.00 | $ 58,536.00 | $4.21 | $61,541.38 |
| 6 | Remove and Haul Existing Base/Subbase, 6-In (Grant, Johnson, Jefferson) | 10546 | SY | $ 5.39 | $ 56,842.94 | $ 4.00 | $ 42,184.00 | $3.30 | $34,822.89 |
| 7 | Place Base and Subbase Material, 9-in (Wyoming and Colorado) | 9618 | SY | $ 9.37 | $ 90,120.66 | $ 10.00 | $ 96,180.00 | $10.00 | $96,180.00 |
| 8 | Place Base and Subbase Material, 6-in (Grant, Johnson, Jefferson) | 7860 | SY | $ 6.99 | $ 54,941.40 | $ 9.00 | $ 70,740.00 | $6.67 | $52,400.00 |
| 9 | Place Base and Subbase Material, 6-in (beneath concrete flatwork) | 5062 | SY | $ 10.01 | $ 50,670.62 | $ 12.00 | $ 60,744.00 | $6.67 | $33,746.67 |
| 10 | Place Plant Mix Bituminous Pavement, 5-in (Wyoming and Colorado) | 9618 | SY | $ 27.83 | $ 267,668.94 | $ 32.00 | $ 307,776.00 | $30.00 | $288,540.00 |
| 11 | Place Plant Mix Bituminous Pavement, 4-in (Grant, Johnson, Jefferson) | 7860 | SY | $ 22.50 | $ 176,850.00 | $ 27.00 | $ 212,220.00 | $30.00 | $235,800.00 |
| 12 | Remove Concrete Curb and Gutter | 506 | LF | $ 6.60 | $ 3,339.60 | $ 11.00 | $ 5,566.00 | $8.00 | $4,048.00 |
| 13 | Install Concrete Curb and Gutter (Highback) | 3024 | LF | $ 19.47 | $ 58,877.28 | $ 22.00 | $ 66,528.00 | $25.00 | $75,600.00 |
| 14 | Install Concrete Curb and Gutter (Rollover) | 3102 | LF | $ 19.47 | $ 60,395.94 | $ 21.00 | $ 65,142.00 | $25.00 | $77,550.00 |
| 15 | Install Concrete Header Curb (at transition from pavement to unpaved surface) | 472 | LF | $ 31.22 | $ 14,735.84 | $ 26.00 | $ 12,272.00 | $50.00 | $23,600.00 |
| 16 | Remove Concrete Flatwork | 204 | SY | $ 13.20 | $ 2,692.80 | $ 13.00 | $ 2,652.00 | $34.00 | $6,936.00 |
| 17 | Install Concrete Flatwork, 8-in | 471 | SY | $ 59.40 | $ 27,977.40 | $ 63.00 | $ 29,673.00 | $70.00 | $32,970.00 |
| 18 | Install Concrete Flatwork, 6-in | 4494 | SY | $ 49.19 | $ 221,059.86 | $ 57.00 | $ 256,158.00 | $60.00 | $269,640.00 |
| 19 | Install Storm Manhole, 48-In | 8 | EA | $ 3,236.20 | $ 25,889.60 | $ 3,650.00 | $ 29,200.00 | $4,800.00 | $38,400.00 |
| 20 | Install Storm Manhole, 60-In | 1 | EA | $ 4,067.80 | $ 4,067.80 | $ 3,875.00 | $ 3,875.00 | $7,000.00 | $7,000.00 |
| 21 | Install Storm Manhole, 72-In | 4 | EA | $ 6,681.40 | $ 26,725.60 | $ 5,255.00 | $ 21,020.00 | $9,000.00 | $36,000.00 |
| 22 | Install PreTreatment Manhole | 1 | EA | $ 37,925.80 | $ 37,925.80 | $ 36,375.00 | $ 36,375.00 | $35,000.00 | $35,000.00 |
| 23 | Install Curb Inlet Box, Single | 10 | EA | $ 2,257.20 | $ 22,572.00 | $ 2,575.00 | $ 25,750.00 | $2,500.00 | $25,000.00 |
| 24 | Install Curb Inlet Box, Double | 5 | EA | $ 5,464.80 | $ 27,324.00 | $ 4,900.00 | $ 24,500.00 | $5,300.00 | $26,500.00 |
| 25 | Install Curb Inlet Box, Triple | 1 | EA | $ 7,009.20 | $ 7,009.20 | $ 6,650.00 | $ 6,650.00 | $7,500.00 | $7,500.00 |
| 26 | Install Storm Sewer (15" HDPE) | 801 | LF | $ 42.77 | $ 34,258.77 | $ 39.00 | $ 31,239.00 | $60.00 | $48,060.00 |
| 27 | Install Storm Sewer (18" HDPE) | 877 | LF | $ 47.52 | $ 41,675.04 | $ 45.00 | $ 39,465.00 | $70.00 | $61,390.00 |
| 28 | Install Storm Sewer (24" HDPE) | 363 | LF | $ 57.02 | $ 20,698.26 | $ 58.00 | $ 21,054.00 | $75.00 | $27,225.00 |
| 29 | Install Storm Sewer (30" HDPE) | 96 | LF | $ 83.16 | $ 7,983.36 | $ 75.00 | $ 7,200.00 | $100.00 | $9,600.00 |
| 30 | Install Storm Sewer (36" HDPE) | 180 | LF | $ 92.66 | $ 16,678.80 | $ 107.00 | $ 19,260.00 | $130.00 | $23,400.00 |
| 31 | Install Storm Sewer (42" HDPE) | 502 | LF | $ 100.51 | $ 50,456.02 | $ 126.00 | $ 63,252.00 | $150.00 | $75,300.00 |
| 32 | Install Underground Detention System | 1 | EA | $ 247,720.00 | $ 247,720.00 | $ 252,500.00 | $ 252,500.00 | $315,000.00 | $315,000.00 |
| 33 | Install Water Main (8" PVC) | 2523 | LF | $ 38.02 | $ 95,924.46 | $ 34.56 | $ 87,194.88 | $80.00 | $201,840.00 |
| 34 | Install Water Main (10" PVC) | 511 | LF | $ 51.33 | $ 26,229.63 | $ 46.66 | $ 23,843.26 | $90.00 | $45,990.00 |
| 35 | Install Water Main (18" PVC) | 14 | LF | $ 237.60 | $ 3,326.40 | $ 216.00 | $ 3,024.00 | $150.00 | $2,100.00 |
| 36 | Install Fittings (8"x6" Reducer) | 3 | EA | $ 819.72 | $ 2,459.16 | $ 745.20 | $ 2,235.60 | $900.00 | $2,700.00 |
| 37 | Install Fittings (10"x8" Reducer) | 2 | EA | $ 1,057.32 | $ 2,114.64 | $ 961.20 | $ 1,922.40 | $1,000.00 | $2,000.00 |
| 38 | Install Fittings (8" Tee) | 4 | EA | $ 1,259.28 | $ 5,037.12 | $ 1,144.80 | $ 4,579.20 | $1,200.00 | $4,800.00 |
| 39 | Install Fittings (10" Tee) | 2 | EA | $ 1,686.96 | $ 3,373.92 | $ 1,533.60 | $ 3,067.20 | $1,300.00 | $2,600.00 |
| 40 | Install Fittings (8" Cross) | 1 | EA | $ 1,508.76 | $ 1,508.76 | $ 1,371.60 | $ 1,371.60 | $1,500.00 | $1,500.00 |
| 41 | Install Fittings (8-In 22.5 Degree Bend) | 4 | EA | $ 1,069.20 | $ 4,276.80 | $ 972.00 | $ 3,888.00 | $750.00 | $3,000.00 |
| 42 | Install Fittings (8-In 45 Degree Bend) | 10 | EA | $ 1,057.32 | $ 10,573.20 | $ 961.00 | $ 9,610.00 | $750.00 | $7,500.00 |
| 43 | Install Fittings (10-In 45 Degree Bend) | 8 | EA | $ 1,461.24 | $ 11,689.92 | $ 1,328.40 | $ 10,627.20 | $750.00 | $6,000.00 |
| 44 | Install Fittings (18-In 45 Degree Bend) | 4 | EA | $ 2,732.40 | $ 10,929.60 | $ 2,484.00 | $ 9,936.00 | $2,200.00 | $8,800.00 |
| 45 | Install Gate Valve (8") | 9 | EA | $ 2,270.84 | $ 20,437.56 | $ 2,130.00 | $ 19,170.00 | $3,100.00 | $27,900.00 |
| 46 | Install Gate Valve (10") | 5 | EA | $ 3,446.96 | $ 17,234.80 | $ 3,200.00 | $ 16,000.00 | $4,000.00 | $20,000.00 |
| 47 | Install Cut-in Gate Valve (18") | 1 | EA | $ 14,435.96 | $ 14,435.96 | $ 13,200.00 | $ 13,200.00 | $10,000.00 | $10,000.00 |
| 48 | Connect to Existing Water Main (8-Inch) | 1 | EA | $ 1,306.80 | $ 1,306.80 | $ 1,200.00 | $ 1,200.00 | $2,500.00 | $2,500.00 |
| 49 | Connect to Existing Water Main (10-Inch) | 1 | EA | $ 1,544.40 | $ 1,544.40 | $ 1,405.00 | $ 1,405.00 | $2,500.00 | $2,500.00 |
| 50 | Install Water Service Lines, 3/4-In | 30 | EA | $ 1,591.92 | $ 47,757.60 | $ 1,450.00 | $ 43,500.00 | $2,500.00 | $75,000.00 |
| 51 | Install Water Service Lines, 1.5-In (Trailer Park) | 1 | EA | $ 2,803.68 | $ 2,803.68 | $ 2,550.00 | $ 2,550.00 | $4,000.00 | $4,000.00 |
| 52 | Install Water Service Lines, 4-In (Linford School) | 1 | EA | $ 8,292.24 | $ 8,292.24 | $ 7,550.00 | $ 7,550.00 | $5,000.00 | $5,000.00 |
| 53 | Remove Existing Fire Hydrant | 4 | EA | $ 356.40 | $ 1,425.60 | $ 325.00 | $ 1,300.00 | $1,000.00 | $4,000.00 |
| 54 | Install Fire Hydrant | 6 | EA | $ 7,531.92 | $ 45,191.52 | $ 6,850.00 | $ 41,100.00 | $6,500.00 | $39,000.00 |
| 55 | Install Flow Fill Waterline Encasement | 220 | LF | $ 96.23 | $ 21,170.60 | $ 87.50 | $ 19,250.00 | $50.00 | $11,000.00 |
| 56 | Repair Sanitary Sewer Service | 11 | EA | $ 1,366.20 | $ 15,028.20 | $ 1,450.00 | $ 15,950.00 | $750.00 | $8,250.00 |
| 57 | Landscaping Restoration | 3138 | SY | $ 7.01 | $ 21,997.38 | $ 4.00 | $ 12,552.00 | $5.00 | $15,690.00 |
| 58 | Provide Temporary Water Service | 1 | LS | $ 18,889.20 | $ 18,889.20 | $ 24,500.00 | $ 24,500.00 | $20,000.00 | $20,000.00 |
| 59 | Install ADA Ramp (Attached to Attached) | 22 | EA | $ 506.00 | $ 11,132.00 | $ 400.00 | $ 8,800.00 | $750.00 | $16,500.00 |
| 60 | Install ADA Ramp (Attached to Detached) | 20 | EA | $ 616.00 | $ 12,320.00 | $ 400.00 | $ 8,000.00 | $750.00 | $15,000.00 |
| 61 | Removal and Haul of Trees (Less than 60" Diameter) | 18 | EA | $ 880.00 | $ 15,840.00 | $ 450.00 | $ 8,100.00 | $500.00 | $9,000.00 |
| 62 | Removal and Haul of Trees (Greater than 60" Diameter) | 2 | EA | $ 4,950.00 | $ 9,900.00 | $ 4,500.00 | $ 9,000.00 | $2,500.00 | $5,000.00 |
| 63 | Reset Mailboxes | 3 | EA | $ 440.00 | $ 1,320.00 | $ 500.00 | $ 1,500.00 | $500.00 | $1,500.00 |
| 64 | Place Base and Subbase Material, 6-In (below curb and gutter) | 1,702 | SY | $ 7.71 | $ 13,122.42 | $ 12.25 | $ 20,849.50 | $6.67 | $11,352.34 |
| 65 | Remove and Haul Existing Unsuitable Material and Place Import Fill Material (Underground Detention; assume 442 CY for bid) | 664 | SY | $ 17.82 | $ 11,832.48 | $ 36.00 | $ 23,904.00 | $20.00 | $13,280.00 |
| 66 | Install Gate Valve, 6-In | 2 | EA | $ 1,700.60 | $ 3,401.20 | $ 1,605.00 | $ 3,210.00 | $2,500.00 | $5,000.00 |
| 67 | Remove and Replace Meter Pit, 3/4-In | 20 | EA | $ 1,342.44 | $ 26,848.80 | $ 1,225.00 | $ 24,500.00 | $1,500.00 | $30,000.00 |
| 68 | Remove and Replace Meter Vault, 1.5-In (trailer park) | 1 | EA | $ 6,700.32 | $ 6,700.32 | $ 6,100.00 | $ 6,100.00 | $5,000.00 | $5,000.00 |
| 69 | Remove and Replace Meter Vault, 4-In (Linford School) | 1 | EA | $ 8,078.40 | $ 8,078.40 | $ 7,350.00 | $ 7,350.00 | $7,500.00 | $7,500.00 |
| | **TOTAL BID AMOUNT** | | | | **$ 2,462,799.13** | | **$ 2,630,165.84** | | **$3,042,646.50** |

