

## Mary's Bake Shoppe fire

*Will the City's demolition interference end up being "a gift" to Mary Coonts?*

Residents of Cheyenne and Laramie County have come to know that city elected officials either don't understand what the law requires or do not follow it when they do understand. It is obvious that the legal advice they receive from within has been flawed and terribly costly to Cheyenne residents.

They do things with public money that they would never do with their own. It was a reckless disregard for the law that resulted in serial losses in District Court and at the Wyoming Supreme Court, insofar as repeated illegal annexations.

They have no plausible denialability. The failings in court(s) rest squarely on the shoulders of the mayor and city council. They have known for several years that they are receiving poor legal advice from incompetent attorneys without the necessary legal backgrounds to know how to do their jobs.

They acted precipitously in having demolition performed on the building housing Mary's Bake Shoppe after the December '04 downtown fire. They did not follow their own rules and now can come up with the only real reason for interfering with Mary's legal rights to arrange her own demotion work as it was "cheaper" to do at the same time as the demolition of the Wyoming Home property.

It is no concern of the city what the cost would be to Mary Coonts to demolish her building. If the city had given her an Order to tear down the building because it had become a "dangerous structure," she may have eventually been required to comply with the Order.

But she was entitled to a period of time in which to appeal such an Order. That was not allowed her. It was more like delivering the Order at the end of business on Friday - give her two days to draw the necessary permits - and a couple weeks to accomplish the demolition.

Obviously, with two weeks to raze the building, no one really felt it created an immediate danger of collapse. If they had, the responsible party has the authority to close adjacent streets, sidewalks and alleys. That was never done around this period of time, except to accommodate the demolition.

For those who have said that Mary didn't have the money for the demolition and that was why the city stepped in, how in the world would anyone except Mary know that? She could have sold the land - a Marriott franchisee has pretended that a parcel of land on that corner of the downtown has great value for a motel complex. Had the city provided the notification and appeal period properly, they would have known at the conclusion of the period whether Mary had arranged for demolition or not. THEN, the city could have interfered. Otherwise, no.

But, this is just another in the continuing pattern of city officials thinking they're above the law or are not obliged to follow the law. They changed the process (from ordinance to resolution) to approve construction of a \$10 million downtown garage - to prevent voters from having a chance to stop the construction of what was certain to be a white elephant.

Their laughability quotient continues to rise. Recently, they made quite a production of saying publicly that the newly minted retail liquor license would be used to promote "economic development." Does anyone really believe that an upscale pizza place like Old Chicago fits that description? Their own website boasts: "Of all our delicious dishes, pizza is what we've been known for over 25 years." So, pizza trumped warm breadsticks as the savior for Cheyenne.

Mary Coonts retained Fort Collins legal counsel and he has answered the city's attempt to levy on her property. A hearing on his motion to dismiss the city's claim is now being scheduled. Initially, it had been scheduled for June 21 but that was not convenient for all parties and another date will be set for the motion to be heard before Judge Ed Grant.

In her attorney's (Cary R. Alburn III) Motion to Dismiss, he has organized the chronology of events. He states that the contractor who was subcontracting for most of the demolition work had offered to demolish her building for a certain price and proposed to "commence work on January 28, 2005, only 2 days after the date of the letter." He points out that the NOTICE AND ORDER from the city was impossible to comply with because it was served late on a Friday and Mary had but two days to get permits for the demolition - two days that the city offices were closed.

In his Motion, he quotes from the very Code the city purports to follow. They violated one after another of the provisions of the Code that they said they relied upon for their authority. He pointed out that demolition work began six days before an agreement was reached by the city and contractor for the work. SIX DAYS BEFORE!

He spells out her protections under the Code and states that she violated no agreement to put her at risk.

He stated that "Wyoming lien law requires that the statutory lien statement must be filed within 120 days of the date that the last work was performed by the contractor," but "the city does not state when the last work was performed" and did not provide a lien statement in their Complaint. He referred to the Complaint as a "spurious and unmeritorious suit." He also wrote: "Such ... demolition itself could be considered unlawful, or a gift, or a gratuity, or perhaps even a mistake, but it is not a 'cause of action'."

