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**On The Border / Jimmy John's**

As has been written here in the past, a city cannot recruit a restaurant and they can't keep them out if they decide to open a branch in your city. Site selection is a process unique to each chain or franchise and nothing a city offers means they're coming or staying away.

The Cheyenne Herald reported months ago (January 27, 2009) that ON THE BORDER was coming to Cheyenne and had already purchased a bar and grill liquor license. So, their coming is hardly the news the local television station and newspaper thought they were reporting.

ON THE BORDER is a modest regional chain of Mexican food restaurants.

Jimmy John's is a sandwich delivery franchise operation. Sandwich shops are generally minimal investment franchise opportunities and Jimmy John's has multiple locations in most surrounding states (except Montana) but Cheyenne would be only the second one in Wyoming - there is one in Laramie. In all, there is at least a single Jimmy John's in 36 states. As Subway on E. Lincolnway did a couple decades back, it will open in dramatic fashion then tail off to steady business.

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**The petition drive**

Whether you support the effort to repeal the cell phone ban or not, you have to acknowledge that the petition drive to force the ordinance to a public vote was nothing short of remarkable.

Working with less than a handful of volunteers, over 3,600 signatures were gathered. Whether enough to force an election (or repeal of the ban) will turn out to be valid remains to be seen.

Wyoming law is unfriendly to voter participation in the legislative process. And, recently, legislators have made it progressively more difficult - nearly impossible - to mount a successful petition drive on statewide issues. What it all boils down to is the elected officials do not want resident involvement in legislation. That is their province. They just don't want to contend with a majority of the voters deciding what laws / ordinances should be approved. They truly believe they were elected to "represent" the people and, even if 77% of the voters chose a term limits bill in 1992, any current group of legislators wants to hold onto a seat once elected to fill it and will never again allow a vote on the issue of term limits.

Their defense for not allowing such a repeat vote - only this time as a constitutional amendment instead of a statutory change to enact term limits - is that "outside" influence will mount a successful drive to again impose term limits and Wyoming voters are too dumb to be able to withstand that outside pressure. Legislators don't have any problems accepting campaign contributions from "outside" interests but when it comes to term limits, the outsiders are bad, bad influences on our legislative process.

Incredibly, the Legislature itself deals with legislators who overstay their bounds. Those now in the Wyoming Legislature longer than the six terms (House) or three terms (Senate) are basically ignored and have no influence to speak of on new legislation. Anyone who has watched the Wyoming Senate in action for longer than a few minutes and observe Charles Scott speak on every issue and prevail on none understand the phenomena.

In city and county matters, it is not quite as impossible to gain the necessary 10% of the registered voters' signatures but it is very, very difficult. As government intends and requires it to be.

The cell phone ban petition drive needed about 2,800 valid signatures to force the issue to a referendum. They turned in petitions containing about 3,600 signatures. My advice to the organizers was that they should have 6,000 signatures.

Time will tell.

Except for not getting thousands more signatures than were required for this petition drive to be more certain of success, you can't fault those who stood out in the wind and asked people to sign. If 3,600 signatures turns out to be insufficient, it will likely be due to signers either not being registered to vote or not living

within the City limits. Being "registered" requires one to have voted in the latest election - the Obama / McCain one. If they did not vote in that election, whether they voted for a presidential candidate or not, their name was purged from the list and they were supposed to have been notified. In order to become registered again (and sign the petition validly), they would have had to visit the County Clerk's office during the petition drive. Many people may not have realized that and thought they were still registered because they vote in almost every election.

Another common disqualifier in petition drives like this one (and the recent smoking ban petition drive) is that the signer is not a City resident but resides outside the city limits.

And, in spite of pleas to print their name, signers often print as indecipherably as they write and neither name can be read.

If all the required information is not provided, the signature will not be counted. The fact that someone used the wrong "Dell Range" spelling will not affect the signature's validity - it will stand.

Calls have come to the Cheyenne Herald, worried that the City Clerk will not be fair and impartial in determining the count. There is no chance in the world that this verification process will be done anything less than efficiently, fairly and impartially. The City Clerk is one of those officers whose reputation is sterling and she will not allow it to be tarnished by someone being able to successfully challenge her determination on signatures. And, the petition group will have access to her lists when she's done and they can determine if there is even a single signature that should have been counted and wasn't. My money is on the Clerk.

There remain those who believe that "perimeter city" residents should be able to vote in city elections and sign petitions having to do with city issues. They are the same people who resist hardest and loudest against being involuntarily annexed to the City. You can't have your cake and eat it, too. Those who live closest to the City could mount an annexation drive to be brought into the City proper and then they can vote for the mayor and sign petitions like this one. Otherwise, no.

If a petition drive is mounted to increase the number of county commissioners from three to five, residents near the City who wanted to sign the cell phone ban petition will have their chance. A countywide petition such as one recently successfully completed in Sweetwater County (also to increase their county commissioners from three to five) would allow non-city residents to have a say in a controversial issue. The number of signatures will go up also. In the past, the City of Cheyenne had approximately 2/3 of the registered voters in Laramie County. If that holds true now, and the City had 28,000 registered voters at the time of this petition drive, there are approximately 42,000 registered voters in the county - needing 4,200 signatures.