amec foster wheeler
920 E. Sheridan St., Ste. A
Laramie, WY 82070
(307) 460-3249

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

| | |
|---|---|
| LARAMIE 1868 | **Agenda Item:** Orig. Ordinance - 1st Reading<br>**Title:** AN ORDINANCE TO ENACT CHAPTER 12.13, OF THE LARAMIE MUNICIPAL CODE |

**Recommended Council MOTION:**

1. I move to approve Original Ordinance and set it for second reading on May 17, 2016.

**Administrative or Policy Goal:**

To allow persons cited for certain traffic violations the opportunity to have the citation dismissed upon completing a defensive driving class and paying an administrative fee.

**Background:**

The City had a similar program in place up until a few years ago. There has been public and staff interest in bringing this back. The prior program was not codified which I viewed as problematic. This Ordinance will allow the City to run this program.

## Responsible Staff:

Future dates are subject to change

| | |
|---|---|
| Work Session | Click here to enter a date. |
| Advertised | Click here to enter a date. |
| Public Hearing (PH) Held | |
| PH Advertised | Click here to enter a date. |
| Introduction/1st Reading | 5/3/2016 |
| 2nd Reading | 5/17/2016 |
| 3rd Reading | 6/7/2016 |
| | Click here to enter a date. |

_____ City Manager _____ City Attorney _____

ORIGINAL ORDINANCE NO. INTRODUCED BY: _____

ENROLLED ORDINANCE NO.

AN ORDINANCE TO ENACT CHAPTER 12.13, OF THE LARAMIE MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE, WYOMING that:

Section 1. Laramie Municipal Code Section 12.13 shall be enacted as follows:

CHAPTER 12.13 – DEFENSIVE DRIVING DISMISSAL PROGRAM

Sections:

12.13.010 Defensive Driving Dismissal Program

A. The Municipal Court may, at the discretion of the Court, allow an individual who is issued a citation for a misdemeanor moving violation to attend a defensive driving class approved by the Municipal Court for dismissal so long as the person meets the conditions outlined herein.

B. In order to attend the defensive driving school for dismissal, the person must:
   1. Enter a plea of guilty on or before the person's appearance date;
   2. Submit to the Municipal Court a completed Defensive Driving Dismissal Program Request Form;
   3. Successfully complete the defensive driving class and provide proof to the Court; and
   4. Pay an administrative fee of $150.00.

C. Any person who has a citation dismissed pursuant to this program is not eligible to use the program for another citation for twelve months. For purposes of computing time the issuing date of the citation shall control.

D. The following offenses are not eligible for this program:
   1. Passing a school bus;
   2. Failing to stop and give information or render aid following an accident;
   3. Speeding 25 miles per hour or more over the posted speed limit;
   4. Reckless driving; and
   5. Driving under the influence.

E. Any person issued a commercial driver license is not eligible for this program, whether or not the offense occurred in the operation of a commercial vehicle.

Section 2. This ordinance shall become effective after passage, approval and publication.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

_____
David A. Paulekas, Mayor and President
of the City Council of the City of
Laramie, Wyoming

ATTEST:

_____
Angie Johnson
City Clerk

| | |
|---|---|
| First Reading | May 3, 2016 |
| Second Reading | May 17, 2016 |
| Third Reading | June 7, 2016 |

Duly published in the *Laramie Daily Boomerang* this _____ day of _____, 2016.

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

**Agenda Item: Allocation Of Funds**

**Title: Consideration of Big Brothers Big Sisters request for reallocation of remaining funds approved in November 2013**

**Recommended Council MOTION:**

I move to reallocate $12,170.56 from the total fees and permits of $26,000 approved on November 19, 2013 to unanticipated construction costs for the Big Brothers Big Sisters renovation of Nellie Iles School.

**Administrative or Policy Goal:**

Community Partner support

**Background:**

On November 19, 2013 funding was approved by the City Council in the amount of $26,000 for the Big Brothers Big Sisters renovation project. The estimated costs for fees and permits are noted in the letter attached from Steve Hamaker. Total costs for fees and permits incurred is $13,829.44. Due to unanticipated construction costs and redefining the project, fees and permits costs are less than first estimated. Mr. Hamaker is requesting permission to reallocate the remaining balance of $12,170.56 to those the unanticipated costs rather than fees and permits.

This is not a request for additional funding and the amount has been carried forward in each budget year since approval in November 2013.

**Legal/Statutory Authority:**

## Responsible Staff:

David M Derragon 721-5304

Attachments: Letter of request from Big Brothers Big Sisters

Greater Wyoming
**Big Brothers Big Sisters**

**Steve Hamaker,** CEO
Steve@wyobbbs.org

518 Ord St.
Laramie, WY 82070
T (307) 742-2227
F (307) 721-4129

www.bbbs.org

David Derragon, Assistant City Manager
406 Ivinson
P.O. Box C
Laramie, WY 82073

March 10, 2016

Dear Mr. Derragon,

In November of 2013, Big Brothers Big Sisters requested a mid-year request of outside agency funds to help leverage a Community Facilities grant from the Wyoming Business Council for the purpose of renovating Nellie Iles School. The City committed to providing $24,719.94, which contributed to our success in obtaining the grant. The City's original commitment letter is attached.