## Citizen's survey

There was a time when the annual "citizen's survey" had some validity.

When it was mailed to 1,200 addresses and the results were tallied from the responses received, it had value. A survey mailed over and over again to the same people is not a survey - it is a torment. People who had no intent to respond will decide, "if they're going to keep sending me this damned thing till I reply, I'll fix 'em," and their answers aren't necessarily what they think or believe.

Kind of like what has happened with telephone polling during political season. Those who will talk with callers often jerk them around - answer exactly opposite what they believe just to have some fun.

The local citizen's survey is tweaked from year to year to try to elicit the results wanted. If the results aren't desirable, that question will be dropped from the next year's survey. When respondents said they'd most like to see a department store in the downtown, realizing that was never going to happen, the question was changed the following year.

Evidently, local golf courses weren't generating the kind of support sought so they are now off the survey.

Poll questions can be structured in such a way that the sought answers will come.

Asked: "Would you like to see Marriott move their international headquarters to Cheyenne?" without elaboration would get a 95% affirmative response. If the question also included that we'd have to tear down all the historic buildings to make room for them and donate \$150 million to their move, the answers then would be somewhat different.

Surveys should try to elicit answers that can shape public action. Essay answers elicit responses to what one dislikes most about Cheyenne to be "the wind."

From cover to cover, this year's survey provokes more rolling of eyes, snickers and shaking of heads than helpful information.

According to the cover page, the survey was done "For the City Planning Services." What the hell is that? The city has planning services? Who and where? The survey is done so the mayor can, hopefully, validate his actions.

And, of course, their echo at 702 W. Lincolnway can use the results to confirm that validation. If the results don't validate, don't elucidate, is their way.

The 2006 survey results cost \$7.50 to buy and doesn't amount to many pages. But, by using cardboard dividing pages, it can be made to appear thicker - and thus, more data. They did. And it does.

Since Jack Spiker became mayor, the same survey has been sent as many as three separate times to 800 residents. Addresses for which the mailer (local "econo-missed" Dick O'Gara) does not describe the source. It used to be CLFP customers. According to a page in the survey (to make it seem bigger), 800 surveys were mailed in the "first wave," 576 in the second, and 426 in the third.

It seems that if they kept mailing the sucker, in another three mailings, almost everyone would have sent the thing back.

Now, the truth of the matter is (regardless what they say because the Herald has proof to the contrary), some recipients send the survey back all three times. That can kind of skew the results. It is brutal reading - this survey report.

Suffice it to say that most attitudes are headed south. Resident's satisfaction is not improving. That is, satisfaction with almost anything and everything.

For example, when Jack became mayor, according to the survey, 85% of respondents "rated [city] services at the good or very good level." Now, it is 63%. Ouch!

79% rate the "quality of life" as good or very good. Last year, it was 82% - the year before 84%. Picking up a theme here?

People are asked to rate only services they use. Yet, most rated fire services, bus services, the Civic Center, storm water drainage and other areas they do not use. How many people have a fire in a given year? Ride the bus? Trash pickup is highly rated and everyone uses that service. The others, they do not.

The city council is lowest rated of all. Duh. The mayor ain't doing too great either. Duh. The police suffers from Fecht's transgressions. Streets are in desperate shape as the Herald has repeatedly said. Residents have noticed, Jack. People have noticed the potholes.

### Cheyenne Herald Financial Support

- Subscription, One Year - 24 issues ... \$75.00 \$ \_\_\_\_\_
- Gift Subscription, One Year ... \$75.00 \$ \_\_\_\_\_  
Name and address below or on separate sheet of paper
- Contribution (non-deductible) ... Any Amount \$ \_\_\_\_\_  
 Please consider this a confidential contribution

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip Code \_\_\_\_\_

Mail to: Cheyenne Herald • P.O. Box 2208 • Cheyenne WY 82003

**THE CHEYENNE HERALD WEBSITE (WWW.CHEYENNEHERALD.COM) HAS 2006 AD RATES & SCHEDULE**