As we approach completion of the renovation, our CMAR has notified us that the fees and permit costs have varied from the original estimated budget (Attachment A). Specifically, the engineering review fee, sign permit, plant investment fees, and water meter fees were either unnecessary, implemented using other funds, or completed at a reduced cost.

We are currently facing some unanticipated costs beyond the project's planned contingency. Throughout the project, the costs for asbestos abatement have been much higher than anticipated and in order to safely complete the project we have been actively reducing the scope, implementing value engineering cost savings, and seeking and successfully raising other funds. To help with our efforts to complete the project, we are requesting that the City maintain its commitment of $24,719.94, but allow the specific expenditures to vary from the original estimated budget (Attachment A).

Specifically, we are requesting permission to apply the funds saved from the reduced costs of the engineering review fee, sign permit, plant investment fees, and water meter fees (approximately $10,900) to other unanticipated construction costs, allowing us to successfully complete this phase of the project and occupy the building within the next two months.

Thank you for considering our request and continuing your support of Big Brothers Big Sisters and this project.

Sincerely,

Steve Hamaker
CEO

**City of Laramie**
City Manager's Office
P.O. Box C
Laramie, WY 82073

(307) 721-5226
FAX (307) 721-5211
TDD (307) 721-5295

November 19, 2013

Tim Sullivan, Chairman
Albany County Commissioners
525 Grand Avenue
Laramie, WY 82070

Steve Hamaker, CEO
Greater Wyoming Big Brothers Big Sisters
518 Ord
Laramie, WY 82070

RE: Letter of Commitment for the Rehabilitation of the Nellie Iles School for the Greater Wyoming Big Brothers Big Sisters Community Mentoring Center

Dear Mr. Sullivan and Mr. Hamaker:

This letter is to provide support of the rehabilitation project of the Nellie Iles School for the Greater Wyoming Big Brothers Big Sisters Community Mentoring Center located at 518 S. Ord Street. The Greater Wyoming Big Brothers Big Sisters Community Mentoring Center will provide youth recreational opportunities, community meeting space, nonprofit office space, afterschool programming, and the county's juvenile justice programs. It is believed that this project will provide the following:

- Relieve taxpayers from the burden of maintaining the school property;
- Reduce energy costs;
- Provide economic benefits by sustaining over 50 Wyoming jobs;
- Provide long-term sustainability for the Greater Wyoming Big Brothers Big Sisters (GWBBS) non-profit organization;
- Ensure countless measurable quality-of-life benefits for hundreds of local youth and families; and
- Preserve a historical local school building.

It is my understanding that Albany County and Greater Wyoming Big Brothers Big Sisters will be applying December 1, 2013 to the Wyoming Business Council for a Community Facilities grant in the amount of $1,000,000 and a Community Development Block Grant for $500,000 to help fund the rehabilitation activities. As a requirement to the grant, 15% or $225,000 of the request has to be provided with either in-kind or cash match. To document that the match has been secured, letters of commitment must accompany the application.

The City of Laramie supports the rehabilitation project of the Nellie Iles School for the Greater Wyoming Big Brothers Big Sisters Community Mentoring Center by contributing the following to the project:

> $12,333.00 in Community Partner funds and up to $24,719.94 in additional funding requested as mid-year Community Partner contribution, for the completion of this project (see attachment A). The City's contribution of $50,000 for in-kind services will be determined by the City Council as project plans are finalized and specific needs identified.

We look forward to the completion of this much needed project for one of Laramie's most successful and established non-profit organizations.

Respectfully,

David A. Paulekas
Mayor

*Attachment A*

*BBBS, in consultation with the planning division of the Community Development Department, developed the following cost estimates for fees and permits:*

| | |
|---|---|
| Plan Review Fee | $4,795.69 |
| Building permit Fee | $7,433.75 |
| Engineering Review Fee | $5,000.00 |
| Plumbing Permit | $400.00 |
| Electrical Permit | $650.00 |
| Mechanical permit | $200.00 |
| Fire Suppression | $350.00 |
| Sign Permit | $150.00 |
| Plant Investment Fees (Tap upsize) | $5,025.00 |
| Water Meter | $715.50 |
| **Total** | **$24,719.94** |

# CITY OF LARAMIE COUNCIL REGULAR MEETING November 19, 2013

**Agenda Item: Letter of Support**

**Title: Consideration of Letter of Support and Mid-Year Community Partner Funding Request for Big Brothers Big Sisters Community Facility Project**

**Recommended Council MOTION:**

I move to provide a Letter of Support for the Big Brothers Big Sisters Community Facility Project and provide funding of $26,000 in mid-year Community Partner Funding and up to $50,000 in in-kind support to complete the project.

**Administrative or Policy Goal:**

Support of Community Partner Agencies

**Background:**

Big Brothers Big Sisters, through Albany County, is applying for a Community Facilities Grant from the Wyoming Business Council to convert the Nellie Ilse School into the Greater Wyoming Big Brothers Big Sisters Community Mentoring Center. Albany County and Greater Wyoming Big Brothers Big Sisters will be applying December 1, 2013 to the Wyoming Business Council for a Community Facilities grant in the amount of $1,000,000 and a Community Development Block Grant for $500,000 to help fund the rehabilitation activities. As a requirement to the grant, 15% or $225,000 of the request has to be provided with either in-kind or cash match. To document that the match has been secured, letters of commitment must accompany the application.

The Greater Wyoming Big Brothers Big Sisters Community Mentoring Center will provide youth recreational opportunities, community meeting space, nonprofit office space, afterschool programming, and the county's juvenile justice programs. It is believed that this project will provide the following:

- Relieve taxpayers from the burden of maintaining the school property;
- Reduce energy costs;
- Provide economic benefits by sustaining over 50 Wyoming jobs;
- Provide long-term sustainability for the Greater Wyoming Big Brothers Big Sisters (GWBBS) non-profit organization;
- Ensure countless measurable quality-of-life benefits for hundreds of local youth and families; and
- Preserve a historical local school building.

Big Brothers Big Sisters is asking for Council support for their project that significantly benefits the community. The support proposed mirrors that provided to the Lincoln Community Center project a few years ago.

**Legal/Statutory Authority:**

## Responsible Staff:

Attachments: Letter of Support; Mid-year Community Partner Funding request

City Manager 11/12/13 City Attorney _____

**11. Consideration of Design Contract for Construction Manager at Risk Service between the City of Laramie, WY and LEDC, Inc., and Groathouse Construction, Inc., for the HiViz Headquarters Project.**

MOTION BY WEAVER, seconded by Shumway, that Council rescind the Design Contract between the City of Laramie and LEDC, Inc., and Groathouse Construction, Coffey Engineering, and Malone Beltone Abel for the HiViz Headquarters Project approved on October 15, 2013, and approve the design contract between the City of Laramie and LEDC, Inc., and Groathouse Construction, Inc., for the HiViz Headquarters Project, at a cost not to exceed $111,730.00, and authorize the Mayor and City Clerk to sign.

Roll call showed Aye: Henry, Pearce, Kempert, Vitale, Shumway, Weaver, and Paulekas. Nays: None. Absent: Hanson. MOTION CARRIED.

**12. Consideration of Letter of Support and Mid-Year Community Partner Funding request for Big Brothers Big Sisters.**

MOTION BY KEMPERT, seconded by Henry, that Council provide a Letter of Support for Big Brothers Big Sisters Community Facility Project and provide funding of $26,000 in Mid-Year Community Partner Funding and up to $50,000 in-kind support to complete the project and amend the Budget for FY14 to accommodate the project.

MOTION BY KEMPERT, seconded by Vitale, that Council recuse Weaver on this agenda item.

MOTION OF RECUSAL CARRIED by voice vote.

Roll call ON MAIN MOTION showed Aye: Henry, Pearce, Kempert, Vitale, Shumway, and Paulekas. Nays: None. Abstain: Weaver. Absent: Hanson. MOTION CARRIED.

Council recessed at 8:00 p.m.

Council reconvened at 8:07 p.m.

**13. Consideration of Gardiner Subdivision Final Plat (Location: 1025 Howe Road, one mile south of City boundary; 2 lots out of parcel 10.1 acres; Owner: Darcy Beth Gardiner).**

MOTION BY PEARCE, seconded by Henry, that Council deny without prejudice the Gardiner Subdivision Final Plat, based on findings that the final plat was not approved by the Board of County Commissioners and that the applicant has not entered into County-required agreements.

Roll call showed Aye: Henry, Pearce, Kempert, Vitale, Shumway, Weaver, and Paulekas. Nays: None. Absent: Hanson. MOTION CARRIED.

**14. Consideration of Professional Services Agreement with Hanna:Keelan Associates, P.C. for performing a Housing Study for the City of Laramie.**

MOTION BY PEARCE, seconded by Henry, that Council approve the Professional Services Agreement with Hanna:Keelan Associates, P.C., in an amount not to exceed $52,000; and authorize the Mayor and City Clerk to sign the agreement.

Roll call showed Aye: Henry, Pearce, Kempert, Vitale, Shumway, Weaver, and Paulekas. Nays: None. Absent: Hanson. MOTION CARRIED.

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

| | |
|---|---|
| LARAMIE 1868 | **Agenda Item:** Orig. Ordinance - 1st Reading<br>**Title:** AN ORDINANCE TO AMEND SECTION 2.04.010, AND TO DELETE SECTIONS 2.04.016, 2.04.020, 2.04.030, 2.04.070, 2.04.080, 2.04.090, 2.04.100, 2.04.110, 2.04.120, 2.04.130, 2.04.140, 2.04.150, 2.04.170, 2.04.180, 2.04.190, 2.04.210, 2.04.220, and 2.04.230 OF THE LARAMIE MUNICIPAL CODE |

**Recommended Council MOTION:**

1. I move to approve Original Ordinance and set it for second reading on May 17, 2016.

**Administrative or Policy Goal:**

To clean up the Code.

**Background:**

This Ordinance deletes duplicative and in some instances conflicting sections of Code so that the Code matches the Rules of Procedure and Code of Conduct.

## Responsible Staff:

Future dates are subject to change

| | |
|---|---|
| Work Session | Click here to enter a date. |
| Advertised | Click here to enter a date. |
| Public Hearing (PH) Held | |
| PH Advertised | Click here to enter a date. |
| Introduction/1st Reading | 5/3/2016 |
| 2nd Reading | 5/17/2016 |
| 3rd Reading | 6/7/2016 |
| | Click here to enter a date. |

_____ City Manager _____ City Attorney _____

ORIGINAL ORDINANCE NO. INTRODUCED BY: _____

ENROLLED ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 2.04.010, AND TO DELETE SECTIONS 2.04.016, 2.04.020, 2.04.030, 2.04.070, 2.04.080, 2.04.090, 2.04.100, 2.04.110, 2.04.120, 2.04.130, 2.04.140, 2.04.150, 2.04.170, 2.04.180, 2.04.190, 2.04.210, 2.04.220, and 2.04.230 OF THE LARAMIE MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE, WYOMING that:

Section 1. Laramie Municipal Code Section 2.04.010 shall be amended as follows:

2.04.010 - Applicability of chapter.

This chapter covers rules and regulations on elections, vacancies, ward boundaries, official record, voting requirements and salaries. The city council shall adopt procedural rules and a code of conduct via resolution which shall govern the city council meetings. ~~The provisions of this chapter shall constitute the rules and regulations governing the proceedings of the city council and shall be strictly adhered to unless temporarily suspended by a two-thirds vote of the councilmembers present at any meeting or are changed in the manner provided for in this chapter.~~

Section 2. Laramie Municipal Code Sections 2.04.016, 2.04.020, 2.04.030, 2.04.070, 2.04.080, 2.04.090, 2.04.100, 2.04.110, 2.04.120, 2.04.130, 2.04.140, 2.04.150, 2.04.170, 2.04.180, 2.04.190, 2.04.210, 2.04.220, and 2.04.230 shall be deleted.

Section 3. This ordinance shall become effective after passage, approval and publication.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

_____
David A. Paulekas, Mayor and President
of the City Council of the City of
Laramie, Wyoming

ATTEST:

_____
Angie Johnson
City Clerk

| | |
|---|---|
| First Reading | May 3, 2016 |
| Second Reading | May 17, 2016 |
| Third Reading | June 7, 2016 |

Duly published in the *Laramie Daily Boomerang* this _____ day of _____, 2016.

# CITY OF LARAMIE COUNCIL REGULAR MEETING May 3, 2016

| | |
|---|---|
| | **Agenda Item:** Resolution<br>**Title:** A Resolution to adopt Rules of Procedure and Code of Conduct of City Council |

**Recommended Council MOTION:**

1. I move to approve Resolution and authorize the Mayor and Clerk to sign.

**Administrative or Policy Goal:**

To establish rules governing procedure and conduct during Council Meetings.

**Background:**

This Resolution adopts the procedural rules and code of conduct discussed at the retreat and two work sessions.

_____ City Manager _____ City Attorney _____

RESOLUTION NO. 2016 - _____

A RESOLUTION ESTABLISHING RULES OF PROCEDURE AND CODE OF CONDUCT OF CITY COUNCIL

WHEREAS, the City Council has operated under Robert's Rules of Order and a Code of Conduct; and

WHEREAS, the Council wishes to adopt the attached Rules of Procedure and Code of Conduct of City Council

PASSED AND APPROVED THIS _____ day of May, 2016.

_____
Mayor and President of the City Council
City of Laramie, Wyoming

ATTEST:

_____
Angie Johnson
City Clerk

# CITY OF LARAMIE

## RULES OF PROCEDURE AND CODE OF CONDUCT OF CITY COUNCIL

**Revised 2016**

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## ARTICLE 1: Rules of Procedure

### Rule 1. Meetings

A. Regular Meeting. Regular meetings of the city council shall be held at 6:30 p.m. on the first and third Tuesday of every month in the city council chambers unless otherwise noticed. If the first or third Tuesday falls on a city holiday or Christmas Eve or New Year's Eve, the regular meeting shall be held at 6:30 p.m. on the next business day.

B. Work Session. Work sessions may be scheduled by the city council as needed.

C. Special Meetings. A special meeting, or any change in the time or location of a regular meeting, shall be called by the city clerk who shall notify each member of the council and notice the meeting pursuant to state and municipal law. Any person or entity requesting that a special meeting be called shall pay to the city an administrative fee in the amount of the city council salaries for council members in attendance at the meeting. This section shall not apply to requests for special meetings from city council members or staff members of the city council.

D. Quorum. Five council members shall be a quorum for the transaction of business, but in the absence of a quorum, the members present may adjourn the meeting to a later date. A member participating by telephone in accordance with Rule 1.E shall count towards a quorum.

E. Telephonic Attendance at Meetings. Any member of council may attend a meeting telephonically subject to the following conditions.

1. The telephonic attendance must be arranged in advance of the meeting by notifying the city clerk at least 24 hours in advance to insure that the necessary equipment is available for use.
2. The council member must provide the contact information to the city clerk's office so that contact can be made.
3. The council member must have equipment available for the contact to effect the communication, both for audio and the ability to receive documents in electronic format.
4. The council person must have the agenda packet available to read.
5. The council member must be able to participate effectively during the entire meeting, or for the entire discussion of the singular item for which attendance is required without interruption.
6. Each council member shall be limited to not more than five (5) times annually during which telephonic attendance may be utilized.

### Rule 2. Presiding Officer

A. Conduct of Meeting**.** The presiding officer at all meetings of the council shall be the mayor, and, in the mayor's absence, the vice mayor, who shall conduct the business and deliberations of the council under these rules. Specifically the mayor shall:

1. Preserve order and decorum in the council chambers;
2. Observe and enforce all rules adopted by the council for its government;
3. Decide all questions on order, in accordance with these rules;

4. Recognize members of the council in the order in which they request the floor. No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the council have had an opportunity to be recognized and be heard.
5. Retain the authority during public comment to determine whether a speaker's remarks fail to comply with these rules or exceed the scope of the designated forum. The presiding officer shall have the authority to suspend such person's right to speak, subject to the council's right to overrule such decision.

B. Election of Mayor and Vice Mayor. The mayor shall be elected by the whole of the city council at its first meeting in January following a general election in the manner as outlined in Section 2.04.16 of the Laramie Municipal Code. The vice mayor is elected in the same manner as the mayor.
C. Duties of the Mayor and Vice Mayor. The mayor serves as the presiding officer of the city council and as the liaison to the city manager, city attorney and city judge. The mayor also regularly attends the agenda meeting to assist city staff in preparing for an upcoming meeting and generally handles the motions for changes to the consent and regular agenda, as well as the motion to approve the consent agenda. The vice mayor may also attend the council agenda meeting and is the presiding officer in the absence of the mayor, or at the mayor's request.
D. Absence of Mayor and Vice Mayor. In the absence of the mayor and vice mayor the council shall, by motion, appoint one of its members to serve as presiding officer of the council until the return of the mayor or vice mayor.

**Rule 3. Remarks and Debate**

A. Speaking to the Motion. No member of the council shall speak more than twice on the same motion except by consent of the majority of the council members present at the time the motion is before the council. Council member remarks are limited to four minutes each time the member speaks for a total of eight minutes. Council members may forfeit their time to speak to another council member, this can be done without a vote.
B. Interruption. No member of the council shall interrupt or argue with any other member while such member has the floor.
C. Courtesy. Members of the council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and demeanor and shall not engage in disorderly behavior, or make personal comments, derogatory remarks or insinuations in respect to any other member of the council, staff or public.
D. Discipline. If a member of the council violates these rules, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. Any other member of the council may, under a point of order, call the presiding officer or other member to order. Additional discipline may include, but is not limited to, a verbal admonition, public reprimand, and expulsion from the meeting at which the conduct is occurring.

E. Challenge. Any member of the council shall have the right to challenge any action or ruling of the presiding officer, or member, in which case the decision of the majority of the members of the council present, including the presiding officer, shall govern.
F. City Staff. The city manager and city attorney or their designees shall have the right to enter into a discussion of any matter coming before the city council. Other city staff may enter into a discussion through the city manager or designee.
G. Work session courtesy. During a work session, it may be acceptable to address one another by name so long as the chair feels that the meeting is maintaining a civil tone. At the chair's discretion, council may be requested to use the more formal meeting format even when direct votes are not being taken.

**Rule 4. Order of Business**

A. Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Order of Agenda
5. Proclamations/Notifications
6. Consent Agenda
7. Regular Agenda
8. Public Comment
9. Adjournment

B. Consent Agenda. All matters listed under consent agenda are considered to be routine by the city council and will be voted by one motion. There will not be separate discussion of these items. The following items may be placed on the consent agenda:

1. Approval of license applications and bonds;
2. Resolutions;
3. Approval of payments of contracts under $100,000;
4. Bid and contract awards under $100,000;
5. Third readings of ordinances;

Any council member may have any item removed from the consent agenda for separate consideration without a second or a vote before voting has finished on the consent agenda.

**Rule 5. Motions**

A. Making a Motion. For an item to be brought to the floor a councilor shall make a motion. Items shall be brought to the floor in the order of the agenda.
B. Seconding a Motion. All motions must receive a second for action, except for a call for nominations, withdrawing a motion, a request for a roll call vote, and a point of order. If a second is made, the mayor will state the names of the respective council members making and seconding the motion. If a motion does not receive a second, it dies.

C. Amending a Motion. Any council member may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment made shall be voted on first.
D. Postpone to a Certain Date. This motion is used to delay consideration of an item until a specified date.
E. Postpone Indefinitely. This motion is used to delay consideration of an item until an unspecified date.
F. Point of Order. Any council member may raise a point of order at any time. A point of order means that the council member is asking for a ruling on whether the rules of procedure are being followed. The point of order shall first be made to the mayor for a ruling. The member may appeal the mayor's ruling to the council, which may affirm or overrule the mayor's ruling by a majority vote of the council members present. A point of order directed to the mayor or council does not require a second and is not subject to amendment.
G. Reconsideration. A council member who voted in the majority may move to reconsider an item that council has voted on during the same or next business meeting.
H. Discussion on the Motion. Council may discuss a pending motion only after the motion has been moved and seconded.
I. Voting on the Motion. After discussion, the mayor or any council member may call a vote on the motion (Calling the "Previous Question"). After voting concludes the mayor will announce the results.
J. Approval or Denial. If a motion is made to approve any application, and the council does not approve the motion, one of the councilors voting no shall make a motion to deny the application, citing at least one legal reason for the denial. A council member may ask the city attorney or other staff to assist them in stating the reasons for denial.

<u>Precedence of Motions</u>

A. Precedence of Motions. When a question is under consideration, no motion shall be entertained except as follows, such motions having precedence in order as stated:

1. To adjourn. (Not debatable.)
2. To remove an item from the agenda.
3. To lay on the table. (Not debatable).
4. To call the question. If a councilor calls the question, the chair shall allow the councilors that have not spoken to the motion one chance to speak. The chair shall then allow the public to comment, after which a roll call vote shall take place. (Requires a two-thirds vote).
5. To postpone to a date certain.
6. To amend.
7. To substitute.
8. To postpone indefinitely.
9. Main motion.
10. Motion to reconsider. No motion to reconsider a vote shall be in order except by a councilor who voted on the prevailing side. Any member of

the council shall have the right to change their vote at any time before final action is taken.

**Rule 6. Suspension of Rules**

No rule shall be suspended except by a two thirds vote of the council members present at the meeting. A motion to suspend a rule is not debatable. Vote on the motion to suspend may be by voice vote of the council, unless a member requests a roll call.

**Rule 7. Ordinances and Resolutions**

Reading of ordinances and resolutions shall be deemed sufficient by the reading of a brief synopsis of the title of the ordinance or purpose of the resolution. Reading the motion shall satisfy this requirement. A full reading shall not be required unless requested by any council member and a majority vote of the council members present.

**Rule 8. Robert's Rules of Order**

Any questions of practice or procedure not provided for by these rules shall be governed by Robert's Rules of Order (newest revision).

**Rule 9. Amending these Rules**

Amendments to these rules shall be made by a resolution and shall require a majority vote by the council members present.

# ARTICLE 2: Code of Conduct

## CHAPTER 1. Roles and Responsibilities

### 1.01. Whole Council

The council as a whole is a policy making board and as such, it is not the duty of the council to administer the day to day operations of the city. Many items will come before council as required by city ordinance, but many issues are more discretionary in nature. It is important that the council and the city staff work together to differentiate between administrative duties which are relevant to staff, and those decisions which are of a policy-making nature and should come before council. All council members, including those serving as mayor and vice mayor, have equal votes. No council member has more power than any other council member, and all should be treated with equal respect.

### 1.02. Mayor & Vice Mayor

**1.02(A).** The Mayor serves as the administrative head of the council, addressing a variety of issues that may arise including, but not limited to, conduct among council members, communicating with the media, emergencies, and authorizing by signature a number of documents for the city. Generally, the mayor should not make decisions other than administrative decisions on behalf of the whole council, and should instead work to differentiate which matters need comments from the council and which matters are purely administrative in nature. Matters which concern policy direction should be brought before the council as a whole.

### 1.03. Boards & Commissions Liaisons/Elections/Seating at Rostrum

**1.03(A).** The selection of liaison positions by council members to city boards and commissions and the selection of seating of council members at the rostrum are handled at the first meeting when a new council is seated. Council shall first, elect the mayor and the vice-mayor and select the seating of council members at the rostrum prior to the selection of liaison positions by council members to city boards and commissions.

**1.03(B).** The selection of council members to liaison positions to city boards and commissions shall be by rotation of council members beginning with those council members with the most consecutive years of service as a council member then reverse the order for the next rotation until all liaison positions to all city boards and commissions have been filled. The priority of those members with equal years of consecutive service shall be made by a game of chance selected by the mayor. Council members previously appointed to an ad hoc committee by resolution may continue to serve on the ad hoc committee.

**1.03(C).** The seating of council members at the rostrum shall be by rotation of council members beginning with those council members with the most years of consecutive service as a council member.

**1.03(D).** A council liaison to a city board or commission should serve in an advisory capacity and as a point person to keep the council informed of the activities of the board or commission. The liaison should not attempt to influence the votes of city board and commission members and should only vote if the liaison is an official voting member. The position of an official voting member shall be identified in the introductory documents provided to the council member in the orientation material.

**1.03(E).** Guidelines for interviewing and appointing board or commission members as outlined in Appendix A, shall be followed.

## CHAPTER 2. Internal Council Conduct

It should be generally understood that the council exists to work in the interest of the public. The council should strive to work as a team in achieving the best outcome for the community. The council should conduct business in a civil, efficient and cooperative manner with other members of council and city staff. It is incumbent upon council members to listen to one another and give full opportunity for all viewpoints to be heard. All disagreements should be handled in a civil fashion.

### 2.02. Addressing One Another

**2.02(A).** During a regular meeting, council members shall address one another in a more formal manner as "Councilor _____ (last name)" or "Council Member _____ (last name)." Council members should also address all responses through the chair, for example: "Mr ./Madame/Honorable Mayor, I disagree with the comment made by the previous Council Member or Councilor Smith…." Formality helps to maintain civility during contentious issues. In all instances, council members shall remember that as representatives of the community it is important to keep discussions civil, whether in or out of chambers. Personal attacks will not be tolerated and may subject the councilor to being called by another council member for a breach of order or potential penalty by a majority of the council, such as an apology or a withdrawal of objectionable statement(s) or remark(s).

**2.02(B).** During a work session, it may be acceptable to address one another by name so long as the chair feels that the meeting is maintaining a civil tone. At the chair's discretion, council may be requested to use the more formal meeting format even when direct votes are not being taken.

### 2.03. Recording and Broadcasting Meetings

**2.03(A).** All regular business meetings and special business meetings of the city council are public meetings under the provisions of the Wyoming Statutes. Executive sessions of those meetings may exclude the public from attendance, provided that the statutory mandates are met in announcing the meetings and conformance with the requirements during the meetings has occurred. Minutes of all meetings of the city council are required to be made and retained by the city clerk. Minutes of regular business meetings and special business meetings, excluding the executive sessions, will be made available to the public following approval of the minutes by the council. Each of the council meetings is to be recorded, and the minutes are created from those recordings.

**2.03(B).** In addition to the recordings of the regular business meetings, there is a broadcast of the meetings, and a recording of those broadcasts. The broadcasts are transmitted in real time on the Public Access Channel over the cable television network provided in the city, and beyond. In addition to the live broadcast on the cable channel, an audio recording of each meeting is made available to the public through the city's internet website at www.cityoflaramie.org. Each entire meeting is recorded as hereinafter specified.

**2.03(B)(i).** Regular Business Meetings and Special Business Meetings. Regular business meetings and special business meetings, including emergency meetings, shall be recorded from the opening of the meeting to adjournment. An interruption of the recording may occur during a recess to executive session. Further business may be conducted by the council following the executive session. The broadcast recording will follow the same time frame of recording.

**2.03(B)(ii).** Emergency Meetings. Audio recording of special meetings shall be made by the city staff unless such is not available due to emergency conditions. In the instance that recording is not available, written minutes of the meeting shall be made by the city clerk, or other available staff members.

**2.03(B)(iii).** Executive Sessions. Executive sessions of any council meeting shall be audio recorded by the city clerk, regardless of whether the clerk remains for the session or not. The recording shall be sealed by the city clerk and retained in the city clerk's records. Such recording shall be unsealed only upon receipt of a valid court order requiring the recordings to be unsealed. The order received shall be retained by the city clerk together with the recording.

**2.03(B)(iv).** Regular business meetings and work sessions will be available to the public via video streaming.

**2.04. Council Updates**

Each work session shall include time for council updates and council comments. Council updates shall be an opportunity for council members to report or discuss issues with the whole council that may have arisen from boards or commissions or other meetings. Council comments shall provide an opportunity to raise matters which are of concern to the council member or members of the public. It may also be a time for city staff to update the council on items council might find relevant, or to request direction on pressing issues.

**2.07. Placing Items on the Business Meeting Agenda**

**2.07(A).** Generally, the business agenda for each meeting will be generated by the city manager, with the items being suggested by staff or members of council. The proposed agenda will be reviewed with the mayor at the agenda meeting and subsequently submitted to the council for consideration at each meeting for adoption, with such amendments as may be determined by council.

**2.07(B).** A council member may request an item be considered on a future agenda by making a written request to the city manager. In order to allow sufficient time for council to review and city staff to research the matter, the request should be submitted at least ten (10) days prior to the meeting for which the item is requested to be placed on the agenda. The requesting council member shall submit to the clerk within the ten (10) day period all written material for submission to council.

**2.07 (C).** A member of the public may request a council member sponsor an item on a future agenda by submitting the request in writing to the council member, or to the city clerk's office. In order to allow sufficient time for council to review and city staff to research the matter, the request should be submitted at least ten (10) days prior to the meeting for which the item is requested to be placed on the agenda. The member of the public shall submit to the clerk within the ten (10) day period all written material for submission to council. Once the issue has been placed on the agenda, the city clerk will notify the requester so that he or she may plan to attend the meeting.

**2.08. Requesting Work Session Topics**

A council member may suggest an item or topic be presented in a regular work session to acquire information. Such item shall be scheduled for a regular work session, provided a second to the proposal is received from another council member.

**2.09. Time Length of Regular Council Meetings**

It is the intent of the city council that no additional agenda item will be introduced at a regular business meeting or special business meeting after the hour of 9:30 p.m. unless the city council members present vote to extend the meeting by suspending the rules with a 2/3 vote of the members present and continue the meeting until 10:00 p.m. If the item introduced at a regular city council meeting and being discussed by 9:30 p.m. is not concluded by 10:00 p.m., the council shall adjourn the regular city council meeting to another date to conclude discussing the agenda item or the next regular city council meeting. City council shall reserve time at the end of each regular meeting for public comments regardless of the hour. All items remaining on council's regular agenda would be moved to the next regular city council meeting and will be given priority over any additional items on the regular city council's agenda. The intent and purpose of this policy is to encourage a reasonable hour in which the city council business is discussed and to protect against fatigue in discussing and deciding important city issues.

**2.10. Telephonic Attendance at Meetings**

**2.10(A).** It is recognized that there may be circumstances when a council member intends to attend a meeting, but is prevented from attending in person and wishes to participate telephonically. In order for that attendance to occur telephonically, there are a number of conditions that must be fulfilled to achieve that attendance. Those conditions include the following, together with such unanticipated circumstances as may arise during the interim:

1. The telephonic attendance must be arranged in advance of the meeting by notifying the city clerk at least 24 hours in advance to insure that the necessary equipment is available for use.
2. The council member must provide the contact information to the city clerk's office so that contact can be made.
3. The council person must have equipment available for the contact to effect the communication, both for audio and the ability to receive documents in electronic format.

4. The council person must have the agenda packet available to read.
5. The council member must be able to participate effectively during the entire meeting, or for the entire discussion of the singular item for which attendance is required without interruption.
6. Each council member shall be limited to not more than five (5) times annually during which telephonic attendance may be utilized.

**2.10(B).** A council member who attends the entire meeting telephonically shall be paid for that meeting. Attendance at only a portion of the meeting, regardless of whether the council member participates in one or more votes, does not entitle the member to be paid for the meeting.

**2.11. Travel Policy & Expenditure Guidelines**

Council members shall be subject to the following travel policy and shall follow the expenditure guidelines where such are applicable.

**2.11(A).** All travel by council members for which reimbursement is sought from the city must be directly related to City business and, with the following exceptions, must be pre-approved by the council:

1. Travel to the National League of Cities annual conferences.
2. Travel to the National League of Cities committee meetings when the council member is an appointed member of the committee.
3. Travel to the Wyoming Association of Municipalities (WAM) annual meetings and the committee meetings of which the council member is a member, or other requested WAM activities.
4. Travel to attend the Wyoming legislature, or the committee meetings thereof, to promote the city's position.
5. Council retreats.

**2.11(A)(i).** In the event that a council member does not file for re-election, or is defeated in an election contest, all travel requested by that member after the date of the decision at any of the three (3) points in time, filing of the petition for candidacy, the primary election or the general election, shall be submitted to the council for approval prior to exercising such travel.

**2.11(B). Requests for Pre-Travel Approval**

1. Requests for pre-travel approval shall be made by council member on the travel request form located in the city clerk's office.
2. The completed travel request form shall be submitted to the city clerk for inclusion on the consent agenda of the following regular business meeting.

3. The following information must be submitted by the council member on the travel request form:

   a. Estimated costs of travel, including airline tickets, mileage reimbursement, meals, lodging, taxi service and any associated costs.
   b. The proposed dates of travel, the method of travel and the proposed destination.
   c. The purpose of the trip.

4. The request will be placed on the consent agenda for concurrence of the majority of the council, if the request is for other than the approved travel of the council member.

**2.11(C). Travel Reports and Reimbursement Procedure**

1. Travel arrangements for council members shall be coordinated through the city clerk, who may make arrangements of the following for council members using the city issued credit card at the request of the council member:

   a. Airline tickets.
   b. Registration.
   c. Lodging reservations.

2. Following the approved travel, each council member shall follow the procedure set forth below to complete the travel procedure.

   a. Submit a completed travel and reimbursement form to the city clerk, together with the receipts for items that have been paid with the city credit card, such as:

      i. Airline tickets.
      ii. Lodging.
      iii. Rental vehicles.
      iv. Taxi or bus fare.
      v. Parking fees.
      vi. Baggage fees.
      vii. Registration, training and attendance costs.

   b. Sign the completed travel form certifying attendance at the scheduled event, incurring the expenses on behalf of the city and conforming to the provisions of this policy to the best of the knowledge of the council member.

3. Each council member shall follow the procedure set forth below to obtain reimbursement for the incurred expenses which have been paid by the council member not using the city credit card:

   a. Submit a completed reimbursement request form to the city clerk, including the receipts for such items as:

      i. Meals.
      ii. Private vehicle mileage.
      iii. Other expenses incurred on behalf of the City business.

   b. Sign the completed reimbursement request form certifying that such expenses were incurred on behalf of the city and such are conforming to the provisions of this policy to the best of the knowledge of the council member.
   c. Submit the completed form to the city clerk, who will process the request with the finance department.

4. Council Travel Reports. Following travel to out-of-state conferences each Councilor may submit a written report of the significant activities of the conference to the council via the city clerk for inclusion in the agenda packet prepared for council.

**2.11(D). City Issued Credit Card Procedures**

1. Each council member may, at the option of the council person, be issued a city owned credit card for use by that council member while engaged in the furtherance of city business, but not otherwise.
2. The city issued credit card may be used for the following expenses incurred by that council member, but not otherwise:

   a. Airline tickets and baggage fees.
   b. Lodging at the lowest rate available to the council member, but excluding any and all upgrades in accommodations or service.
   c. Rental vehicles at the lowest rate available, but excluding any and all upgrades in vehicle or service.
   d. Parking fees.
   e. Fuel for city owned vehicles operated by the council member.
   f. Registration, training and attendance fees.

3. The following uses of the city issued credit card are prohibited:

   a. Meals.
   b. Alcoholic beverages.
   c. Upgrades in lodging accommodations or services or rental vehicles.

d. Personal expenses.

**2.11(E). Meal and Incidental Reimbursement**

For any event, each council member may choose either of two methods of reimbursement for the meals and incidentals authorized during travel on city business, with the below described procedures applicable.

1. Per Diem Reimbursement.

   a. Meals will be reimbursed at the rate approved by the city manager for city employees, within the federal travel regulation guidelines.
   b. Partial days of travel are addressed within that policy.
   c. No receipts for meals are used in calculating the meal expense allowance under the per diem method, with the exception of meals consumed during a single day travel, when receipts must be submitted to the city clerk.

2. Actual Expense Reimbursement.

   a. The council member must submit the receipts for the meals actually eaten, excluding any and all charges for alcoholic beverages.
   b. Tips, not to exceed 20%, actually given are to be included and reimbursed.

3. No meals will be charged on the city issued credit card.

**2.11(F). Lodging Expenses and Procedures**

1. Lodging will be paid by city, either directly or as reimbursement, in either of the following cases:

   a. The federal per diem hotel guideline for the location actually used by the council member, without regard to the actual cost of the lodging.
   b. The lowest rate available to the council member, with an attempt to secure the lowest government rate available for the actual lodging utilized by the council member, excluding any and all upgrades which have additional expense for the accommodations or the service.

2. Other lodging policies:

a. A council member may have the council member's spouse also stay in the room if there is no additional expense to the city, or if any additional expense is paid by the council member and not paid on the city issued credit card.

b. Lodging may be paid by the council member and the amount attributed to city business reimbursed by the city.

c. All receipts for lodging must be submitted to the city, regardless of the payment method.

d. Only lodging that is actually used by the council member may be paid on the city issued credit card, or reimbursed to the council member.

e. Council members shall review the receipts for travel to insure that additional charges have not been entered on the account to be charged to the city.

f. Council members shall make every reasonable attempt to arrange for travel and lodging at times which allow the council member to take advantage of the special lower rates for travel, lodging and registration, where available.

## CHAPTER 3. Council Conduct with City Staff

### 3.01. Direction to Staff for Projects

Direction is given to the city staff to pursue items that generally impact the public policy of the city by determining that there is little or no opposition during a work session, or through a direct binding majority vote of the body at a special or regular business meeting. Once direction is given to the city manager in one of these ways, that individual shall determine who shall carry out the duty, or advise the council if the city needs additional city staffing to carry out the task. City staff, including the direct employees of the council (which are the manager, attorney, and judge), are under no obligation to pursue items for only one council person. If a council person wishes to ask the city staff to work on an issue, they must have either received the consent of the council by determining that there is little or no opposition during a meeting or have a second on a motion to introduce legislation.

### 3.02. Requests for Information on Non-Agenda Items

City staff is hired to carry out the day to day business of operating the city. Council should keep this in mind when requesting information or asking to perform these functions. Generally, all interactions with staff members should flow through the city manager. If a council member is asking for information from city staff that will require more than thirty (30) minutes of city staff time to collect or research a problem, or prepare a response the request will need to be approved by city council to ensure that city staff resources are allocated in accordance with overall council priorities.

**3.02 (A).** When a council member wishes to request staff to provide information, that request should be made in writing to the city manager. A response to the written request shall be made by staff in not more than five (5) business days.

### 3.03. Interaction with Staff

It is not appropriate for council members to admonish city staff when disagreeing with the information brought forth for presentation to the governing body. Concerns should be taken up with the city manager, and if there is deemed to be an issue that needs to be addressed by the whole council, it will be brought forth. In any event, there shall be no personal attacks on city staff.

## CHAPTER 4. Council Conduct with the Public

### 4.01. Public Meetings

Making the public feel welcome is an important part of the democratic process. Handouts for the public on council meeting procedures, and guidelines for addressing city council, are outlined in Appendix B and C and shall be followed at all times. Recognizing that the actions of each council member impact the public perception of the whole council, council members shall strive to treat the public with respect.

### 4.02. Public Comments

There shall be public comments permitted when individuals are recognized by the mayor at the following times

1. Following the opening of work sessions for items not found on the agenda.
2. Following the agenda items of the work sessions for those items.
3. Following council discussion of each agenda item during the regular meetings for comments concerning that agenda item.
4. As a regular agenda item following the council agenda at regular meetings, but prior to any executive session which may be called at or near the end of the meeting.

The chair shall inform those wishing to speak that there is a five minute limit on comments regarding any item not on the agenda, and that the speakers shall address their comments to the chair. Council members shall not participate as members of the public in the public comment periods. Public comments shall be recorded as a portion of the work session and broadcast as a part of the regular meetings. Care should be taken not to enter into a debate of the issues with members of the public, but if items need to be addressed, direction can be given to the city manager to do so. In any event there shall be no personal attacks on the public, nor shall members of the public be permitted to personally insult members of council or staff, or other members of the public.

### 4.03. Disruption of Public Meetings

Any member of the public will be allowed to appear and speak before the city council, unless he or she disrupts or otherwise impedes the orderly conduct of any council meeting, hearing, or other proceeding of the council such as using threatening or obscene language, personal defamatory statements, indecent or threatening behavior, or violent actions. If, after receiving a warning from the mayor or the presiding officer, a person persists in such conduct or otherwise disrupting the meeting, the mayor or the presiding officer, pursuant to the rules adopted by council, may expel and direct the member of the public to leave the meeting. Any council member may appeal the order of the mayor or the presiding officer and upon a majority vote of the council such order of the mayor or the presiding officer may be set aside. Such vote is undebatable. Such person may be readmitted at a future meeting as long as there are not further disturbances or disruptions by such person at that public meeting. Nothing herein shall limit or

restrain negative, positive or neutral comment about the manner in which an individual employee, officer, official or council member carries out the council member's duties in public office or employment.

**4.03(A).** To observe the order and decorum of city council meetings, the volume on all electronic devices including but not limited to cellular telephones, pagers or computers should be turned off or set to vibrate.

**4.04. Written Public Comment**

Interested parties, or their authorized representatives, may address the council through written communication with regard to any matter concerning city business or over which the council has control, or by addressing the city clerk, who shall distribute the written communication to council members. Written communication may also be submitted to the city council through electronic correspondence at council@cityoflaramie.org.

**4.05. Unofficial Settings**

It is also appropriate that council members recognize that as elected officials their conversations when out in public will be overheard. Members of the council should take care to be aware of what they say in public, and to differentiate between personal opinion and the opinion of council as a whole, whether in private or public conversations.

These guidelines shall be modified and adopted by a majority of council as needed.

## APPENDIX A

## BOARDS AND COMMISSION
## PROCEDURES FOR VACANCIES

1. City staff liaisons to particular city boards or commissions should notify the executive assistant (EA) in the city manager's office when positions on boards and commissions become vacant.

2. Vacant positions of city boards or commissions should be advertised by the EA for one (1) month unless otherwise specified by council as follows:

Website;
Public Access Channel;
Laramie Daily Boomerang;
Posted at City Hall; and
Other available electronic notification forms.

3. The EA will notify standing members of city boards or commissions regarding the expiration date of their term at least one (1) month in advance of the expiration of their appointment and inform them of the period during which they may reapply for their position.

4. Applications should be made available to interested applicants from the EA, or may be downloaded from the city's website, and should be submitted to the EA.

5. The EA will refer the names of the applicants to the city clerk to be placed on city council's agenda.

6. A minimum of three (3) members of council will interview applicants or incumbents for the planning commission or the parks, recreation and tree commission, and a minimum of two (2) members of council will interview applicants or incumbents for the remaining boards and commissions, who will make recommendations to the full council at the next regular meeting. Normally, the interviewing members of council will include the liaison to the board or commission. Incumbents who are reapplying to a city board or commission will not be interviewed unless there are additional applicants for such city board or commission or upon the request of a council member for an interview to re-appoint the incumbent applicant. In such case, all applicants and the incumbent will be interviewed. The entire council will then vote at the regular meeting to select members for city boards or commissions from the list of applicants who have been interviewed.

7. Following appointment by the council, a list of appointees will be forwarded to the EA who will contact new appointees notifying them of their appointment, meeting times and dates, and contact information for the board's/commission's staff liaison.

8. Positions of leadership on a given city board or commission will be decided within the city board or commission, unless otherwise specified by the city council.

9. During the formation of a city board or commission, council should give that body a written set of expectations and/or goals based upon requirements as outlined in the Laramie Municipal Code.

## APPENDIX B

## CITY OF LARAMIE, WYOMING
## COUNCIL MEETING PROCEDURES

WELCOME TO A MEETING OF THE LARAMIE CITY COUNCIL

The city council welcomes you to this meeting and invites you to participate in matters before the council. When meeting in the Council Chamber, members of the council are seated at the rostrum and each has a nameplate for recognition. City staff members are seated on each side of the rostrum.

The council meets the first and third Tuesday of each month at 6:30 p.m. in the Council Chamber and holds public hearings or work sessions as needed, typically during the second and fourth Tuesday of each month at 6:00 p.m., as well as other meeting dates when required.

AGENDA FOR COUNCIL MEETINGS

Meeting agendas are available just prior to, or during the meeting, and are placed near the door to the Council Chamber. Copies may be picked up in the city clerk's office without charge or downloaded from the city's website at www.cityoflaramie.org.

COPIES OF AGENDA ITEMS

Agenda items may be downloaded from the city's website at www.cityoflaramie.org. Any writings distributed during a public meeting will also be available for public inspection at the meeting if prepared by city staff or a council member, or after the meeting if prepared by someone else.

PUBLIC PARTICIPATION

The council welcomes suggestions and comments which help meet the needs of the city and improve its operation, and also welcome questions which may clarify its responsibilities or its decisions. Set forth below are procedures for addressing the council. You may stand or raise your hand until recognized by the mayor or presiding officer. Please step to the lectern and microphone when addressing the council.

IDENTITY OF SPEAKERS

The chair will ask each speaker to write the speaker's name and address on a sign-up sheet so they are correctly recoded in the minutes. The chair will ask each speaker to state the speaker's name and whether the speaker resides in the city to introduce themselves prior to speaking.

SPECIAL PRESENTATIONS

Special presentations which include slides, films, etc., will be scheduled prior to the beginning of a council meeting. Arrangements must be made in advance with the city clerk at least one (1) week prior to a meeting in order that the presentation may be noted on the agenda and advance notice provided to members of the council, news media and other interested persons. Special presentations during the course of a meeting will only be allowed with the prior approval of the council.

WRITTEN MATERIAL

Any person providing written or other material to city council at a meeting shall provide the material to the city clerk, who will them disseminate the material to council members and staff as necessary and retain a copy for the official city records. If any person intends to appear before the council and provide it with written material, it should be delivered to the city clerk's office six (6) days in advance of the meeting (sooner if there are holidays prior to the meeting) in order that copies may be included with the agenda and to give the council an opportunity to review the material in advance of the appearance.

If written material is provided to the council at the meeting, it may affect the council's consideration of the matter. Therefore, the council will determine whether or not to continue the matter to a later date in order that it will have time to consider the written material.

DISABILITY ACCOMMODATION

City council meetings are open to the public. Requests for accommodations from persons with disabilities must be made to the city manager's office at least twenty-four (24) hours in advance of a meeting. The city manager's office may be reached at 721-5226. Anyone who has difficulty hearing the proceedings of a meeting may be provided with a portable listening device by requesting one from the city clerk. The device works directly from the public address system, and the listener can hear all speakers who are using a microphone. Anyone who is hearing impaired and requires the services of an interpreter to observe or participate in a meeting should contact the city clerk's office within seven (7) days prior to the date of the meeting.

MICROPHONES

City council meetings are recorded and/or televised when held in the council chamber. In order for the audience to receive a clear audio signal, it is essential that members of the audience use the lectern microphone when addressing the council.

TIME LIMIT

Each member of the audience speaking to the council shall limit their presentation to no more than five (5) minutes, unless the time is waived by the council on any specific item. A speaker may not defer the speaker's time to other speakers. Groups or organizations are encouraged to select a spokesperson to speak on their behalf. Speakers are also encouraged to not repeat comments made by prior speakers, but rather to only indicate their agreement with the comments.

ELECTRONIC DEVICES

To observe the order and decorum of city council meetings, the volume on all electronic devices including but not limited to cellular telephones, pagers or computers should be turned off or set to vibrate.

HEARINGS

Any member of the audience may speak on items scheduled for hearing at the time the mayor declares the hearing open to the audience. Council members will disclose any communications with any individual or party in which they were involved prior to any hearing that is quasi-judicial in nature.

REGULAR AGENDA

All items listed under the regular agenda are in the order which require council action at this meeting. The items will be considered in the order set during the meeting. Any person may speak on items listed on the regular agenda if recognized by the chair.

PUBLIC COMMENTS

A member of the general public may address the council at every meeting of the city council.

> When specific topics have been scheduled for work session discussion, the mayor or presiding officer may specifically request or invite members of the public who may have a special interest, involvement, information or expertise of the topic to address the council.
>
> At Business Meetings: Council reserves time for members of the public to address council on any matter under the agenda item denoted as "Public Comments" at the end of each regular business meeting held on first (1st) and third (3rd) Tuesdays of the month.
>
> Members of the public may also address council on specific topics scheduled for consideration. The chair will call for comments from the public at the appropriate time as per the established agenda for the meeting.

When a member of the general public seeks to address the council during public comments, the council may briefly respond to statements made or questions posed. However, council members should not engage in inter-council discussions. On its own initiative or in response to questions posed by such person, council members may ask questions for clarification, provide a reference to staff or other resources for factual information, or request staff to report back at a subsequent meeting.

REPORTS AND COMMUNICATIONS

Staff reports and communication items are being provided to the council primarily for information. Accordingly, these matters will not be discussed unless a member of the council or general public requests such discussion. However, no action shall be taken on these matters unless the matter is included as an action item at a subsequent meeting and included on the posted agenda as such.

EXECUTIVE SESSION

A description of the items, if any, to be discussed in executive session will be listed on the agenda.

TIME LIMIT OF MEETINGS

No additional agenda item will be introduced at a regular city council meeting after the hour of 9:30 p.m. unless the majority of the city council members present vote to extend the meeting. If the item introduced at a regular city council meeting and being discussed by 9:30 p.m. is not concluded by 10:00 p.m., the council may adjourn the regular city council meeting to another

date to conclude discussing the agenda item or the next regular city council meeting. All items remaining on council's regular agenda would be moved to the next regular city council meeting and will be given priority over any additional items on the regular city council's agenda.

MINUTES

Official minutes of council meetings are prepared and kept by the city clerk and are reviewed and approved by the city council (usually at the next regular meeting). Copies of approved minutes are available at the city clerk's office or on the city's website at www.cityoflaramie.org.

## APPENDIX C

## GUIDELINES FOR ADDRESSING THE COUNCIL

1. Persons attending a city council meeting may address the council during the period of time specified on the agenda.

2. Presentations concerning agenda items will be heard only upon approval by the chair.

3. An individual wishing to address the council should approach the lectern; wait to be acknowledged by the chair to speak, and clearly state the speaker's name and whether the speaker resides in the city before making general remarks.

4. All remarks should be directed to the chair. The chair may wish to refer any questions to the proper council member or to city staff.

5. Productive public comments should not include threatening or obscene language, personal defamatory statements, or any disorderly conduct that impedes, disrupts or disturbs the orderly conduct of any meeting, hearing or other proceeding.

6. Large groups are encouraged to express their views through a single spokesperson rather than individually. Individuals should observe the five (5) minute time limit when speaking The council may vote to suspend the rules and allow more time for a public comment upon a 2/3 vote.

7. Comment cards may be used for items when extensive public participation is anticipated. Individuals who wish to give comments should submit a completed card to the city clerk. The chair will call the person forward when it is the speaker's turn to speak. If a person does not want to speak, a written statement can be submitted on a comment card.

8. To maintain order, applause or other unnecessary disturbances are discouraged.

9. Petitions should be presented to the city clerk.

10. Members of the audience are encouraged to speak before the council but they cannot make motions or otherwise participate in the meeting

**<u>UPCOMING COUNCIL MEETINGS</u>** **May 3, 2016**

All meetings at City Hall, 406 Ivinson Street, unless noted.

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**May 3, 2016**

**6:00 p.m. – Pre-Council**
**6:30 p.m. – Regular Meeting**

**May 10, 2016**

**6:00 p.m. – Work Session:** Public Comments
**6:00 p.m. – Work Session:** Budget/Enterprise Funds
**6:00 p.m. – Work Session:** LCBA Annual Report
**6:00 p.m. – Work Session:** Laramie Main Street Alliance Annual Report
**6:00 p.m. – Work Session:** City Council Updates/Council Comments
**6:00 p.m. – Work Session:** Agenda Review
**6:00 p.m. – Work Session:** Public Comments

**May 12, 2016**

**6:00 p.m. – Work Session:** Budget/Enterprise Funds

**May 16, 2016**

**6:00 p.m. – Work Session:** Budget/Government Funds

**May 17, 2016**

**6:00 p.m. – Pre-Council**
**6:30 p.m. – Regular Meeting**

**May 19, 2016**

**6:00 p.m. – Special Meeting:** Budget
**6:00 p.m. – Work Session:** Budget

**May 24, 2016**

**6:00 p.m. – Special Meeting:** Budget
**6:00 p.m. – Work Session:** Public Comments
**6:00 p.m. – Work Session:** Budget
**6:00 p.m. – Work Session:** City Council Updates/Council Comments
**6:00 p.m. – Work Session:** Agenda Review
**6:00 p.m. – Work Session:** Public Comments

**June 7, 2016**

**6:00 p.m. – Pre-Council**
**6:30 p.m. – Regular Meeting**

**June 14, 2016**

**6:00 p.m. – Special Meeting:** Budget Adoption
**6:00 p.m. – Work Session:** Public Comments
**6:00 p.m. – Work Session:** Jacoby Golf Course Community Impact *(tentative)*
**6:00 p.m. – Work Session:** City Council Updates/Council Comments
**6:00 p.m. – Work Session:** Agenda Review
**6:00 p.m. – Work Session:** Public Comments

**June 21, 2016**

**6:00 p.m. – Pre-Council**
**6:30 p.m. – Regular Meeting**

**<u>UPCOMING COUNCIL MEETINGS</u>** **May 3, 2016**

All meetings at City Hall, 406 Ivinson Street, unless noted.

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**June 28, 2016**

| | |
|---|---|
| **6:00 p.m. – Work Session:** | Public Comments |
| **6:00 p.m. – Work Session:** | City Council Updates/Council Comments |
| **6:00 p.m. – Work Session:** | Agenda Review |
| **6:00 p.m. – Work Session:** | Public Comments |

**July 5, 2016**

**6:00 p.m. – Pre-Council**
**6:30 p.m. – Regular Meeting**

**July 12, 2016**

| | |
|---|---|
| **6:00 p.m. – Work Session:** | Public Comments |
| **6:00 p.m. – Work Session:** | City Council Updates/Council Comments |
| **6:00 p.m. – Work Session:** | Agenda Review |
| **6:00 p.m. – Work Session:** | Public Comments |

**July 19, 2016**

**6:00 p.m. – Pre-Council**
**6:30 p.m. – Regular Meeting**

**July 26, 2016**

| | |
|---|---|
| **6:00 p.m. – Work Session:** | Public Comments |
| **6:00 p.m. – Work Session:** | City Council Updates/Council Comments |
| **6:00 p.m. – Work Session:** | Agenda Review |
| **6:00 p.m. – Work Session:** | Public Comments |

**FUTURE CITY COUNCIL WORK SESSIONS 5/3/2016**

Requested by Council Formal Action:
City Curb & Gutter Policy (Paulekas)
Review general process of Boards & Commissions Program (Weaver/Vitale)
Review of Inter-Agency City/County Agreements (Hanson)
UDC WAM Members Poll Results (Shuster)
Review of funding allocation for Child Care providers (Paulekas)
Open 311 (Summerville)
Turner Tract Plan Update (Summerville)
ACTA (Albany County Transportation Authority)/MPO (Summerville)
Tech Hire Grant Program (Summerville)
Homeless/Homeless Veterans (Shumway/Summerville)
Update on taxi laws (Summerville)
*Public Art (Summerville)
Urban Renewal (Weaver)

Requested by Staff:
Policy on Annexation & Extra-Territorial City Services Action Plan (Jordan)
Downtown Design Guidelines Revisions (Hunt)

* Scheduled, not held.